SQUARE PEG ROUND WHOLE SUBMISSION TO THE REVIEW TO INFORM A BETTER AND FAIRER EDUCATION SYSTEM

"*Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.*"

Article 13, United Nations International Covenant on Economic Social and Cultural Rights

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Who we are

Square Peg Round Whole is a national grassroots group (although we have several state based chapters) focussed on systemic reforms based on a human rights-based approach to education. Our community of member advocates are almost exclusively parents and carers of neurodivergent and disabled children, who come from all walks of life and bring a diverse range of experience and expertise. Many of us are also neurodivergent and disabled ourselves.

Our members are parents, but they are also teachers, doctors, researchers, lawyers, allied health professionals and disability support providers, who are raising children who are autistic, have ADHD, dyslexia, anxiety, giftedness, dyspraxia, epilepsy and trauma, among other conditions and disabilities. Although our member demographics are varied, their experiences of navigating schools are strikingly similar.

Our community was established by our founder, Louise Kuchel, just two years ago. Since then, we have grown exponentially and now represent around 2000 member advocates nationally. We have state specific chapters in almost every state, with plans to establish groups in all states within the next few months. Our 2000 members nationally are active and engaged in advocacy projects, and are strongly committed to seeing significant education reform within state and national education systems.

We are a committed collective seeking meaningful systemic change. We receive no funding, have no material or vested interests, and have no income generating activities. Our member advocates are all volunteers, who give willingly of their time, energy and experience (and often also professional expertise) because of our shared belief that every student in Australia deserves the opportunity to realise their potential throughout their educational career.

Throughout this submission, we have included direct quotes and feedback from our members on their experiences within Australian schools.

What we believe

Our community is united through our collective belief in a human rights-based approach towards education reform.

Specifically, our member advocates subscribe to our core principles of:

1. Inclusive education: It is every student's human right to be educated alongside their same aged peers (both disabled and non-disabled), in the same classrooms and according to the same curriculum. Our belief in inclusive education is underpinned by the UNCRPD definition of inclusive education.[1]

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[1] https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-24-education.html

2. The education system must replace the current 'behaviour management' model of behaviourism with neuroaffirming, culturally responsive, trauma sensitive models of care. Behaviourism based responses (including PBIS and PBL) should be phased out of schools and be replaced with neuroscience-based approaches such as Dr Ross Greene's Collaborative Proactive Solutions.

3. "Nothing About Us Without Us" – Autistic, neurodivergent and disabled voices must be heard in regard to issues and approaches that affect autistic, neurodivergent and disabled people, including young people in schools.

We welcome the opportunity to provide this submission to the Expert Panel in response to the consultation paper for the Review to Inform a Better and Fairer Education System. We commend the Panel for the clear commitment, evidenced throughout the consultation paper, to improving equity within the education system, and to delivering quality outcomes for all stakeholders and students within the national education system.

General Comments

SPRW agrees entirely with the commitment of the Panel and of the review, to uphold the promise of the *Mparntwe Education Declaration,* in particular its overarching commitment to the fundamental goals for Australian education system; being that "The Australian education system promotes excellence and equity" and that "All young Australians become confident and creative individuals, successful lifelong learners, and active and informed members of the community."

We particularly commend the explicit statement of the Review panel that "Every student should be supported as a whole person and enabled to meet their potential by having their learning needs met. Education should be inclusive and delivered in a culturally responsive manner. It should achieve equity across all schools, recognising the needs of all students." Finally, we wholeheartedly agree that "there are still too many students who are left behind in their learning," and that the next National School Reform Agreement provides an extraordinary opportunity to remedy failings of the current system and safeguard equitable educational outcomes of students in Australian schools for the future.

We concur that the next NSRA must uphold the fundamental connection between equity and excellence, and that without equity for all students, in all students, excellence as a system-wide concept cannot be attained. We support systemic reform in order to safeguard the educational outcomes of all students from diverse community groups, however, given our commitment to speak only for the community groups we have personal lived experience from as a membership group, we will be focussing primarily on those actions and changes that will directly impact upon neurodivergent and disabled students.

Although SPRW does have First Nations families in our active membership, we are not a First Nations-led group. This means we try to flag the relevant research and elevate the voices of First Nations advocates and families wherever possible.

We recognise that First Nations students are statistically highly likely to be affected by multiple intersectional factors of disadvantage including disability. We urge the Panel to uphold the recommendations made by voices from the First Nations community, as we believe that First Nations people are best placed to identify solutions for First Nations students, including First Nations students who are disabled.

Introduction

The points made throughout this submission are proposed with the understanding that they will improve student outcomes in ways that are relevant for the entire terms of reference, as well as the general themes of the review overall. However, we will specifically address the following issues raised within the consultation paper:

1. What targets and reforms should be included in the next NSRA (with particular attention to improving outcomes for traditionally disadvantaged cohorts, specifically neurodivergent and disabled students)

2. How the next agreement can contribute to improving student health and wellbeing by addressing in-school factors

3. How data collection can best inform decision making and boost student outcomes and

4. How best to ensure that all school authorities are transparent and accountable to the community for how funding is invested and measuring the impacts of this investment.

The strategies and reforms we propose will, we argue, directly improve workplace conditions and accordingly, teacher supply, however our focus will be primarily on changes within the school system that will directly increase equity and access to a quality educational experience for students. We note that it is difficult to separate student factors from those affecting teachers' experiences; the wellbeing of students and the ways in which their individual and collective needs and support requirements are met robustly, directly impact upon the teaching conditions that our professionals experience in the workplace. We also note the direct correlation between teacher wellbeing, capacity and workplace conditions and the quality of teaching experiences, and subsequently, learning experiences of students.

It is our wholehearted belief that unless all parties involved in teaching and learning (students, teachers, education professionals, families and support staff) have access to appropriate conditions and have their particular needs met, it is unlikely that any reform will reach its potential. Teachers cannot be expected to provide quality learning experiences (especially to a complex student population) unless supported to do so, and students who are unable to access an inclusive, high-quality education are unlikely to engage meaningfully in learning and contribute to classroom wellbeing.

Chapter 2: Improving student outcomes – including for students most at risk of falling behind

To improve student outcomes, particularly for neurodivergent students and students with disability, it is essential to understand the key challenges, inequities and barriers that affect them. Our members' experiences and our research has indicated these can be generally categorised into the following areas:

1. Segregation and integration instead of inclusion

2. Behavioural practices that are incompatible with educational equity and inclusive schooling

3. Dependence on interventions (specifically, Applied Behavioural Analysis) that are no longer accepted as best practice, and can be actively harmful for neurodivergent and disabled students

4. Exclusionary approaches to discipline that further exacerbate inaccessibility and disengagement for neurodivergent and disabled students

5. Informal segregation/ isolation within school environment, including removal and separation of neurodivergent and disabled students

6. Inaccessibility and ableism

7. Challenges, obstacles and barriers facing education professionals

These points are explored briefly in the following section.

Segregation and Integration

Disabled students (particularly neurodivergent students or those who the school system describes as exhibiting "challenging behaviours") are frequently separated, formally and informally, from their non-disabled peers. This can be systemic segregation – including their placement in specialised, segregated schools or units, or so-called "inclusive" segregation, whereby they are enrolled in mainstream schooling but spend significant amounts of times in specialised, disability-specific programs or classrooms.

Whilst Australian states recognise their obligation to uphold the human right to an inclusive education for all students, in accordance with the UNCRPD, there remains significant disparities between the definition of inclusive education upheld within the UNCRPD, and the so-called "inclusive education" provided within Australian state schooling. The CRPD makes clear that

segregated settings for students with disability are a form of disability discrimination, and as such, are incompatible with inclusive education.[2]

Despite this, enrolment data both state level and nationally shows an increase in the percentage of disabled students who are educated within segregated learning environments.[3] This increase in segregation reflects the ongoing failings of Australian states and governments to ensure that all students with disability are welcomed, respected and supported to access education within mainstream schools, on an equal basis with their non-disabled peers in regular classrooms.

This failure is further compounded by the ongoing diversion of significant education funding towards building new segregated learning structures, or by expanding specialised (segregated) programs for students with disability.

Behavioural practices incompatible with inclusive, equitable schools

Despite recent years bringing widespread controversy and criticism towards traditional behaviour management practices, based on behaviourism (operant conditioning, and the belief that positive and negative reinforcements can influence and motivate student behaviour), Australian schools almost universally rely heavily on these now outdated models of behaviour management.

The latest neuroscience-based research, contemporary understandings of child development, engagement and well-being all recognise that compliance-based behaviour management systems are not only ineffective but often inappropriate. Positive Behaviour Support (positive behaviour for learning) is ubiquitous within the Australian school system, with state and national governments strongly relying on PBS based systems as their universal approach for responding to any behaviours seen as incompatible with school and classroom community values.

Our member advocates frequently share stories of the impact of this behaviour management approach on their children. These stories are frequently heart-breaking and paint the picture of neurodivergent and disabled children almost always being labelled as having "challenging behaviours" or as being "non-compliant". These children, described by Dr Ross Greene as those with "unlucky behaviours" are frequently subjected to (discriminatory) disproportionate disciplinary measures, usually based on a rewards and punishment schema. They are most likely to experience restraint, seclusion, isolation and exclusionary discipline. They are among those students who fuel the school to prison pipeline, who experience school can't (previously known as school refusal) or who leave the education system at the earliest opportunity.[4]

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[2] https://www.ohchr.org/sites/default/files/2022-03/CRC-CRPD-joint-statement_18March2022.docx).
[3] Enrolment data (segregated learning rates)
[4] Do we really have a frightening school to prison pipeline in this country? Only one way to find out | EduResearch Matters (aare.edu.au)

PBS and other behaviourism-based responses emphasise rewards and "consequences", where compliance is obtained by coercion and expectations are adult imposed and universal, regardless of student diversity and disability. These systems frequently (often unintentionally) privilege neurotypical and non-disabled ways of being, with compliance only possible for many students through masking or denial of their disabled selves, causing significant personal costs.[5]

We know from research, evidence-based inquiry and the advocacy of the disabled community that behaviourism-based compliance approaches (including PBS) are often traumatising for neurodivergent students.[6] Our understanding of the research supporting behaviourism as "evidence-based" has changed – we acknowledge it is no longer ethical to consider these approaches "evidence-based" when that evidence disregards the experiences and opinions of disabled and neurodivergent people.[7] We know behaviourism completely misses the differences between behaviours that are wilful and those that are stress responses (or indeed a natural part of neurodivergent or disabled ways of being). We know that PBS-based responses often do more harm than good, and that reliance on these models ignores their direct correlation with increased distress and escalation.

Exclusionary discipline

Our member advocates have shared stories of repeated suspensions (often multiple suspensions per term in children as young as kindy age) and in a couple of cases, expulsions.

