



Friday 18 September 2020

Ms Kylie Crane
First Assistant Secretary
Disability Strategy Taskforce
GPO Box 9880
Canberra City ACT 2601
DisabilityStrategy@dese.gov.au

Dear Kylie

2020 Review of the Disability Standards for Education (2005)

Thank you for the opportunity to make a submission in relation to the 2020 Review of the Disability Standards for Education (2005).

The draft Guidelines have been reviewed by representatives of the different state and territory representatives in the Catholic sector.

Please find following, our submission.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jacinta Collins".

Jacinta Collins
Executive Director



Submission to the Department of Education, Skills and Employment on the 2020 Review of the Disability Standards for Education 2005

National Catholic Education Commission (NCEC) appreciates the opportunity to make a submission to this third review of the Disability Standards for Education 2005.

About Catholic Education

The NCEC is the representative body of Australia's Catholic schools. Working closely with State and Territory Catholic Education Commissions, the NCEC advocates at the national level on behalf of the Catholic sector and the hundreds of thousands of Australian families who entrust the education of their children to our schools.

Catholic schools are the nation's largest provider of education outside the government. Australia's 1,751 mostly low-fee Catholic schools educate **one in five**, or **768,000 students** and **employ more than 98,000 Australians**, making Catholic education a key partner in the delivery of quality schooling together with the government and independent sectors.

Catholic Schools have many students with disability, with students requiring substantial and extensive adjustments growing significantly in 2019. Due to the implementation of the Nationally Consistent Collection of Data in 2018 (NCCD), the number of identified students with a disability has increased from 5% (36,930) in 2017 to 18% (137,270) in 2019.

The NCEC supports an inclusive approach to providing education services to students with additional needs, ensuring that learning pathways for all students enable them to progress through their education to become members of a community where their contribution is both valued and welcomed.

2020 Review of the Standards – Key issues

The Disability Standards for Education (DSE) seek to ensure that students with disability are able to access and participate in education on the same basis as students without disability. A primary objective of the Standards is to clarify the rights and responsibilities in relation to students with disability in education and training.

NCEC believes that the DSE provides a robust framework for ensuring equitable access to education for students with disability. The Standards have, for the most part, worked very well, however, they could be further improved to provide:

- i) greater clarity for school leaders, teachers and educational authorities about how they can be applied in practice and
- ii) support for tailored professional learning opportunities for teachers, parents and carers to enhance their knowledge and applied learnings.

This submission focuses on feedback from a range of key stakeholders in Catholic Education Offices to determine whether the standards have been effective against the terms of reference of the 2020 review.

The key issues emerging from discussions have been grouped under the following themes below.

1. Transitions points across schooling

Periods of transition for students can be fraught with difficulty, especially from preschool to kindergarten and primary into secondary school. Additionally, families need greater support in finding appropriate pathways from secondary school to tertiary studies for their children. The Catholic Education Commission of Victoria (CECV) has published 'Transitions for Students with Diverse Needs,' as a guide to provide continuity during each stage of transition recognising that positive transitions not only enhance each student's engagement with and connectedness to their learning but offer all students the best opportunity to identify and achieve their personal goals.

The DSE need to provide clear advice on supporting transition points.

- i) **Early Education (Childcare)** – The current DSE include preschool and kindergarten, however, preclude early childcare providers which increasingly offer preschool programs. This includes approximately 10% of Catholic schools at present. Early childcare services need to be included in the Standards so students with disability can access and participate in education on the same basis as their peers. Additionally, when schools accept students directly from their enrolment in an Early Learning Centre, the full extent of the child's disability may not always be disclosed by the parent or centre which poses a difficulty for the preschool or kindergarten delivering the support services to the student.
- ii) **Preschool - Primary - Secondary** - There is increasing emphasis on transitions of students with disability between preschool and primary, primary and secondary and between sectors. Students with disability should have opportunities to progress through education and achieve individual learning outcomes. Teachers have reported during COVID-19, that the lack of face-to-face orientation for both kindergarten and year 6 have made the transition to school and high school more challenging for students, and leave staff unable to assess students' needs before the term begins next year. Kindergarten orientations help teachers point parents towards services their child might need to help them with the transition to school, such as speech or occupational therapy. Due to COVID-19, it is possible students will arrive at school without having had an opportunity to be screened or identified as having the need for support, resulting in extra pressure on support teachers.
- iii) **Secondary to Vocational Education and Training (VET)** – There is a lack of information available on the transition to tertiary education, specifically VET. More examples are needed for parents and students to illustrate the implementation of the standards on the transition from secondary to tertiary education and work/skills training.

