

family

A D V O C A C Y

Submission to the NSW Department of Education on the Draft Student Behaviour Strategy

Children want to do well; all behaviour is communication. Teachers need training to understand this and learn how to collaborate with the child to solve problems.

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October 2020

Acknowledgement:

Family Advocacy would like to acknowledge the traditional custodians of the lands on which this report has been written, reviewed and produced, whose cultures and customs have nurtured and continue to nurture this land since the Dreamtime. We pay our respects to their Elders past, present and future. This is, was and always will be Aboriginal land.

Introduction

Family Advocacy is a state and federally funded disability advocacy organisation that works across New South Wales (NSW) and was founded 29 years ago by families to advance and protect the rights and interests of people with developmental disability¹ (“disability”) so that meaningful lives can be enjoyed by experiencing the same opportunities and living conditions as the majority of Australians. This includes Australian First Nations people and culturally and linguistically diverse people with disability.

We provide support in the following ways:

- Statewide Advocacy advice and advocacy information for individuals;
- Advocacy development for family members of a person with disability - Advocacy is often undertaken by families and can be required over the lifetime of their family member; and
- Systemic Advocacy - informing government regarding legislation, policy, funding, monitoring, and practice in areas that impact on the needs of people with disability

Education has always been an issue of vital importance to Family Advocacy and we have worked with families and the NSW Department of Education and many other stakeholders with a view to enabling all students to be welcomed and educated in the regular class of their local neighbourhood school with the right supports. Over the last five years, our education related calls have doubled.

We welcome the opportunity to make this submission on the draft Student Behaviour Strategy (the Strategy) and are happy to provide further information or clarification of any matters raised upon request. We have structured our response in line with the four (4) key reform directions in the Strategy. Any reference to parents or families refers to the parents and those who do the work of parents such as grandparents and other carers.

Our recommendations are premised upon 29 years of experience working with families who share the lived experience of the person with disability in their life plus a recent survey taken of 32 families. For confidentiality reasons, any stories or quotes we have shared here have been deidentified. The recommendations we suggest are not new. Many are very similar suggestions for improvements from previous submissions spanning over decades. We strongly encourage the Department of Education to adopt our recommendations and use this as an opportunity to transform the NSW education system to provide a quality and equitable inclusive education for students with disability.

¹ Developmental disability is a disability that occurs in the developmental period of a person's life (in the period from conception to adulthood) and includes but is not limited to: autism, intellectual disability, cerebral palsy, spina bifida, and any combination of physical, intellectual or sensory disability.

Summary of recommendations

We welcome the sentiment behind the draft Student Behaviour Strategy in that it aims to “create engaging classrooms and safe and inclusive communities”, and to “provide great support to students and staff across public schools”. But we do suggest a change in the wording to be “Student Support Strategy” as this truly connotes the intention of the Strategy rather than a focus on behaviour and suspensions. Simply focussing on preventing suspensions does not eradicate the root cause of the problem. Indeed, the success of the Strategy lies in finding the right balance between the needs of all the stakeholders involved with proper consultation in the formulation and implementation of the Strategy and overarching policy. Our concern is that this Strategy is providing high-end guidance and will be rolled out without proper consultation and is too light on the detail as to its implementation, monitoring and compliance.

We know from the stories we hear directly from families that have children with disability, there are many barriers that prevent students with disabilities achieving equitable educational outcomes. All too often we hear about the rise in suspensions, partial enrolments, and use of restrictive practices due to a lack of supports. Some of the barriers to a reasonable adjustments (due to a lack of will or lack of skill of the teacher/principal or both) include lack of inclusive curricula, lack of individual education plans or functional behaviour plans, a lack of parental consultation and poor transitions. To overcome these barriers and strengthen the valued place and rights of students with disability under the Strategy, we make the following recommendations:

- A. Align the Strategy with **inclusive education** as underpinned by the United Nations *Convention on the Rights of People with Disabilities* (CRPD)
- B. The need for **proper consultation** with policy development and implementation
- C. **Professional development** with training for all school staff on how to make reasonable adjustments to keep students engaged in their learning, and how to apply school-wide positive behaviour supports
- D. Ensure the Student Behaviour Strategy applies a **school-wide approach**
- E. **Improve accountability** through independent and transparent complaints policy and procedures
- F. Eliminate discrimination by **monitoring compliance**
- G. Foster an **inclusive culture**
- H. **Strengthen** the protocols around **collaboration**
- I. Alter the suspension policy to acknowledge where a child has a disability and **make a distinction regarding “intentionality” in behaviour** where such a suspension would cause disproportionate harm
- J. Acknowledge the need for **independent advocacy**.