Exclusionary discipline is on the rise across jurisdictions and has been for some time. The overuse of suspensions as a disciplinary response is a key factor in the current issues facing neurodivergent and otherwise disabled students in Australian schools. This discrimination also reflects wider inequities within the school system. Students with disability are significantly disadvantaged by school exclusionary discipline, with SPRW estimating that, nationally, students with disability are two to four times more likely to be suspended than students without disability.[8] These suspensions are often directly discriminatory and are the result of a lack of accommodations and supports, as well as a fundamental lack of understanding of the neuroscience of dysregulation and the needs of students with disability. Time and time again we are approached by our member advocates, telling us of suspensions imposed for disability related behaviour, in direct contravention of disability discrimination laws.

"Our school acknowledges to me verbally that my child should not have been suspended at age 5 when he had an imputed disability. (But it certainly enraged and deteriorated our family's trust and relationship with the school and compelled me to seek a diagnosis)"

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[5] H Kupferstein, "Evidence of increased PTSD symptoms in autistics exposed to applied behaviour analysis', January 2018 4(3) *Advances in Autism*
[6] Neuroclastic - On ABA: Evidence-based Doesn't Mean Good Therapy
[7] Alliance Against Seclusion and Restraint - Questioning the evidence behind evidence-based approaches
[8] Please see appendix 3 - discipline data

We have also heard from our members that suspensions are frequently used as a bargaining tool. Schools will not accept a student back after a suspension unless the parent agrees to a previously rejected strategy, such as planned use of restrictive practices or part time attendance.

"Suspensions or exclusions - school have said if we choose to send our child to more school (child is actually requesting to attend) they will have no supports or accommodations and will be subject to the school's standard disciplinary code."

Informal segregation/ isolation

Our member advocates, because of their belief in inclusive education, most frequently have children who are enrolled in mainstream public schools. Despite this, their children are still denied an inclusive education. Students with disability are often subject to informal segregation, through alternative learning arrangements.

These can include reduced attendance at the insistence of the school, impromptu requests for students to be collected early or being taught by an EA in a separate area to the rest of the class, often alone. They are refused attendance at school events, camps, and excursions, frequently under the guise of "what's best for the child" or "being unable to cope."

These strategies, although often well-meaning, act to reinforce difference, compound isolation and deny students with disability the school education that their non-disabled peers experience.

"Current school level 3 funded child goes to school 9-1pm for the last 12mths. Collaborative decision. Child would now like to attend more schooling and the school has said they don't have the funding/resources. Basically no. You cannot attend."

Parallels can be drawn from the accounts shared by member advocates' and those presented in the Brisbane hearing of the Disability Royal Commission. During the hearing, students and their parents testified about various challenges they encountered. For instance, one parent shared an incident where a teacher attempted to manage their child's behaviour by isolating them from the rest of the class. Another issue highlighted was the prolonged part-time enrolment of a student.

The Royal Commission acknowledged the disproportionate use of exclusionary discipline against students with disabilities and recommended further investigations in this area. It specifically mentioned considering policy and regulatory measures to address the overuse of

exclusionary discipline, particularly concerning First Nations students with disabilities and young children with disabilities.[9]

They also addressed the lack of data and transparency in recording exclusionary discipline incidents, compounded by informal practices. It found that the school systems in New South Wales and Queensland do not consistently record and utilise data on denial or discouragement of enrolment, bullying, exclusionary discipline, and restrictive practices experienced by students with disabilities. Our research reveals this to be true for all jurisdictions across the nation.

"My child was suspended twice before the end of term one, Kindy (he was four). During one suspension, the deputy spoke to his classmates in his absence, telling them that 'he was absent today because he needed to learn not to be naughty'. No wonder he never made any friends in the playground – after that, they all thought he was a bad kid."

Parent to SPRW

Inaccessibility and ableism

Inaccessibility and ableism negatively impact the mental health and wellbeing of students with disability as well as their academic and educational outcomes. Removing barriers and addressing the misconceptions of educators and administrators in Australian schools will allow for students to feel comfortable to be their true, authentic selves. Students who are accepted and supported by the school and their peers will feel safe and secure, and better equipped to succeed at school.

Member advocates frequently ask for advice on how to navigate inaccessibility and ableism at their child's school. Through the compiling of previous submissions, members have recounted their experiences of inaccessibility and how this has hindered their child's ability "to participate in courses or programs on the same basis as a student without disability" as protected by the Disability Standards for Education, Subsection 2.2 (3).[10]

"My child preferred to wander the classroom and listen during mat time rather than sitting and listening to the teacher. It was never disruptive, and they could always answer any question about the lesson. I was told that my child couldn't have that as an accommodation as their wandering was distracting to the other students."

Parent to SPRW

The barriers to accessibility identified by our members include:

- Blocking therapists from entering school grounds to conduct therapy that aligns with student outcomes,

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[9] [Report on Public Hearing 7 - "Barriers experienced by students with disability in accessing and obtaining a safe, quality and inclusive school education and consequent life course impacts"](#)
[10] [Disability Standards for Education, 2005](#)

- Using funding, or lack thereof, as an excuse to refuse support or accommodations to a student with disability,
- Not consulting with the student, student's carer, or therapeutic team on appropriate accommodations and supports,
- Refusing accommodations or supports based on perceived impact to other students in the class or the insistence of equality over equity,
- Suggestions from school that a student with disability may be better placed at a segregated specialised school or learning program instead of mainstream schooling, and
- Physical barriers that create sensory overload for autistic students such as cluttered or bright classrooms and uniform policies.

Ableism in schools needs to be stamped out to provide safety and security for students with disability. When considering if schooling practices are inclusive of all students, care should be given to respect their preference or style for listening, speaking, social interactions, play, learning and work. Examples include the revised whole body listening program, augmentative and alternative communication (AAC), and universal design for learning (UDL).[11]

"Every time I tried to talk to my child's teacher about their school work, the teacher would tell me about another child who could do it perfectly, and why couldn't my child just be like them?"

Parent to SPRW

Challenges, obstacles and barriers facing education professionals

SPRW has sought out the input of those member advocates who are also teachers and education professionals, asking them to share the issues or challenges they faced in supporting their students. Two major problems that appeared consistently through many comments received were:

1. Class sizes & Teacher Workload

2. Lack of quality, relevant training with regards to neurodivergent and disabled students

We were told of teachers who have literally hundreds of students to cater to, and of many of these students requiring differentiation or additional support. In all but early childhood classrooms, education assistant support is either minimal or inefficient (due to school policy directing assistants to teach students 1:1 rather than through teacher support or whole class assistance).

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[11] https://www.everydayregulation.com/

"I work part-time three days a week and have close to 200 students. That's under two minutes per day one on one with each student during class time. For non-contact time, it equates to mere seconds per child to do all the other stuff."

Teacher to SPRW

Despite the increasing complexity of classrooms and higher demand on teachers, many feel ill-equipped and uninformed due to a lack of quality, up to date and useful training. Teachers felt that training made a fundamental difference, not only to their knowledge and understanding, but also to the attitudes and ability to connect with their neurodivergent and disabled students.

Teaching staff who are also parents of neurodivergent children felt frustrated and upset by the way their own children are treated by the education system, particularly given their own attitudes, commitments, and dedication to handling those students themselves. They attributed much of this to the lack of training and ongoing development available to their colleagues in the public education system.

"In my experience as a teacher and parent of a neurodivergent child - training! Different teachers' experience and understanding plus ability to connect with the student makes the difference between A and E grades. Class sizes also has a huge impact on this, in my opinion.

The (unintentional?) discrimination in the verbal and written feedback given to students over the years makes a huge difference, I think. The amount of feedback we've had that pretty much says "be less ADHD" is… just gross. I feel that if classes were smaller, teachers would have more time to provide formative feedback along the way, especially with group tasks or ongoing project-based tasks."

Teacher to SPRW

SPRW agrees that equity and excellence go hand in hand to improving student outcomes. The key challenges, inequities and barriers highlighted above demonstrate why the education system does not perform well for students with disability. School reform needs to happen to reduce the equity gap and ensure fairer outcomes.

 What are the most important student outcomes for Australian school students that should be measured in the next NSRA? Should these go beyond academic performance (for example, attendance and engagement)?

We are concerned, like many other parent advocate groups with members who have experience of children who cannot attend school regularly, that measures of attendance and engagement are not being understood for what they are.[12] These are important measures because they show a failure to appropriately include students and make them feel safe.

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[12] This issue is explored in detail in the August 2023 report of the Senate standing committee into health and education in their "Inquiry into School Refusal and related matters"

We hear many, many stories from our members of children who are ultimately excluded or pushed out of schools because there isn't the knowledge and skill set in the Department and school to appropriately accommodate, include and educate them.

We direct the review panel to the following relevant submissions and reports:

- Submission by "School Can't Australia" to the Inquiry into School refusal and related matters (submission 76)[13]

- CYDA submission to the Disability Royal Commission on inclusive education[14]

- PwD submission on the state of inclusive education in Australia to the Disability Royal Commission[15]

SPRW would like to see measurements of attendance and engagement used for the purpose of assessing the needs of the teachers and executives of a school, and a district, and a state/territory, for further professional training in inclusive and respectful practices.

What are the evidence-based practices that teachers, schools, systems and sectors can put in place to improve student outcomes, particularly for those most at risk of falling behind? Are different approaches required for different at-risk cohorts?

SPRW believes that there is an approach that is developed and evidenced which, due to its intrinsic nature, is appropriate for all students. That approach is Collaborative Proactive Solutions (CPS), developed and practised by Child Psychologist and behaviour expert, Dr Ross Greene.[16]

CPS is student-centred and is about collaborating with an individual student to identify the problems causing any challenging behaviours, and solutions which meet everyone's needs.

By definition – because it is about identifying and helping to address every individual child's lagging skills and unsolved problems, and has to accommodate every individual's unique combination of learning needs – if implemented with integrity, CPS is culturally sensitive and responsive, trauma-sensitive and responsive, neuro-affirming – it is universally appropriate and can be delivered within existing school frameworks of multi-tiered support systems. More information on CPS can found in Appendix 2.

We would like to emphasise here - whilst CPS is a culturally sensitive and culturally responsive solution for Australian education, it is of vital importance that First Nations communities be consulted and be involved in co-design of the training and implementation of CPS within

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[13] Submission by "School Can't Australia" to the Inquiry into School refusal and related matters (submission 76)
[14] https://disability.royalcommission.gov.au/publications/iss00100420
[15] https://ourroyalcommission.com.au/our-resources/pwda-submissions/
[16] https://livesinthebalance.org/our-solution/

Australian schools. Such consultation and co-design is not only required by Closing the Gap[17] and Australia's disability strategy[18], it is a fundamental requirement for human-rights aligned delivery of any educational programs.