Catholic Education West Australia (CEWA) has produced several resources to assist teachers in their understanding and in planning for Transition to Adult Life (TAL) with their students. The TAL resource establishes a set of operating principles which provide a framework for support to students with disability as they transition from school to post options. TAL focuses on life skills, interpersonal skills, problem solving, time management, organisational and prioritising skills, interview techniques, personal health, nutrition and

wellbeing, financial literacy, environmental stewardship and ways to keeping safe and recognising risk.

Some VET providers have reported difficulty with interpreting and ‘unpacking’ the standards. Best practice criteria-based guides on adjustments would provide greater clarity to help providers determine what assistive technologies are required and the provision for accessible materials. There is a need for greater clarity in the enrolment process in relation to what constitutes a ‘reasonable adjustment’ and the student requirements of a tertiary course.

Recommendations

- 1.1 Provide clear advice for supporting transition points from early child care to kindergarten, kindergarten to secondary, secondary to vocational education and training (VET) as well as those students moving between education sectors.
- 1.2 Revise the standards to include early childcare services so students with disability can access and participate in education on the same basis as their peers.
- 1.3 Provide more examples illustrating the implementation of the standards on the transition from secondary to tertiary education and work/skills training.
- 1.4 Produce supporting documents outlining the roles, responsibilities and obligations of providers to support students, as well as more information for parents, carers and students with disability on the requirements of the course during enrolment.
- 1.5 Provide best practice criteria-based guides on adjustments to VET providers to determine which assistive technologies are the most appropriate for students with disability and advice on meeting web accessibility standards.

2. Indigenous impact

Indigenous students who identify with a disability from rural and remote communities experience greater inequity than other students due to geographical impediments, language and culture barriers, and social-economic disadvantage. The DSE needs to be more accessible to indigenous parents and students through the creation of plain English version and translation into an Indigenous dialect such as Kriol. Catholic Schools New South Wales (CSNSW) has been assisting Positive Partnerships in their development of parent-friendly online content about the DSE for Aboriginal and Torres Strait Islander and multicultural communities through active advocacy and distribution of content to its 598 Catholic Schools in NSW.

CEWA has been delivering targeted support to assist schools to improve the connection between Aboriginal communities, families and schools and in emphasising educational access, participation, retention, literacy and numeracy outcomes for Aboriginal students. CEWA employs consultants who undergo online cultural competency training as part of the ongoing focus to improve cultural understandings and educational outcomes for Aboriginal students. The consultants liaise closely with Aboriginal Education Consultants and Aboriginal Teaching Assistants in each region.

The development of a DSE program suitable for remote Aboriginal educational staff and parents/carers would improve understanding and application of the Standards. Often parents and carers only become aware of the standards once a dispute with an education provider occurs. Any

issue needs to be resolved at the earliest possible time, so that collaborative and supportive processes can be put in place. Greater awareness of the DSE before disputes arise will reduce conflict and encourage collaborative and solution-focused thinking.

Recommendations

- 2.1** Make the DSE more accessible to parents by developing a plain English version of the Standards as well as a version in Indigenous English e.g. Kriol or another dialect
- 2.2** Develop a national DSE program for Aboriginal and Torres Strait Islander staff, parents and carers to improve their understanding and application of the Standards.
- 2.3** Emphasise with rural and remote schools, the importance of ongoing consultation with the family and community and about how best to meet the needs of Aboriginal and Torres Strait Islander students with disability, particularly in the early school years.

3. Improving understanding and application of the DSE

The DSE does not contain adequate practical definitions of terms such as ‘on the same basis as’, ‘reasonable adjustment’, ‘unjustifiable hardship’ ‘on balance’ and ‘consultation’ and this affects the application and interpretation of the Standards. The 2020 Review of the DSE Discussion Paper notes that, “the Standards provide detail about an education provider’s obligation to make reasonable adjustments to assist a student with disability to participate in education on the same basis as students without disability” but also notes that “there is no obligation to make an unreasonable adjustment.” There is some confusion among schools and staff about exactly what can be expected of them in making ‘reasonable adjustments’ and in what instances adjustment could be considered ‘unreasonable’ or in fact would impose ‘unreasonable hardship’ on a provider. Schools need to have the ability to provide a sound educational rationale for their decisions that ‘on balance’ deliver the appropriate outcomes for the student but balance the broader educational goals of the school and the equitable allocation of resources. Better clarity could be provided through the provision of examples in the guidance notes as this would improve consistency and application.