1. Integrating student behaviour within our broader strategic systems approaches to learning and wellbeing

We commend the Department for acknowledging the importance of the need to integrate student behaviour within the broader strategic systems approaches to learning and wellbeing through social and emotional learning.

We believe the Strategy needs to go further. It is important to reference supporting legislation such as the *Disability Education Standards* 2005 (the Standards), underpinned by the *Disability Discrimination Act 1992 (the DDA)*. The language could be stronger and more direct in making the connection with disability. The Disability Strategy needs to integrate with this Strategy, to expressly acknowledge the overrepresentation of students with disability in suspension data.

The timing of the new Inclusive Education Statement consolidates the need for schools to improve access to quality inclusive education and must also be referenced here. There must also be integration with cultural change to embrace the use of reasonable adjustments and curtail the widespread mindset to use suspensions/exclusions as a punitive measure rather than a last resort.

Align the Strategy with inclusive education as underpinned by the UN Convention on the Rights of People with Disability (CRPD)

The recommendations we make in relation to the Strategy below must be accompanied with a framework that fully aligns with the CRPD, particularly noting General Comment No.4 (GC4) (2016) under Article 24 (The Right to an Inclusive Education), and the UN Convention on the Rights of the Child (CRC) to explicitly recognise that **children with disability have a fundamental human right to an inclusive education**. The framework ought to drive systemic and cultural change, and include robust processes for the implementation, monitoring, and enforcement of the Strategy to ensure a fully inclusive education system.

The purpose of the GC4 which came into effect in 2016, is to provide the Australian government with guidance on the scope of their obligation to provide quality inclusive education for people with disability, provides clarity for the meaning of inclusion and what is not inclusion (exclusion, segregation, integration) and in doing so made it clear that the integration² of students with disabilities is a form of discrimination against them. Integration is defined as a process of placing persons with disabilities in existing mainstream educational institutions, as long as the former can adjust to the standardised requirements of such institutions. Sadly, this is where the problems start.

Broadly, the NSW Department of Education's Discipline Policy has been the subject of concern for a long time, particularly as partial enrolments, suspensions or expulsions for students with disability are most often due to the lack of reasonable adjustments or supports being provided.³

This also includes providing a positive framework at a systemic level, being brought into line with the broader understandings of a whole of system reform. Currently, the Discipline Policy is focused on addressing individual suspensions, and as such is limited to piecemeal changes, rather than whole of system transformation that is required. Accordingly, we recommend there be a mechanism to coordinate and understand where individual changes have occurred that, if known and changed broadly within the system, would improve matters for all.

² General Comment No.4, paragraph 10.

³ This concern has been raised by the United Nations *Convention on the Rights of People with Disabilities* (CRPD) Committee in its Concluding Observations from its 2019 CRPD (and also in 2013) that recommended Australia "Increases its efforts to provide reasonable accommodations".

The need for proper consultation and a steering committee

The Strategy must proactively engage with advocacy and community organisations as well as external experts with evidence based practices to ensure the lived experience of student with disability is heard, understood and the effective strategies applied. We do not feel our families have been consulted in a meaningful way. At present, we have not received a copy of any draft policy. And we are very concerned, moving forward, that there will not be adequate consultation of students, parents, advocacy organisations, and other relevant stakeholders. The success or otherwise of this Strategy will depend on how it ends up being implemented 'on the ground'. We believe it critical that an ongoing steering committee be involved in the implementation process to feed in with proper guidance and the lived experience sought from parents of students with disability, and Family Advocacy and other disability advocacy organisations. We are invested in getting this right and must all work together towards realising this.