Another evidence-based practice that would improve student outcomes is the robust implementation of Universal design for Learning (UDL). UDL is a framework to improve and optimise teaching and learning for all people based on scientific insights into how humans learn. It allows for teachers to differentiate more effectively, in a more inclusive way, and with less effort. With UDL, learning goals, teaching methods, and materials are adjusted to meet individual student's needs. Improving the capability of teachers through guidelines, resources and training would support them to implement UDL effectively and with fidelity.[19]

From the experience of our member advocates, very few (if any) teachers implement UDL in their classroom, although it is taught to some degree in most (if not all) teaching degrees.

Should the next NSRA add additional priority equity cohorts? For example, should it add children and young people living in out-of-home care and students who speak English as an additional language or dialect? What are the risks and benefits of identifying additional cohorts?

Whilst SPRW recognises that there are undoubtedly other learning needs that could be met through additional classes of 'at risk' students being introduced as priorities, we also emphasise that approaches such as Universal Design for Learning (in terms of curriculum and lesson planning) and Collaborative Proactive Solutions (in terms of behaviour support) are intrinsically capable of accommodating all students' needs if implemented correctly.

We don't have a particular position on the priority cohorts specifically, as it is our belief that ethically, we can only speak for the community we represent, but we advocate for increased training and support for teachers to be able to approach lesson planning and behaviour support in an inclusive way. Investing in these types of approaches benefit everyone – including students from all cohorts and equity groups.

In particular, it is worth mentioning that CPS is an evidenced-based approach to collaborating with students to effectively identify the 'lagging skills' and 'unsolved problems' which are impacting a child's behaviour at school. In conversation with Dr Greene and SA Department of Education representatives, and in his CPS training courses, he said that in his experience, at least 80% of the unsolved problems are academic and involve learning needs and accommodations of sorts. These unsolved problems usually go unidentified in other modes of assessment, for example Functional Behaviour Assessments, because they focus on modifying the behaviour and they do not effectively collaborate with the child to identify the reasons for the

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[17] https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/4-new-approach

[18] https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1766-strategy-factsheet.pdf

[19] UDL: The UDL Guidelines (cast.org)

behaviour. They usually involve assumptions by the adults involved, which usually turn out to be incorrect.

One example that Dr Greene gives, and which our member advocates experience a lot of, is the presumptuous linking of a child's unsettled 'home life' with their behaviours at school. In Dr Greene's experience, there is rarely a reason why the home life needs to be a concern at school if the child's lagging skills and unsolved problems in the school environment are being considered and worked through with the child. This thinking is understandably difficult for teachers and education executives to accept when they have been trained so differently (and when concerns at home may well have resulted in trauma for the student, obviously) but it is echoed by teachers who have done the CPS training and then spent time implementing it in their school environment. The trauma is relevant to the behaviours, but it doesn't impact how CPS is implemented and the fact that is works to help the child solve the problems they have which are getting in the way of them being able to meet expectations at school.

As regards the identification and data collection in relation to priority student groups, we strongly believe that the students with disability cohort needs further distinction when represented in reporting. This includes where a disability is diagnosed or imputed, and if students with an accommodation in place that allows for access on the same basis to education are included in the disability cohort despite not having a diagnosed or imputed disability. We align with the self-advocacy of the Autistic community in our recognition that, given the significant and often insurmountable barriers to diagnosis, diagnosis should not be a prerequisite for community membership or receiving support.[20]

What should the specific targets in the next NSRA be? Should the targets be different for primary and secondary schools? If so, how? What changes are required to current measurement frameworks, and what new measures might be required?

SPRW believes that the next NSRA should include targets aligned with equity gaps for student cohorts, and advocates strongly for students with disabilities targets to include far more stringent accountability and measurement requirements, including data collection.

We feel that the next NSRA should include measures that reflect the commitment to desegregated schooling, the commitment to the health and wellbeing of students with disability including the repudiation of exclusionary discipline, restrictive practices and behaviorism, and the commitment to academic outcomes for students with disability. More information about the changes required to the current measurement frameworks and what new measures might be required are detailed in our response to chapter 5.

For students with disability, a shift towards desegregated schooling must be coupled with improvements in the health and wellbeing and academic outcomes for this same cohort at mainstream schools. Simply closing segregated school settings and programs and moving these students to mainstream settings will not result in any change in their outcomes unless

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[20] https://autisticadvocacy.org/about-asan/about-autism/

they are appropriately included and accommodated. The NSRA should have the following specific targets to ensure a fairer schooling system for students with disability:

1. At a minimum, a stop to the increase (zero percent) in the number of specialist schools and programs and the number of students enrolled in specialist schools and programs. SPRW urges the NRSA to consider setting an aspirational target of not only halting the growth in desegregated schooling but actively committing to reducing and eliminating the number of specialist schools and enrolments.

2. Specific exclusionary discipline targets that are standardised across the jurisdictions with a commitment to a quantified reduction year on year in the number of incidents, the proportion of students affected and the overrepresentation of equity groups.

3. Specific targets that track the use of restrictive practices desegregated by equity group and school setting, with a commitment to a quantified reduction in the number of incidents and proportion of students year on year and ultimately the elimination of restrictive practices in line with findings from the DRC[21]

4. Specific targets for the attendance and retainment of equity groups with a commitment to a quantified reduction in the equity gap year on year. In particular, SPRW would like to see quantified home-school targets including proportion of home schoolers from equity groups and reasons for enrolling in home-school.

5. Specific achievement and attainment targets, with a quantified commitment to reducing the equity gap in achievement in NAPLAN and year 12 attainment. SPRW also urges that NAPLAN exemption equity gap is also tracked and acted upon.

How can the targets in the next NSRA be structured to ensure that evidence-based approaches underpin a nationally coherent reform agenda while allowing jurisdictions and schools the flexibility to respond to individual student circumstances and needs?

The consultation document places an emphasis on 'evidence-based' but at SPRW, we are concerned to ensure that the term 'evidence-based' is properly scrutinised. In particular, SPRW strongly recommend that the panel ensures there are professionals qualified to assess the following in relation to any claims that something is 'evidence-based':

1. What is it evidence of? What is meant, exactly, when it is said that an approach 'worked'?

2. What has NOT been considered when looking at how well an approach has 'worked'? E.g. what 'costs' are associated with the approach? Who bears the costs? Who reaps whatever 'benefits' or 'successes' are claimed?

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[21] https://disability.royalcommission.gov.au/publications/restrictive-practices-pathway-elimination

3. Is the evidence inclusive of the lived experience of those affected? This is key.

4. How rigorous is the evidence, actually? Sample sizes? Longevity of study? Etc.

5. What kinds of conflicts of interest might be at play in the promotion of the 'evidence' of certain approaches?

SPRW refers to one particular issue with regard to claims of evidence, versus the independent assessment of that evidence – that is, behaviour management approaches in classrooms that are based on operant conditioning, or Applied Behavioural Analysis (ABA), or Positive Behaviour Support (BPS). That includes Positive Behaviour for Learning (PBL), which is used in most jurisdictions across the country. There is an increasingly strong question mark over the 'success' of PBL, particularly with regards to the students who are most vulnerable and most likely to be subject to the behaviour management approach of a school.[22]

We strongly believe that if an approach that purports to be 'evidence-based' needs to have caveats in place that allows jurisdictions and schools the flexibility to respond to individual students' circumstances and needs then the evidence for that approach is not robust. The adoption of neuro-affirming, trauma-informed and culturally sensitive approaches, such as CPS, are intrinsically flexible and cater for all equity cohorts. As such there is no requirement to structure targets in the NSRA differently, but rather ensure targets are measuring the commitment of schools and jurisdictions to the adoption of neuro-affirming, trauma-informed and culturally sensitive approaches.

How should progress towards any new targets in the next NSRA be reported on?

Progress towards new targets should be reported annually at the national and state/territory level. Further, trends in these targets over time should be tracked and reported. SPRW believes that it is important for trend comparisons to occur across jurisdictions and school sectors to recognise good performance and identify those that may require additional support in meeting the commitments.

Chapter 3: Improving student mental health and wellbeing

SPRW fully agrees with the premise that mental health and wellbeing is an essential factor impacting upon education outcomes, including academic outcomes and school engagement. We strongly assert that the next NSRA should centre student wellbeing and mental health, and implement measurable and actionable approaches that require all states to implement strategies and programs that have positive tangible impacts on the wellbeing of all students.

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[22] See NSW Department of Education, *Positive Behaviour for Learning Evaluation: Final Report (*2021*)*, which found that despite perceptions by teachers and schools that PBL has been positive, "it has not been successful for Tiers 2 and 3 in targeted and individual support systems. The outcome analyses indicated no real difference in attendance rates, wellbeing and suspension rates between PBL schools and Non-PBL schools." https://education.nsw.gov.au/about-us/education-data-and-research/cese/evaluation-evidence-bank/reports/pbl-evaluation

It is important that these outcomes recognise the impact of school-based factors such as inclusion, participation and feelings of acceptance and belonging on student wellbeing and acknowledge the impact of factors specifically affecting neurodivergent and disabled students.

For neurodivergent and disabled students to experience positive mental health and overall wellbeing in a school context, it is vital that wider systemic issues be addressed. Without significant reform to issues such as inclusive education, behaviour management and attitudes and culture embedded within policy and practice, students with disabilities cannot have a positive school experience that supports their education and overall mental health and wellbeing. Moreover, all students are learning what society should look like from how students who are different from themselves are treated.

We would also draw the attention of the expert panel to the significant detrimental impact of status quo behaviour management (behaviourism-based approaches such as PBS) and exclusionary policies that disproportionately affect this student group. In order to safeguard the wellbeing and mental health of neurodivergent and disabled students, it is essential that neuro-affirming and inclusive approaches are incorporated in all aspects of reform. This requires close consultation with those affected – neurodivergent students and neurodivergent adults who have been through the school system.

What does it look like when a school is supporting student mental health and wellbeing effectively? What is needed from schools, systems, government, and the community to deliver this?

SPRW members have provided us with examples of what it looks like when a school is supporting student mental health and well-being effectively. These examples have been provided by members who do have children at schools who are doing this well, however feedback has also been provided in the form of a 'wish-list' from members who have experienced first-hand schools that are doing this poorly.

Supporting student mental health and wellbeing needs to be a two-pronged approach. First, implementing whole-school supports and initiatives proactively must be a priority to prevent students from having mental health challenges. Our members' insights into proactive mental health and wellbeing supports all contained one common theme, that supporting the individual student's mental health and wellbeing was paramount to all other educational outcomes. When students feel safe and supported, they are better equipped to succeed in their educational career.

"For me, supporting mental health and wellbeing is putting it above prescribed lessons and curriculum. Happy children learn. So mental health has to come first. Time, connection, voice, and choice. And this applies to staff too. If staff are struggling they may find it difficult to support students who are struggling."