Not all states and territories have adopted the Australian Curriculum in its native format. Queensland, Australian Capital Territory, South Australia, Northern Territory and Tasmania all use the Australian Curriculum as a basis for their teaching and learning programs. Other states and territories have integrated the Australian Curriculum into their curriculum frameworks or syllabuses with modifications. For example, the Australian Curriculum provides access to age-equivalent content which allows students to access equivalent content on the same basis as students without a disability. Some states and territory jurisdictions have chosen to provide content for students with disability through specific programs such as ABLES (VIC, WA) and Life Skills 7-10 (NSW). These differences across the nation make it difficult for students with disability to access and participate in learning experiences on the same basis as students without disabilities. An inclusive curriculum provides the same learning opportunities for all students.

Complex situations such as managing extreme behaviours are not well articulated through the Standards at present resulting in some schools lacking confidence in how to apply the standards. Greater advice is needed on how to manage and reduce challenging behaviour by children and adults with disability in education settings. CECV Positive Behaviour Guidelines is one resource that has been developed to assist schools in considering structures, processes and practices that are conducive to supporting positive engagement and behaviour for all students. Students in our

schools today, present with a diversity of needs and require support in a range of ways. Ensuring the design set-up and function of schools to promote inclusive practices is essential if schools are to embrace and celebrate diversity, invite belonging, and provide opportunities for participation and the achievement of appropriate learning outcomes

While guidelines and fact sheets have been prepared on various aspects of the Standards to facilitate understanding by parents, schools are increasingly dealing directly with education providers of other support services or dealing with parents advised by providers of other support services. These providers are often within the allied health fields and tend to adopt a 'clinical' rather than an 'educational' approach to addressing a need. The different funding arrangements attributed to disability categories tend to exacerbate those cultural differences and can lead to different understandings of the Standards and how they should be applied in a school setting. These differences in understanding can lead to conflict between a school and the parents and/or other support providers. Dedicated support materials need to be developed to increase the understanding of the providers of other support services to the school context and how the Standards should be applied in that context.

Recommendations

- 3.1 Improve understanding of definitions such as 'on the same basis as', 'unjustifiable hardship', 'reasonable adjustment' and 'unreasonable adjustment' through the provision of examples in the guidance notes to support the consistent interpretation of the terms.
- 3.2 Make explicit how the guidelines apply to students with disability who have complex and multiple needs.
- 3.3 Provide guideline advice and support materials required for service providers to understand how the standards are applied in a school context.

4. Resourcing issues and the National Consistent Collection of Data (NCCD)

NCCD provides systems, schools and teachers with the data and funding needed to highlight the individual needs of each student with a disability by focusing on the level of educational support (adjustment) to be provided to them at school.

With the significant rise in students identified as having a disability (post-NCCD), further guidance is needed to help teachers determine the appropriate NCCD level of adjustment for individual students and meet the related evidentiary requirements. Anecdotal evidence suggests that there can be a disconnect between what the teacher is doing in practice and what the teacher plans to do to meet funding obligations. There is also variation in the application of the NCCD across state and territory jurisdictions and sectors. This variability is driven by different approaches taken by the sector and jurisdiction in providing guidance, prioritisation of resources for professional learning and the systems that support schools to record student information.

The 2016 NCCD Continuous Quality Improvement Project found that Catholic-affiliated schools demonstrated the highest level of understanding and application of the NCCD with 97 percent of schools demonstrating either a comprehensive or sound understanding compared to 86 percent and 89 percent in the Government and Independent sectors respectively. Many of our Catholic jurisdictions undergo rigorous moderation processes that improve teacher judgement and data quality. Thus, the Catholic sector is producing NCCD data that is high quality and accurate and

reflects the 'business as usual' approach to the NCCD that many schools in the Catholic sector have developed.

Ongoing training and professional learning will continue to improve the quality of the NCCD data, enhance the school's ability to use the NCCD to support personalised learning and support, and result in improved educational outcomes for students with disability. Staff should be able to access high-quality professional learning so they can better understand the links between the Disability Discrimination Act, the Disability Standards for Education and the NCCD. CSNSW has developed a training package titled 'Supporting Students with Disability' that has been widely shared across all NSW Catholic Schools where schools can self-determine and reflect how effectively and consistently they implement the DSE and the DDA within their educational setting. Accompanying this is a reflective tool on supporting students with disability and the NCCD that schools utilise in the reflective phase of the NCCD model.