SPRW member

"Our school… has a very proactive approach on mental health. They approach it from a perspective of every child being unique and having their own support needs and strengths. They are excellent at both recognition of and providing support for learning needs and celebrating strengths / achievements."

SPRW member

Secondly, once a student has been identified with a mental health challenge, interventions must be implemented swiftly and respectfully for the student. Many of our members provided concrete solutions to supporting students which have been summarised into a concise list below.

1. Schools listen to and are guided by the student's mental health team such as GP and psychologist

2. Reduced or total removal of academic expectations for a period of time

3. Reduced timetable and attendance for a period of time

4. An individualised and flexible transition plan, that puts the student's needs at the centre rather than the adults expectations, to reduce stress on the student as they begin to increase workload or schools hours

5. An understanding from the school that hours and days of attendance can be flexible, quality over quantity should be goal

6. Provide opportunities for the student to connect with the part of school that they enjoy (whether that be the academic side or the social side or the sports activities for example) without using them as a bargaining tool

7. A space where the student can go to take a break, eg a wellbeing room or sick bay

8. Appropriate modifications depending on the student's difficulties - eg a reader if there is dyslexia, a scribe if there is dysgraphia, extra time for tests, modifications to homework or assessments, our members recommended SPELD NSW or other states for excellent guidance

9. Access to the school counsellor

10. Regular and collaborative sessions between school, parents and students to gauge progress, and reassess and improve supports

Importantly, nothing should be imposed upon the student or family without their agreement, and no pressure brought to bear for an approach which the student and their family do not agree

with. There must be a level of respect and trust that the family and student are trying their best and know the student best.

Further, the school and Department need to take responsibility for any funding concerns regarding supports – funding is not a reason to lawfully deny a student an otherwise reasonable accommodation.

Many of our members' children have had mental health challenges and 'school can't' as a result of the prioritising of academic outcomes over mental health and wellbeing outcomes. From our members we know that lack of inclusiveness, lack of appropriate accommodations and supports, and the continued use of behaviourism and restrictive practices is contributing to poor mental health outcomes for neurodivergent and disabled students. Without targeted initiatives to remove these practices, proactive supports to improve mental health and wellbeing outcomes will not be as effective on the students with disability cohort.

Finally, our members had the following to say about the mental health challenges their children had faced and the supports they felt should be provided by the school.

"They are dropping their ego and working collaboratively.
They are listening to the child and to the parents/carers.
They are responding to parent/carer communication.
They are responding to the needs of the student with no conditions attached.
They are trauma informed and child centred.
They are aware of their own unconscious (and often conscious) bias.
They allow the child to choose their team which should be whoever they have a connection with.
They understand that mental health and well-being and feeling safe in school can be a long game.
They understand that well-being trumps attendance and that well-being is usually needed for attendance."

SPRW Member

"My list would include
- genuine positive regard for the child
- curiosity about why a child is behaving in an unproductive manner
- respond to dysregulation with coregulation
- respond to distress with empathy
- collaborate with the child to find scaffolds and work out where expectations can be changed to meet the child's capacity"

SPRW Member

What evidence-based wellbeing approaches currently being implemented by schools and communities should be considered as part of a national reform agenda?

SPRW is concerned that many of the wellbeing programs our members see are not actually 'evidence-based' in any meaningful way, despite claims they are.

In our member's experiences and in the experience of our group leadership who have attempted to get information regarding some of these programs from Departments of Education, it is very difficult to get a hold of information which would substantiate a claim of 'evidence-based'.

Mostly, the public is not able to assess for themselves what the evidence actually is, and whether a program is actually appropriate for use in schools. Unfortunately, where our members have had personal experience with some programs, the feedback is that they are not based on the most up-to-date neuroscience of behaviour, and they very rarely, if ever, appropriately accommodate neurodivergence or trauma backgrounds.

We submit that there should be full transparency around the well-being programs available and being implemented in all states and territories, including the tender documents associated with the Departments' taking these programs on, and the evidence-base made available to the department, and the departments' assessments of those evidence-bases.

We further suggest that included within the next NSRA must be a mandatory requirement for all states to develop and uphold safeguarding policies and procedures in relation to students identified as at risk of or exhibiting suicidal self-injury or behaviour. Currently, WA does not have a mandatory framework for response to student suicidal ideation or self-injury, and despite significant advocacy by families affected by suicide, no commitment has been made to mandating any response.

It is our belief that minimum requirements for mandatory response, in addition to full transparency and accountability around mental health and wellbeing and suicide prevention programs, will be a strong improvement in safeguarding students wellbeing and psychological and physical safety.

Should a wellbeing target be included in the next NSRA? Could this use existing data collections, or is additional data required?

It is our view that a wellbeing target, measuring not only overall student wellbeing but the wellbeing of specific student groups, should be included in the next NSRA. Given the acknowledged gaps in data available for students with disabilities, we feel that this will require either a reconfiguration of existing data collection methods, or the establishment of new data collections. We suggest that this data should include targets related to wider issues of student wellbeing and engagement including; students and families feel supported at school, students and families feel that schools are inclusive and welcoming for students with disabilities, as well as quantifiable targets such as participation in school programs and activities, attendance rates (including recording absences for mental health and wellbeing reasons, formal and informal school-requested absences such as suspensions or early collection at schools request).

We also suggest recording data around the delivery and outcomes of wellbeing programs, both on a school wide basis and at a targeted tiered intervention level. Outcomes of wellbeing programs should be broken down by students with disability (including imputed disability) and students with existing behavioural concerns. SPRW is aware of at least one wellbeing program being widely used in NSW public schools which provides a targeted level of support to identified children whose behaviour is of concern, but neurodivergent children, or children with a diagnosed disability are not chosen (whether or not they are technically eligible). This is so the outcomes of such a program would not reflect evidence of the success or failure of the program for neurodivergent or otherwise disabled students.

Would there be benefit in surveying students to help understand student perceptions of safety and belonging at school, subjective state of wellbeing, school climate and classroom disruption? Would there be value in incorporating this into existing National Assessment Program surveys such as NAPLAN?

SPRW members are broadly supportive of attempts to understand the ways in which students feel unsafe (and safe) and that they belong (or otherwise) at school. We are also very supportive of making schools and departments of education accountable for the degree of trauma that children are experiencing in the school system. Any way of quantifying that kind of information as well as gathering it in a qualitative sense with stories of lived experiences is welcome.

However, we have reservations about a written survey or questionnaire as being particularly useful in this regard as many neurodivergent or otherwise disabled children struggle to express themselves in writing. Thought would need to be given to additional alternative ways of ensuring that the voices of those most negatively impacted by the school environment are actually heard, for example ensuring that safe people and safe spaces are available to assist with any such collection of opinions and experiences from children.

Our membership includes neurodivergent professionals who work in the education space and some of them have made suggestions which we include here:

"I'd be curious to see how more multimodal ways of obtaining information/lived experience from students could be used to gather data (to support the survey, to deepen the reach of representation). I'd propose an Art-based inquiry. This has the potential to open up more comfortable/accessible/inclusive ways of participation where all forms of expression can be captured, represented and valued."

SPRW Member

To what extent do school leaders and teachers have the skills and training to support students struggling with mental health?

Feedback gathered from our members who are teachers and education professionals indicates that teachers and school leaders feel ill-equipped and uninformed due to a lack of quality, up to date and useful training. We were advised that teachers felt that training meant a fundamental

difference, not only in their knowledge and understanding but also in their attitudes and ability to connect with their students, particularly their students with complex needs.

Teaching staff who are also parents of neurodivergent and disabled children felt frustrated and upset by the way their own children are treated by the education system, particularly given their own attitudes, commitments and dedication to handling those students themselves. They attributed much of this to the lack of training and ongoing development available to their colleagues in the education system.

We wish to specifically highlight for the expert panel that it is vitally important that training is, where possible, delivered by people with lived experience and members of the community whose needs are the topic of the training. Training on supporting Aboriginal students must be delivered by Aboriginal trainers, and training about disability, neurodiversity or the needs of students from a particular disability cohort must be delivered by trainers who have their own personal lived experience as members of this community.

SPRW suggests that there be a transparent process by which teacher training, including professional learning, is approved as acceptable, and that this process includes a disability audit to specifically assess the degree to which the training has been designed by the people it purports to benefit.

Chapter 5: Collecting data to inform decision-making and boost student outcomes

SPRW agrees with the NSRA consultation paper that data collection and reporting is critical to the improvement of student outcomes as it provides a transparent and consistent measure to hold governments accountable to their collective commitments. Tracking changes and trends in outcomes will provide a level of assurance that the changes in policy or additional funding commitments are effective in closing the equity gap.

SPRW routinely uses available data sources to make inferences about the inclusiveness of education within Australia. The sources referenced include the ACARA Key Performance Measures, state jurisdictions education departments annual reports and data sets, Hansard, Disability Royal Commission Public Hearings and Reports, and media articles.

These data sources come with limitations. The disaggregation of data at the national level is not sufficient to pair with state data from annual reports. The data tracked by states is not standardised across the jurisdictions and as such incomparable. Many times, data has been sourced from time-consuming Hansard research, which in our view does not equate to accessible or transparent reporting.

SPRW recommends that improvements to data collection and reporting focus on standardisation, centralisation and disaggregation in measures designed to capture schools and student numbers, attendance and retention, achievement and attainment, practices that lead to

poor mental health and wellbeing outcomes, and funding. Detailed recommendations are listed below under the relevant question from the consultation paper.

SPRW also brings to attention that the focus of recommendations from this submission is for students with disability and that the suitability of these recommendations and their adaptability for other equity groups should be done in consultation with those groups.

What types of data are of most value to you and how accessible are these for you?

Data sets that are of most value to SPRW are those that allow us to compare the education outcomes and wellbeing of students with disability to students without disability, highlighting the equity gap. These measures include:

Data that demonstrates the number of students in de-segregated specialist education settings is currently accessible through ACARA key performance measures but only at the whole school level and not disaggregated by enrolments, level of adjustment and category of disability.

Data that demonstrates the equity gap in the use of exclusionary discipline for students with disability is not accessible. Suspensions, exclusions and expulsions data is available at the state jurisdiction level with varying definitions and measures. This data is not comparable across states. Disaggregated data by equity group is not accessible, however SPRW has been able to source disaggregated data for some states from Hansard and DRC hearings.

Data that demonstrates the equity gap in achievement and attainment for students with disability is not accessible. Currently, achievement in NAPLAN and Year 12 attainment is available through ACARA Key Performance measures at the national level and across jurisdictions but not disaggregated for students with disability.

Data that demonstrates the equity gap in enrolments, attendance and retention for students with disability is not accessible. This information is centrally available through the ACARA Key Performance measures but not disaggregated for students with disability.

Data that demonstrates that prevalence of behaviourism and restrictive practices in the classroom is not accessible. There is no information accessible at any level or across any jurisdiction.