Recommendations

- 4.1 Improved data quality and consistency by providing further guidance to help teachers determine the appropriate NCCD level of adjustment for individual students and meet the related evidentiary requirements.
- 4.2 Develop national-level training for school leaders and teachers that helps achieve a consistent understanding of the NCCD and provides easy access to training materials about the DDA, DSE and NCCD. It should include school-based professional learning and moderation and collaboration opportunities for teachers across the three sectors.
- 4.3 Implement an NCCD feedback mechanism to enable systems and schools to learn about areas for improvement, e.g. where they may be making mistakes with student allocations or evidence collation.

5. Improving awareness of the Standards

Understanding and awareness of the DSE will not result in a quality education that meets students' needs. It is only through training, translation into practice, adequate resourcing and the provision of a high-quality student education that will allow the Standards to be fully met.

The creation of a centralised 'one-stop shop' DSE hub where a collection of resources, training modules, FAQs, exemplars of practice illustrating the Standards in practice across various education settings would be beneficial for all schools. Catholic Commissions strongly encourage schools to access resources within the NCCD portal such as the NCCD case study for primary and secondary schools which outlines the relationship between the NCCD and the DDA and DSE through showcasing exemplar schools from different sectors. Additionally, CSNSW has developed a Communication toolkit for all Catholic Schools explaining NCCD in the form of posters, flyers and newsletter items for staff and families.

It would also be useful if the Standards and corresponding guidelines could contain templates or proformas of individual or personalised plans which provide a list of essential elements and content that should be included in a student's educational plan. Most Catholic jurisdictions provide this, but a common template would provide greater consistency of practice across all Australian schools. The educational plan must include how the curriculum is to be adjusted for students with disabilities. There have been many examples, in school settings, where students with disabilities

have simply been provided alternative activities in schools, rather than adjustments being made so they can participate in the same curriculum as their peers.

Recommendations

5.1 Creation of a repository or hub of resources, training modules, exemplars of practice, Frequently asked Questions (FAQs), proformas for student educational plans.

6. Training and support for schools

The NCCD and the disability resource loading have helped to raise awareness of the standards and the expectations at the school level that training for school leaders and teachers in student disability is core business. Many of our Dioceses have provided resources, materials and professional learning to school staff on the translation and implementation of the standards into practice. CEWA encourages all schools to undertake e-learning modules on the Disability Discrimination Act, the Disability Education standards and the NCCD as part of their induction process for all new staff commencing any role within CEWA schools.

In some Catholic Schools across the country, crowded professional learning requirements for teachers and the variety of competing interests has meant that training about the Standards may have received limited focus amongst the wider staff, including non-teaching staff, including teacher aides in schools. School personnel need to comprehensively understand the Disability Discrimination Act and how schools can use the NCCD. This is necessary to count students with disabilities who need adjustments, but also to understand how adjustments are best made using a framework for personalised learning and support.

There is a concern graduate teachers do not always leave university equipped to identify the barriers faced by people with disability and appropriate ways to deal with them. Training is essential for undergraduate programs to ensure that new graduates have the knowledge and skills to teach students with disability before entering the classroom. The ability to work effectively with students with disability should be made a core requirement for all teacher education, not an option or specialisation. Once teachers are embedded, this training should form part of regular professional development, to further increase their knowledge and understanding of appropriate curriculum design, skills assessment, positive behaviour support and instructional strategies. Unfortunately, professional development for school staff does not attract additional resourcing or funds under the current NCCD model. National funding should be allocated to schools to support training and professional learning opportunities of staff.

There is a high turnover of teaching staff in many rural and remote areas in the Northern Territory, Western Australia and Queensland. Any awareness raising and resource development need to consider this as it is extremely likely that training will occur at irregular intervals in these schools, i.e., not a one year or two-year cycle.

Catholic jurisdictions continue to provide resources to support schools. The CECV Intervention Framework as one example provides a structure for educators to work in teams to best understand and meet the learning needs of students. This better equips schools to meet compliance requirements under the Disability Discrimination Act 1992 and to fulfil their commitments arising from the Catholic education ethos.

Recommendations

- 6.1 All Australian university teacher education courses provide sufficient training to prepare graduate students for teaching students with disability as part of their undergraduate degree.
- 6.2 Develop national guides on inclusive education practice, information about evidence-based practices for teaching students with disability and practical advice on adjusting teaching modes, assessment and curriculum design and adaptation for graduate and current teachers.
- 6.3 Ongoing professional development of education and training staff should be run in collaboration with the special education departments in tertiary institutions to ensure best practice is incorporated into current teaching practice.