Data that demonstrates funding granted and used for accommodations for students with disability is not accessible. High level funding and costs are available through the ACARA Key Performance Measures however there is no detail on what proportion is for students with disability.

Is there any data not currently collected and reported on that is vital to understanding education in Australia? Why is this data important?

Within each of the data types listed above more data is needed to first understand the size and complexity of equity gaps and further ensure policy changes and funding commitments are effective.

ACARA disaggregates the number of students with a disability, their level of adjustment and category of disability from the total number of students. These measures can be viewed by state or by school sector but not by both. To be of value, all data recommended below to be collected and reported, must be disaggregated by students with disability, their level of adjustment, category of disability, state and school sector. To utilise the disaggregation to full effect, all of these must be able to be applied to the data set simultaneously.

De-segregated specialist settings

ACARA Key Performance Measures tracks the number of special schools as a count and a proportion disaggregated by state. The proportion of special schools has been increasing nationally over the last 5 years, and there is no visibility on any further segregation of students with disability through Specialised Learning Programs (SLP's).

SPRW urges that the NSRA incorporates measures that track the segregation of students with disability within the education system through:

1. The collection and reporting of the number and proportion of students with disability within mainstream school settings, and students with disability within segregated school settings and specialised learning programs (SLP's).

2. The collection and reporting of the number of schools and proportion of schools that have SLP's in addition to the collection of data on special schools.

The importance of this data is to track the proportion of students in each setting over time, allowing for transparency in governments commitment to phasing out segregated education in line with the UNCPRD, Article 24. These measures can be aligned to quantifiable targets that demonstrate a clear shift towards inclusive classrooms.

It is important to note that desegregation cannot occur unless mainstream schools focus on *including* students with disability rather than *integrating* them. Success in this measure must not be isolated from other measures described below, but rather desegregation must occur concurrently with the improvement of health and wellbeing outcomes for students with disability in mainstream settings.

Exclusionary Discipline

Research conducted by SPRW, estimates that students with disability are two to four times more likely to be suspended than students without disability. This equity gap is of significant concern and steps to reduce this gap coupled with transparent measurement of exclusionary discipline should be a focus of the NSRA.

With regards to **exclusionary discipline data SPRW recommends** the following:

1. Measurements of exclusionary discipline, such as short and long suspensions, exclusions, and expulsions, are defined nationally with all jurisdictions complying to the standardised definitions.

2. Measurements of exclusionary data are reported through the ACARA Key Performance Measures or another centralised and public reporting function, rather than through state jurisdictions.

3. Disaggregation of data is consistent across jurisdictions, and includes, but is not limited to, students with disability, their level of adjustment and category of disability.

4. The measures are standardised across jurisdiction and include, number of incidents, number of students excluded, proportion of students, total number of days excluded, average length of exclusion, and number and proportion of students with multiple exclusions. All these should be measured against disaggregated equity groups.

5. Reasons for exclusion are tracked and can be disaggregated by students with disability.

6. Exclusions are recorded by school setting, mainstream, SLP and special school as well as by behavioural approach (see Behaviourism and Restrictive Practices section below)

7. Exclusions are collected and reported for all school sectors, including catholic and independent.

Achievement and attainment

There is no disaggregation within the ACARA Key Performance Measures to differentiate the achievement and attainment of students with disabilities to those without disabilities in the areas of Student Achievement in NAPLAN and Year 12 attainment. SPRW recognises that there is disaggregated data for those with disability in the participation in education, training or work measure.

SPRW has been told by members that schools advise parents of children with disability to apply for NAPLAN exemption under the guise of the best interest of the child. We also hear of experiences where parents are advised that their children with disability would be better supported to achieve higher academic outcomes if they are supported in a segregated program such as SLP's or a special school.

SPRW hypothesises that the reason for excluding students with disability is that their achievement and attainment will negatively impact a schools overall performance in measures attributed to the My School system, especially for NAPLAN scores. Evidence also reveals that students within specialist school settings have worse academic outcomes than those who are educated alongside their peers in mainstream school settings. Understanding academic

outcomes for students with disability as well as the proportion of students that have a disability requesting exemptions will help to ascertain if accommodations are appropriate for assisting students to achieve equitable outcomes.

With regards to **achievement and retainment SPRW recommends** the following:

1. NAPLAN results are disaggregated for students with disability, their category of disability and level of adjustment.

2. NAPLAN exemptions are disaggregated for students with disability, their category of disability and level of adjustment.

3. NAPLAN results for students with disability are disaggregated by school setting, mainstream, SLP and special school.

4. Proportion of students with disability engaged in VET courses compared to the proportion with year 12 attainment, as well as compared to proportion of students without disability

5. Year 12 attainment is disaggregated for students with disability, their category of disability and level of adjustment.

6. Year 12 attainment for students with disability are disaggregated by school setting, mainstream, SLP and special school.

Attendance and Retainment

ACARA's Key Performance Measures track attendance and the apparent retention rates disaggregated by state, school sector, grade/year, Indigenous status, gender, and geolocation. There is currently no disaggregated data for students with disability.

From our members, we hear that attendance and retention are concerns for students with disabilities. Many of these students find it challenging to attend and remain at school due to a multitude of factors such as inadequate school accommodations and supports, adoption of behavioural management pedagogies over those that are neuro-affirming and trauma-sensitive, and the prevalence of restrictive practices. It is also unclear if attendance data reflects school-imposed absences such as suspensions and exclusions.

SPRW recommends that attendance and retention data is disaggregated for students with disability, their level of adjustment and category of disability. Effectiveness of policy or funding commitments that improve school inclusiveness will be reflected in an increase in attendance for students with disability. When schools adequately accommodate, respect, and affirm students with disability, they will feel safer to attend school.

Additionally, measurement against clearly defined reasons for disengagement from school would allow for more targeted solutions and better understanding of the effectiveness of these solutions. Examples for further classification include illness, bullying, mental health and school can't. **SPRW recommends that the reasons measured and tracked align with commitments from the NSRA.** Attendance data should also be reflective of disengagement only, with school-imposed absences removed from the data set and tracked independently.

Finally, home-schooling registrations are tracked at the state level for most jurisdictions. **SPRW recommends that more detailed data is collected on students in the home-school system. This data includes the number of home-school students with a disability, students leaving the mainstream school system due to inaccessibility, and students leaving the mainstream school system due to 'school can't'.** The accountability for the recording of this information could be managed at state level through the home-school registration process, with data collected and reported centrally at the national level.

Measuring the proportion of home-schooling students with disability as well as the proportion of students leaving due to inaccessibility and 'school can't' will provide valuable insight into the inclusiveness and commitment to health and wellbeing within the school system. Tracking the trend of these measures over time will also highlight the effectiveness of policies put in place to improve school environments for students with disability and mental health challenges.

Behaviourism and Restrictive Practices

Recently the Disability Royal Commission released a research report titled 'Restrictive practices: A pathway to elimination'.[23] Contained within the report there are four main findings with regards to restrictive practices and behavioural practices:

1. Restrictive practices are at odds with international human rights obligations

2. Restrictive practices strip people with disability of dignity

3. Restrictive practice occur within an ecological system of violence, coercion and control

4. Positive behaviour support (PBS) has a mixed and inconclusive evidence-base

Behaviourism and restrictive practices negatively affect the health and wellbeing of students with disability within the education system. Data measuring the prevalence of these practices within schools and comparing these with attendance and retention, and achievement and attainment data, as well as other measures for wellbeing, will assist in understanding the impact of continued use of these practices.

With regards to behaviourism and restrictive practices, SPRW recommends:

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[23] https://disability.royalcommission.gov.au/publications/restrictive-practices-pathway-elimination

1. **Instances of restrictive practice are collected and reported consistently and transparently at the national level.** The definition of what constitutes a restrictive practice for measurement must align to the definition from the DRC report. Further to a count of restrictive practices the following disaggregated data shall be collected and reported:

    a. Number of students and proportion of students affected by restrictive practices.

    b. Type of restrictive practice such as chemical, mechanical, physical and environmental restraint and seclusion.

    c. Duration, total and average, of restrictive practices

    d. Disaggregated for students with disability, their category of disability and level of adjustment

    e. Disaggregated by school setting, mainstream, SLP and specialist school

2. Number of schools practising PBS and other similar behavioural approaches such as Positive Behavioral Interventions and Supports (PBIS) and Applied Behaviour Analysis (ABA) are compared to the number of schools practising other approaches, such as CPS, Berry Street Education Model, etc. The distinct approaches need to be consistently defined and collected and reported at the national level and disaggregated by state.

Should data measurement and reporting on outcomes of students with disability be a priority under the next NSRA? If so, how can this data be most efficiently collected?

Yes, data measurement and reporting on outcomes of students with disability should be a priority under the next NSRA. From data collected from Hansard searches, DRC hearings and media articles SPRW believes that there is already disaggregated data being collected by state jurisdictions on educational outcomes of students with disability. SPRW believes that efficient collection hinges on standardisation of data measurement across jurisdictions and centralised collection and reporting of data.

SPRW believes that for the data to be efficiently collected the burden of additional workload is not placed on already over-stretched classroom teachers and school administrations, but rather an independent and centralised body.

Is there a need to establish a report which tracks progress on the targets and reforms in the next NSRA? Should it report at a jurisdictional and a national level? What should be included in the report?

Yes, there is a need to establish a report which tracks progress on the targets and reforms in the next NSRA. It should report at a national level and compare across jurisdictions. Included in the report should be the performance for the reporting year as well as trends over time in measures that reflect the equity gap for priority cohorts, including students with disability.

These measures should reflect the commitment to desegregated schooling, the commitment to the health and wellbeing of students with disability including the repudiation of exclusionary discipline, restrictive practices and behaviorism, and the commitment to academic outcomes for students with disability.

Should an independent body be responsible for collecting and holding data? What rules should be in place to govern the sharing of data through this body?
Yes, SPRW believes there should be an independent body responsible for collecting and holding. We believe that this body should also be accountable for compliance audits on the quality of the data coming from schools.
Privacy and anonymity of students is paramount. We believe that any data shared through this body should have rules in place that ensure individuals cannot be identified and their information shared without consent, particularly those students who belong to equity groups.

Chapter 6: Funding transparency and accountability

SPRW notes the consultation document identified the need for stronger accountability mechanisms and we strongly agree. We welcome all three options cited to increase funding transparency and accountability.

From the experience of our members, there is a significant lack of accountability of schools and education departments when they have failed in their duty to provide accessible education for students with disabilities. Oftentimes, members report that their children with disability are denied a requested accommodation, even though it is a reasonable adjustment, on the basis that there is not enough funding. Furthermore, there is a conception that a student with a disability within the government sector is likely to receive greater support due to a higher level of funding.

Points of particular concern to our members are:

1. Finding a 'good school' that is committed to supporting students with disability is like winning the lottery or takes a tremendous amount of trial and error. There is no way to gauge how a school might support a child before enrolling in the school unless you know someone with experience at the school.

2. Advocating for appropriate supports and accommodations, oftentimes, can feel like a battle rather than a collaborative team working together in the best interest of the student. SPRW has heard of experiences where adjustments have been made (or actually imposed) with zero consultation with the student, parents or allied health professionals. Schools are not transparent with parents on how protections of their child's rights under the DDA and DSE translate to real, tangible adjustments supported by allocated funding.

3. There is a lack of transparency on how funding is allocated for students who have a diagnosed disability, imputed disability and those that still may require accommodations without a recognised disability.

4. There is a lack of transparency on whether funding is being used on supports that are aligned with the UNCRPD Article 24 – the right to inclusive education or if funds are being used for supports that perpetuate harm to students with disability.

SPRW recommends that new funding transparency and accountability measures form part of the data collection and reporting under the new NSRA.

What are the priority gaps in the current funding transparency and accountability arrangements from your perspective?

From our perspective, there are currently no data measures to track the amount of funding allocated to a school, school sector and school setting for students with disability. Further, there is also no visibility on how this funding is being spent to improve the outcomes of these students. SPRW recommends that the following data collection and reporting be implemented to allow for improvements in funding transparency and accountability:

1. Total disability funding allocated by school, school sector and school setting as well as an average per number of students with disability.

2. Total disability funding allocated disaggregated by students with diagnosed disability, imputed disability and those that still may require accommodations without a recognised disability.

3. Total costs of accommodations for students with disability, disaggregated by school, school sector and school settings, as well as average costs per number of students with disability.

4. Greater granularity around accommodation costs including type of accommodation such as training, environment, EA support, etc.

5. Greater granularity around accommodation costs to understand whether the accommodations are for an individual at the IEP level, or a whole school accommodation designed to improve inclusiveness at a macro level.

6. Total Funding spent with regards to students with disabilities is reported in one of either two categories as outlined below. This needs to be reported with clear transparency, indicating which schools, programs, practices, approaches, training, accommodations and supports fall into either category.

    a. Schools, programs, practices, approaches, training, accommodations and supports that **do not meet the UNCRPD Article 24 – the right to inclusive education** such as SLP's, ABA programs Team Teach training, etc

b. Schools, programs, practices, approaches, training, accommodations and supports that **<u>meet</u> UNCRPD Article 24 – the right to inclusive education** such as interoception programs, CPS approaches, etc.

Appendix 1: Member Comments

"Last year in kindy, when my kiddo was 4yrs old, she was sent to the principal's office for being 'silly and not listening' - kiddo had been diagnosed Hard of Hearing, which the teacher was aware of."
Parent to SPRW

"Another time when walking through the school gates, on a rare occasion when we arrived for the school start bell, and kiddo had her oral chewy for emotional regulation. School principal greeting everyone at the gate, said loudly in front of all the kids and parents "what's that in your mouth?!""
Parent to SPRW

"Any uniform modifications, including those due to disability, need to be approved by the school principal. School would not include uniform modifications in the IEP (I'm assuming they don't understand how a sensory aversion to the uniform would be a barrier to kiddos' ability to learn)."
Parent to SPRW

"Stop using " "whole body listening" it's ablest and outdated."
Parent to SPRW

"As a teacher and school leader I am invested to support children, embracing individuals with all their behaviours and challenges. Importantly, it's critical I create an environment where every student belongs, so avoiding suspensions is key to ensure a psychologically safe space. Unfortunately, as a parent of a teenager, my son has not been afforded the same commitments. As a neurodivergent boy with some complex trauma he has been squeezed out. Multiple suspensions for misdemeanours for moving left when he should have moved right, I now find myself with a teen who sits in a high-risk category excluded and out of school for 3 terms now with no clear answers from the department. It's disheartening to know my level of commitment to keep kids supported at school has not been equally matched. Educators and leaders like myself appear to be lone; a very frustrated and heart-breaking reality for me in this system as a parent."
School leader to SPRW

"A few years ago, I had a highly complex Year 10 class - streamed, 'bottom' of the cohort. Just in the one class, there were students from backgrounds including: neurodivergence, serious medical issues, homelessness, poverty, family violence, disability, intergenerational trauma, etc. A number of those students were constantly being suspended - often for leaving classrooms to self-regulate and then being 'in the wrong place at the wrong time' and having run-ins with certain staff members. The fact that not one of those students was ever suspended whilst in my care tells me just how haphazard and unfair the system can truly be for at-risk young people. As a parent of ND children myself, it is heart-breaking that the skills and care I've used to keep other people's children safe at school have not been matched for my own children."
Senior teacher to SPRW

"Schools would be a whole lot better if we had a few more EAs and the ability to target gaps. That is where ALL the behaviour comes from. Inability to cope with what we are asking."
Teacher to SPRW

"If they don't fit in the box and follow the expectations then we follow the process and withdraw. We don't see any changes in behaviour because we aren't meeting the kid's needs, but also there isn't really and proper incentive for them to do better because they are behind already so why bother trying to catch up."
Teacher to SPRW

"Current school level 3 funded child goes to school 9-1pm for the last 12mths. Collaborative decision. Child would now like to attend more schooling and the school has said they don't have the funding/resources. Basically no. You can not attend.
Suspensions or exclusions - school have said if we choose to send out child to more school (child is actually requesting to attend) they will have no supports or accommodations and will be subject to the school's standard disciplinary code.
Lack of consultation and collaboration with families and support teams (therapy teams etc) when planning accommodations or adjustments.
- zero collaboration on the IEP. They presented it to me in a meeting and expected me to just sign it. I had not even met the classroom teacher before this meeting. There were NO accommodations in the IEP. It's just a behaviour management plan written on IEP paperwork. The how to support section had vague methods that I had explicitly said should not be used as they have poor behaviour and mental health outcomes. Myself and the therapists had provided extensive paperwork on proven strategies. I refused to sign. I have emails from Deputy telling me they aren't using the strategies in the classroom that are written on the IEP but still the school refuse to actually put the strategies they ARE using in the IEP. We have now turned to a disability advocate for assistance.
Anything that HAS WORKED -
My child is lucky to have some amazing teachers and EAs.

Things that have worked -
I hear very little about school or classroom as I feel I am purposely blocked from knowing what goes on. What I do here is some great stuff (year 1/2 split)

- small class sizes of approx 20 students.
- experienced and well educated EAs. Trained for high level supports like how to respond to student mental health (self harm or suicide ideation). Trained with restrictive practices . I know they won't physically force my child to do anything. They will only restrain her if she is at risk of serious injury or worse.
- an EA might be supporting 1:2 or 1:3 in a classroom but there is also a "roaming" EA that the teacher can attend the classroom immediately if there is any situation that requires extra support.
-some teachers have students grouped by academic level for each "lesson" and then extend the students that are advanced with that skill.

-school has a kinetic learning program (not available to my child)
-school has dyslexia/reading program (not available to my child)
-school has a PEAC but also STEAM program to extend those who excel in these areas but may not be academic learners/test well.
-teacher doing things things like a lot of work in pairs or small group games for learning numeracy and literacy. This helps students with executive function difficulties like task initiation to have a peer "body doubling" them. Small groups and games help students who become overwhelmed in large groups or struggle with perfectionism. It's staying true to learning at play.
-school are very accepting of the fact my child doesn't do any homework.
-teacher uses CPS learning model.
Unfortunately the EAs are not using the proven strategies to support my child. They are often doing the opposite as they do not know any better despite their best intentions. This causes dangerous behaviour like my child becoming so overwhelmed she dissociates and runs from the classroom to find a safe space. She would absolutely put herself in danger to escape being overwhelmed.

I believe the Admin are overworked and the skills need an update with
- understanding disability legislation and their obligations
- understanding how to write an IEP and the difference between a BSP and an IEP.
-understanding they need to communicate and collaborate with parents for things to work.
-using positive language and understanding that we aren't aiming for a child who can mask to the point of not needing any supports.
-understanding that a disability isn't a behaviour. Disability can't be behaviour managed out of the child. When the behaviour goes away it means you are supporting the disability. Don't be surprised when the supports are removed and the behaviour returns. Behaviour simply communication or indication that the child has a problem they can't solve.

Can we please have Ross Greene programs in all WA schools"
Parent to SPRW

"'Equal access' to education is being confused with 'Equal delivery' of education - the only way education can be truly equal is if there is no difference between a list of the ways a student is 'able to succeed' and a list of the ways they are 'allowed to participate.'"
Parent to SPRW

"Our yr 10 son engineered an excel spreadsheet format that would enable him to capture his thoughts in the order they came to him and then move them into the order needed to be a legible essay, so he could complete an in-class essay assessment. He attended school for the first time in weeks despite it causing severe anxiety, and was denied permission to submit in anything other than a handwritten format, so wasn't able to complete the assessment."
Parent to SPRW

"Ableism. When we apply traditional (Skinner) 'behaviour management' approaches to children with neuro-developmental disability, we are applying neurotypical expectations on that child to manage their own behaviour while simultaneously neglecting to provide the child with appropriate environmental, social and academic adjustments."
Parent to SPRW

"ASD level 2 student with ADHD is not at an educational risk" Year 4 teacher.
"No I won't be including social and emotional capabilities goals in asd lvl 2 / adhd students IEP because we haven't seen any risk in the classroom " despite being sent home and to the office multiple times regarding emotional dysregulation in the classroom setting and despite being requested by the student's parent"
Parent to SPRW

"Every child has a right to an education.
Every child has a right to feel safe.
Schools are obligated to ensure that they meet their obligations to all students of all abilities."
Parent to SPRW

"My son was always getting trouble for drawing or reading while the teacher was talking. At first they would try to change his behaviour by calling on him to answer questions, expecting that he wouldn't be able to, but when he was correctly answering the questions they continued to badger him about what listening should look like."
Parent to SPRW

"In my experience as a teacher and parent of ND child - training! Different teachers' experience and understanding plus ability to connect with student makes the difference between A grades and E grades! Class sizes also has a HUGE impact on this IMO. The (unintentional???) discrimination in the verbal and written feedback given to students over the years also makes a huge difference, I think. The amount of feedback we've had that pretty much says 'be less ADHD' is… just gross. I feel that if classes were smaller teachers would have more time to provide formative feedback along the way especially with group tasks or ongoing project based tasks."
Teacher to SPRW

"Things that are working: extra staff in the primary school (actually they are high school students at Big Picture Schools - amazing young people!). School staff not pressuring us about attendance rates or learning outcomes. Having a school dog great the students every day."
Parent to SPRW

"I work part time 3 days a week and have close to 200 students. That's under 2 minutes a day one on one with each student during class time. For non-contact time it equates to mere seconds per child to do all the other stuff."
Teacher to SPRW