7. Impacts of COVID-19

Catholic schools remained open throughout the pandemic for all students who needed to attend and provided remote learning to other students, except in Victoria during stage 4 lockdown. Catholic Schools emphasised that vulnerable students including students with disability would be supported to continue learning both in-school and from home.

As the National Cabinet itself noted, remote learning is not always ideal. The inherent limitations of this method of educational delivery mean that some students will have fallen behind, especially vulnerable students with complex needs or students whose families are experiencing economic disadvantage. Learning from home meant that vulnerable students, including students with disability, could no longer benefit from the predictable, safe and supportive environment that schools provide. Furthermore, the absence of a line of sight of students meant that there was an added and unprecedented layer of complexity in identifying and supporting students with disability. Early indications are that many affected students have lost the hard-won educational gains they made with the support of specialist support staff and other interventions before COVID-19 interrupted their learning.

COVID-19 has changed the way schools operate and conduct their learning programs. There have been both benefits and challenges for students with disability to remote learning during the COVID-19 period. Some of the benefits include:

- Initiatives to support flexible learning modes– Catholic systems developed resources and advice for teachers to support students to meet their personalised learning and support goals from home. Additionally, many Catholic Schools delivered online professional learning to support teachers of students with disability learning from home, including strategies for using technology to deliver learning, supporting students to use assistive technology effectively.
- Increased awareness of student needs by parents and carers-Parents and carers have become more aware of their child’s learning, their capabilities and the areas that challenge them. The increase in communication and support from parents and carers has strengthened school-home partnerships and is seen to be a great success by many.
- Telecounselling services - Anecdotal evidence suggests that vulnerable students benefited from telecounselling services. Many students have anxiety about face-to-face-meetings. Teleconferencing health services have helped overcome this and provided students with reassurance and access to advice and allied health services. Further research and engagement are required to better understand uptake, experiences, effectiveness, potential barriers to access and opportunities for expansion. Catholic Education Melbourne (CEM) partnered with the ACU Melbourne Psychological Clinic to deliver ‘Bibliotherapy sessions’ to early years

students. The online sessions used children's books to provide support to young primary school children (aged 5 to 8) as they navigate the impact of COVID-19 on their schooling, family and home life.

- Increased engagement with children on the autism spectrum - feedback from parents and carers suggests that several students with disability increased engagement in learning and/or lower levels of anxiety and avoidance behaviours, particularly noticeable among students with autism. It follows that flexible learning modes could be used more broadly, including to facilitate a successful transition back to on-campus learning for those students with a past record of poor attendance.

Challenges include:

- Engagement with students with complex needs - moving to remote teaching has meant that teachers could not easily interact with students with complex needs or have 1:1 conversations to monitor student progress as they normally would in a classroom setting. This resulted in some teachers reporting that it was difficult to provide targeted support to meet the individual needs of their students.
- Sensory disability - The impact on students who are either hard of hearing, deaf or visually impaired experienced more challenges with ensuring the supports were in place when studying online. Assistive technology working in different platforms and automatic captioning for hearing impaired students posed some difficulties at times as did accessing braille texts particularly for students in Victoria.
- Low levels of emotional wellbeing – COVID -19 has affected students' emotional wellbeing to some degree. This is manifest in many forms such as anxiety (including obsessive-compulsive disorder related to personal cleanliness), feelings of disconnection, withdrawal from interacting with others, and missing friends.
- Technology - slow internet speeds in some houses and lack of control over home internet speeds made online learning difficult and reduced equity of access. Some schools had to use alternative materials such as take-home printed packs, USB devices and phone calls to support students with limited or no digital devices at home

Overall, Catholic jurisdictions have reported that teachers are gaining confidence in their digital skills and identified future focus on digital pedagogies as a key learning during the pandemic. Further development of blended learning by combining remote and face to face learning, will be a future focus. However, one of the biggest silver linings to emerge has been the notable shifting of many practices, attitudes and mindsets towards more inclusive teaching and universal design.

Recommendations

- 7.1 More tailored professional learning for teachers in using digital pedagogies and greater opportunities to re-imagine teaching and learning in a way that supports more personalised learning.
- 7.2 Opportunities to adapt or enhance flexible learning modes to create a more inclusive education system for students with a disability.
- 7.3 Further research required on the value of social and emotional learning as a contributor to cognitive development and achievement.
- 7.4 The experiences and learning outcomes for different cohorts of students with disabilities during this period needs to be captured at a greater level of detail.