"There's no compulsory training for additional needs or gifted education and class sizes have not changed in over 20 years. But people have and teaching definitely has!"
Teacher to SPRW

"1) Teacher training. Our teacher this year who is very experienced and mature was not open to any new training because she was already experienced in ABA - (!)
Our school believes ABA is the best evidence back way to teach children to behave.
2) approach of rewards and punishments my child does not respond positively to rewards or acknowledgement of achievements. Good on him for being intrinsically motivated anyway 👏
3) Our school acknowledges to me verbally that my child should not have been suspended at age 5 when he had an imputed disability. (but it certainly enraged and deteriorated our family's trust and relationship with the school and compelled me to seek a diagnosis)
4) It is hard to get our therapists and school to arrange a meeting altogether to talk about accommodations and IEP"s and that's not any blame or fault of anyone, it's just logistically very hard. There is even very little collaboration / consultation between therapists teams as well)
5) Ideally, Differentiation in learning is the best way for neurodivergent and all children to learn but unfortunately their progress is not measured against themselves and how far they have come but compared to their peers and age level. So a child who is progressing and learning stages behind their peers (because maybe the early years were impacted by their ability to receive information eg, adhd, auditory processing, dyslexia, dysgraphia ....and process it accordingly.
BUT in fact they have come far considering.
It is not reflected in a school report, therefore the school reports are misleading, inaccurate and depressing for child and family when really the academic learning is progressing well " in their own timeline"
6) There are a couple of teachers at our school who seem to be aware of neurodiversity and they were key to our success.
Our kindy teacher who picked up subtle developmental differences.
An assistant principal who had the lived experience of having her own Autistic child and she does the IEP's every year with myself and the year teacher.
The school has paired one TA with my child and another Autistic child who is not even officially diagnosed yet.
I have always said that my child's anxiety levels are high and so needs a strong relationship with people around him before he will attempt learning something new or asking for help. They have arranged the same TA from last year who built that trusting relationship.
This arrangement has been a key to success in our situation."
Parent to SPRW

"The attitude of the principal is a determining factor in the overall response of the school to special needs children. A well trained, understanding and empathetic principal makes the definitive difference to the entire school philosophy and environment. My sons last school was amazing, new principal came in and openly declared at the first staff meeting that she did not want "those" children at the school everything went downhill at a fast pace from there."
Parent & Academic to SPRW

"My child preferred to wander the classroom and listen during mat time rather than sitting and listening to the teacher. It was never disruptive, and they could always answer any question about the lesson. I was told that my child couldn't have that as an accommodation as their wandering was distracting to the other students."
Parent to SPRW

Appendix 2: Collaborative and Proactive Solutions (CPS)

'Kids do well when they can' – Dr Ross Greene

SPRW strongly supports the implementation of CPS in Australian schools because it fits the above-mentioned criteria for a human-rights based approach to behaviour support.

> *The CPS model is a departure from approaches emphasizing the use of consequences to modify concerning behaviors. In families, general and special education schools, inpatient psychiatry units, and residential and juvenile detention facilities, the CPS model has a track record of dramatically improving behavior and dramatically reducing or eliminating discipline referrals, detentions, suspensions, restraints, and seclusions. The CPS model is non-punitive, non-exclusionary, trauma-informed, transdiagnostic, and transcultural.*

Collaborative Proactive Solutions (CPS) is the model designed by child psychologist Dr Ross Greene: www.livesinthebalance.org.

The CPS model involves a significant lens change for adults, from rewards/punishment based 'incentives', to compassionate, collaborative problem-solving with children. Rather than focusing on kids' challenging behaviours (and modifying them), CPS helps kids and caregivers solve the problems that are causing those behaviorus. The problem solving is collaborative (not unilateral) and proactive (not reactive).

Research has shown that the model is effective not only at solving problems and improving behaviour but also at enhancing skills. CPS views disruptive behaviour as an indication that that there are expectations that the child is having trouble meeting.

The model involves an Assessment of Lagging Skills and Unsolved Problems (ALSUP) by the adults/teachers, which identifies the expectations that the child is having trouble meeting, and then a Plan B meeting with the child in which the following steps are worked through:

1. Empathy Step: the expectation that the child is having trouble meeting is named and the child is asked to talk about that, and why they think they are struggling with that expectation. 'Drilling' helps the adult gather information from the child.

2. Adult Concerns Step: the adults involved tell what their concerns are – essentially why they feel it is necessary that the child meet the expectation.

3. Problem Solving Step: the adult sets out the child's concerns and the adults

concerns and engages the child in collaboratively coming up with a mutually acceptable solution to try and help solve the child's unsolved problems so that they can meet the relevant expectation. A 'problem solving referral form' can be used to help schools shift from discipline referrals to Plan B referrals.

The difference between an ALSUP and a Functional Behaviour Assessment is that an ALSUP is entirely about identifying the lagging skills and unsolved problems. It takes far less time than a FBA and does not involve adult assumptions about what is causing the behaviours. As such it is far more successful at indirectly changing the concerning behaviours as a bonus for helping the child solve their problems!

All other CPS materials and instruments are free and online:
https://livesinthebalance.org/cps-materials-paperwork/ and there are many
instructional videos available

Appendix 3: Exclusionary Discipline Data

Square Peg Round Whole WA conducted online research, collating suspension data across all states.

Percentage of Student Population suspended across States[24][25][26][27][28][29][30]

Suspension trends by State (Government Schools only)

	2018	2019	2020	2021
NSW	5.6%	6.0%	5.3%	4.2%
Vic				
QLD				
SA	2.2%	2.2%	2.2%	2.2%
WA	5.1%	5.7%	5.5%	6.2%
Tas			5.0%	5.9%
NT	4.1%	3.9%	2.0%	1.4%
ACT	2.3%	3.2%	2.9%	2.4%
National	4.9%	5.3%	5.0%	4.5%
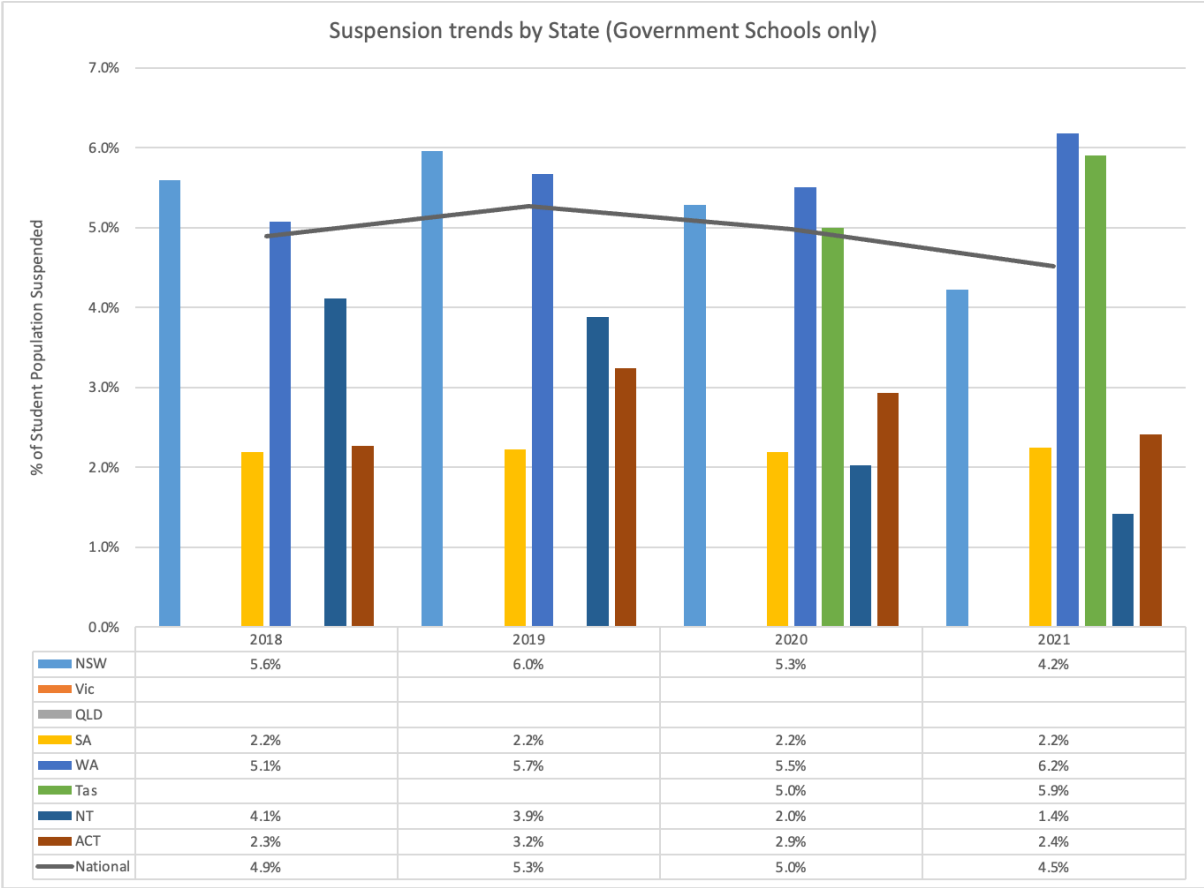
Our research relied on multiple sources for state suspension data, and as such we note that the differences in reporting definitions may impact the accuracy of these figures.

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[24] https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/national-report-on-schooling-in-australia-data-portal/student-numbers

[25] https://data.cese.nsw.gov.au/data/dataset/suspensions-and-expulsions-in-nsw-government-schools#

[26] https://data.sa.gov.au/data/dataset/suspensions-exclusions-by-year-level

[27] https://www.parliament.wa.gov.au/Hansard/Hansard.nsf/0/c7b3129ecc7b071e48258860000b8c36/$FILE/A41+S1+20220525+p200c-220a.pdf

[28] https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Key-Data-2022.pdf

[29] https://education.nt.gov.au/statistics-research-and-strategies/school-suspensions

[30] https://www.education.act.gov.au/__data/assets/word_doc/0010/1618993/Suspension-Data-and-Reducing-Suspension.docx

Percentage of Student Enrolments with Disability[31]

Percentage of Student Enrolments with Disability (All Schools)

	2018	2019	2020	2021
NSW	19.4	19.5	20.4	21.7
Vic	20.2	21.6	21.1	24.2
QLD	16.8	17.0	17.7	18.3
SA	23.6	26.3	27.7	28.3
WA	19.9	19.8	19.7	20.1
Tas	13.0	12.4	13.8	15.0
NT	26.8	26.8	27.3	29.0
ACT	16.3	16.2	16.8	18.5
National	19.3	19.9	20.3	21.8
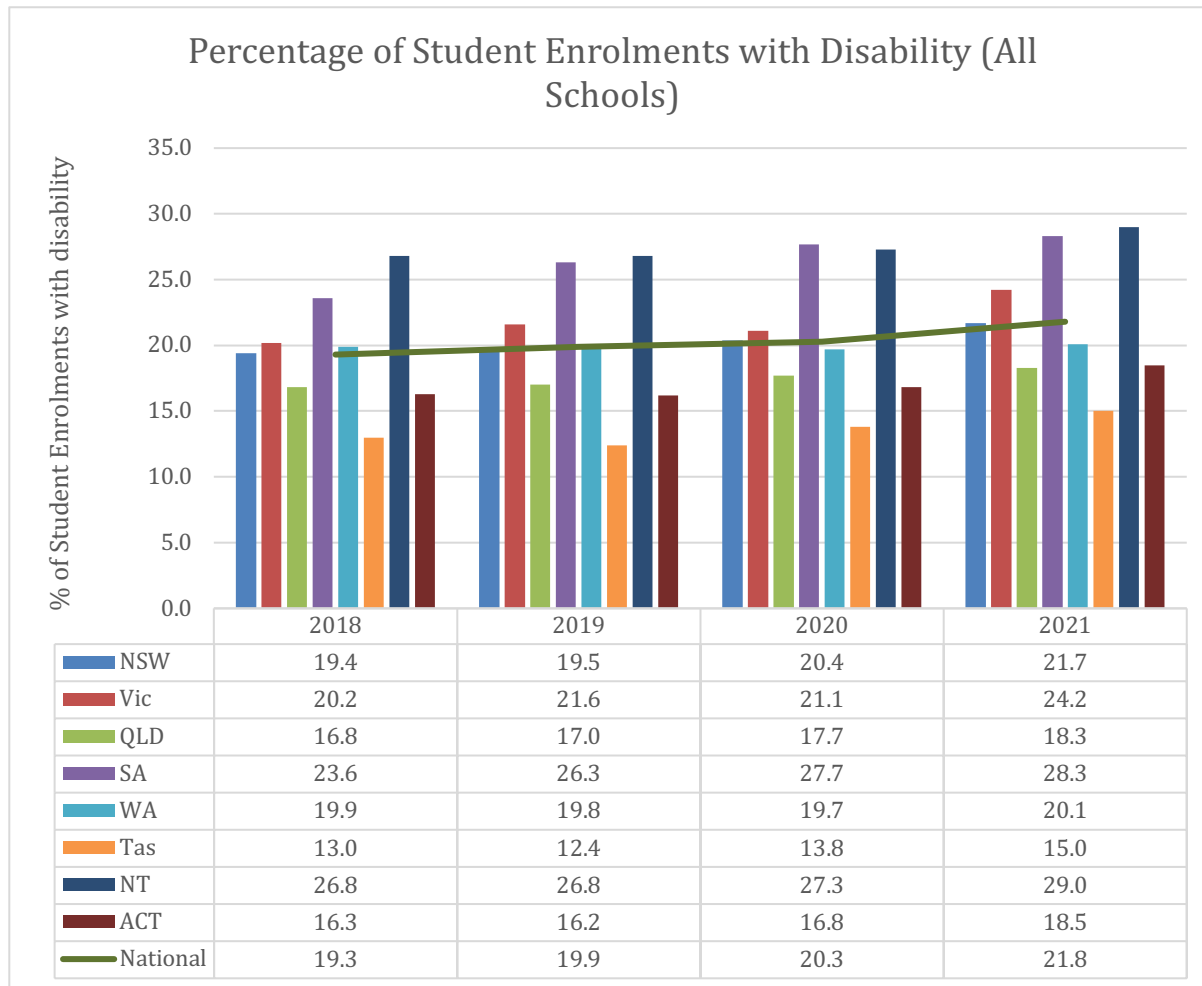
Disability suspensions

Disability suspensions are not consistently report across states. The figures quoted in this section come from a variety of sources and are represented differently. Our research indicates ongoing disparity in suspensions data and an inequity gap for disability. Whilst limitations on available data impact accuracy of analysis, we estimate that nationally students with disability are 2 to 4 times more likely to be suspended than students without. For State context, our research has been included below.

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[31] https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/national-report-on-schooling-in-australia-data-portal/school-students-with-disability

1. From the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Public Hearing 7 – Education, Questions on Notice – State of New South Wales, Hearing on 7 May 2021[32]

   a. Amongst students with a disability who received adjustments to access education:
   i.   in 2019, 13.4% of this student cohort were suspended;
   ii.   in 2020, 11.7% of this student cohort were suspended.

   b. Amongst students without a disability:
   i.   in 2019, 3.3% of this student cohort were suspended;
   ii.   in 2020, 3% of this student cohort were suspended.

Victoria

1. Victoria does not report suspension data but does report expulsion data. From The Age 'Devastating impact': Rise in proportion of disabled students expelled during pandemic[33] April 12, 2022

   a. Almost one in three students expelled from Victorian government schools during the first year of the pandemic had a disability, up from one in seven the previous year, in a pattern of exclusion that youth disability advocates warn is merely "the tip of the iceberg".
   b. The official number of student expulsions fell to 68 in 2020, the lowest number in a decade, as most students spent well over 100 days learning remotely. That number was down from 184 in 2019. But the steep overall fall was not matched by a large drop in expulsions among students with a disability. Twenty of the 68 expulsions – or 29.4 per cent – were students who received funding from the Program for Students with Disabilities. This was a small decrease from the 27 students with a disability who were expelled in 2019.
   c.

Expulsion data for Victorian government schools

Year	Primary School	Secondary School	Total	Students funded through Program for Students with Disabilities	Students with a disability
2020	7	61	68	20	29.4%
2019	10	174	184	27	14.6%
2018	12	180	192	11	5.7%

Source: Department of Education and Training

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[32] https://disability.royalcommission.gov.au/system/files/2021-08/NSW.9999.0037.0001.pdf
[33] https://www.theage.com.au/politics/victoria/devastating-impact-rise-in-proportion-of-disabled-students-expelled-during-pandemic-20220403-p5aad3.html

1. From the Submission to the Queensland Human Rights, The need for inquiry into school disciplinary absences in Queensland state schools, by Queensland Advocacy Incorporated and Aboriginal and Torres Strait Islander Legal Services (QLD) Ltd[34]

   a. Despite the number of students registered with the NCCD constituting on average, approximately 17% of all Queensland school enrolments (including government and non-government funded schools) between 2016-2020, Queensland state school students registered with the NCCD received between 46%-48% of all short-term suspensions and 41%-47% of all long-term suspensions between 2016 and 2020.

   b. The number of students with an EAP verified disability constitute on average, approximately 5.5% of all Queensland state school enrolments. However, the statistics showed that Queensland state school students with an EAP verified disability were overrepresented in school disciplinary absence statistics between 2016 and 2020:
   i. Receiving between 14.6%-15% of all short-term suspensions between 2016 and 2020;
   ii. Receiving between 11.6%-13.7% of all long-term suspensions between 2016 and 2020;
   iii. Receiving between 9.4%-11.5% of all exclusions between 2016 and 2020.

South Australia

1. From the Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian Government Schools Final Report[35]
   a. Students recorded as receiving NCCD adjustments accounted for 42.5% of suspensions in 2016 and 56.6% of suspensions in 2019, a rise of 33.0% that also outstripped NCCD population increase. As such, the risk of suspension for students with disability recorded as receiving adjustments through NCCD rose from being 2.6 times more likely to be suspended than students without disability in 2016 to 3.1 times more likely in 2019.

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[34] https://qai.org.au/wp-content/uploads/2022/02/QAI-and-ATSILS-submission-to-QHRC-re-SDAs.pdf
[35]
https://eprints.qut.edu.au/206791/1/Inquiry_into_Suspension_Exclusion_and_Expulsion_Processes_in_South_Australian_Government_Schools.pdf

Western Australia

1. Extract from Hansard [COUNCIL — Thursday, 22 November 2018] p8539a-8539a Hon Alison Xamon; Hon Sue Ellery.[36]

(a)   Number and percentage of students suspended due to behaviour breaches in

	Year	Students Suspended	Students Suspended as a Percentage of Student Population
(i)	2015	13 365	4.6%
(ii)	2016	12 649	4.3%
(iii)	2017	14 075	4.7%
(iv)	2018 (to 2 November)*	12 847	4.1%

(b)   Number and percentage of students with disability suspended due to behaviour breaches in

	Year	Students Suspended	IDA Students Suspended as a Percentage of Student Population
(i)	2015	1 557	0.54%
(ii)	2016	1 489	0.51%
(iii)	2017	1 563	0.52%
(iv)	2018 (to 2 November)*	1 427	0.47%

*Year to date data is preliminary and subject to change.

2. Extract from Hansard [COUNCIL — Tuesday, 11 October 2022] p4410b-4410b Hon Dr Brad Pettitt; Hon Sue Ellery. [37]

    a. Of the total number of students given a suspension, approximately one-third had a disability.

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[36]

https://www.parliament.wa.gov.au/Hansard/Hansard.nsf/0/2684452d7e9794fc48258351001ca09f/$FILE/C40+S1+20181122+p8539a-8539a.pdf

[37]

https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/6a1f79276ade67d048258966002a1312/$FILE/C41+S1+20221011+p4410b-4410b.pdf

Tasmania

1. From Hansard, Parliament of Tasmania, Legislative Council, Report of Debates, Wednesday 29 March 2023[38]

Attachment 1: Data requested

The following data is for students enrolled in Tasmanian government schools in 2022.

Question 1. For the 2022 school year, how many students with a disability that required an Educational Adjustment were suspended and how many incidents were there? Can the government please provide this information for all students K-12 by NCCD and Disability Funding?

Response

Table 1a: 2022 suspension measures by disability status for students in K-12

Disability Status	Number of students suspended	Number of suspension incidents
Disability	1,027	2,732
No Disability	2,721	6,141
Total	3,748	8,873

2. The Mirage News summarised these figures in Education System in Crisis as Disability Suspension Rates Increase, 5 April 2023[39]

   a. Information obtained by Labor in the Legislative Council (attached) shows that in the 2022 school year, Tasmanian students with disabilities were the subject of 30 per cent of all suspensions. This is despite only 12 per cent of the Tasmanian student population living with a disability.

Australian Capital Territory

1. From The Canberra Times, ACT public school students with disabilities overrepresented in suspension data[40], August 1, 2022.

   a. In 2020, a total of 1677 suspensions were given to 702 students with a disability. Of these students, 137 also identified as First Nations. Meanwhile, 910 suspensions were given to 635 students who did not have a disability

[38] https://www.parliament.tas.gov.au/ParliamentSearch/isysquery/48ad98bf-e604-4d28-9cbd-a05dc78dd4be/2/doc/
[39] https://www.miragenews.com/education-system-in-crisis-as-disability-981638/
[40] https://www.canberratimes.com.au/story/7837997/completely-rejected-students-with-disabilities-vastly-overrepresented-in-suspension-data/