2. Targeted support for vulnerable cohorts

We commend the NSW Department of Education for acknowledging vulnerable students are disproportionately likely to be suspended, especially students with disability.⁴ While the Standards may have raised awareness at the school level, the opportunity for students with disability to experience physical, social and curricular inclusion in their local school is variable. The success of inclusion is too often dependent on the skill and commitment of school leadership and personnel. There is a lack of systemic capacity to meet the educational and social needs of all students that goes beyond lack of funding. All too often we hear about suspensions, partial enrolments, and use of restrictive practices which are due to a failure to provide reasonable adjustments. See **Appendix 1 - Suspensions**, **Appendix 2 – Partial enrolments**, and **Appendix 3 – Restrictive Practices** for case studies from parents.

Reduce suspensions by improving awareness and understanding of reasonable adjustments

For all human beings, behaviour is a non-verbal form of communication of an unmet need - both verbal and non-verbal people alike. When our needs are not being met, if we are excluded, devalued, disrespected, misunderstood, not listened to, our potential is underestimated or we feel overwhelmed, it is normal to feel frustrated, to disengage, and for our patience to be tested. Our experience with this is that often a simple adjustment, for example, providing the student the option to select a safe space and a safe person to go to if they become overwhelmed, can support the student with disability to successfully be included, but it takes the will of the principal and the skill of the teacher to make this happen.

We support the proposed approach of the Strategy to provide “fewer grounds for suspension for Years K to 2”, and “reduced maximum period of suspension” for K to 2 and Years 3 to 12. However, we would suggest there be no suspensions for Years K to 2 and suspension for Year 3 to 12 be for no more than a few days. There is no research evidence that the general use of suspensions reduces the disruptive classroom behaviour and the research shows that suspension may exacerbate challenging behaviour for students with disability or trauma.

The parents we hear from across NSW do not see any changes occurring in the process, the environment, the way their child is understood or considered, nor do they feel there is a partnership with the school, and yet schools are expecting a different result from the child. This is unreasonable, unfair and ineffective. The Strategy

⁴ The NSW Ombudsman Inquiry into behaviour management in schools (2017) has noted that students with cognitive/learning impairments are over represented in suspensions, along with students with a child protection/OOHC history and Aboriginal students. Figures provided by the NSW Department of Education show that for secondary schools in 2019, of the 53,976 suspensions, 27,204 were students with disability or 50.4%. In 2019, of the total 20,482 suspensions for students in primary schools, the number of suspensions for students with disabilities was 15,186 or 74.1%. Furthermore, of the 1,143 suspensions at early stage 1 (Kindergarten), 809 were for students with disability. This means 70% of Kindergarten children being suspended have a disability. Of the 4,028 suspensions at Stage 1 (Year 1 and 2), 3136 were for students with disability, so the proportion rises to 77%.

and policies developed must expressly acknowledge that reasonable adjustments are a necessary precondition to suspension.

The impact on the student, the cost to families both financial and social, cannot be underestimated. The consequences of these suspensions do not stop with the event, as often a child is then 'labelled' as bad, troublesome, violent, and this may carry through with the child for their entire schooling, often setting up expectations with educators and others to expect the worst from this child. There are reports of many families resorting to home schooling after multiple suspensions in primary school.⁵ This has a flow on effect on a family's income capacity, as well as an impact on a child's academic and social learnings. The rise in suspensions and home-schooling is a concerning trend.

Many students are being suspended as a result of lack of appropriate support. Following suspension, they return to an environment in which no further adjustments have been made. Difficulties remain attributed to the individual and are often labelled "challenging behaviour" when the problem remains the learning environment.⁶

Suspension provides a telling example of the failure of schools to make adjustments on an ongoing basis. In some schools, once an adjustment has been made, there is a reluctance to review and amend it where it is not achieving the desired outcome. Many families who contact us indicate that the adjustments and special measures in place are not in fact responsive to the student's need and so are not effective in supporting student participation. They require further refinement to enable the student to participate in the classroom. Suspension occurs when the student who is not yet well supported, communicates his/her frustration in unacceptable ways.

We appreciate the tension that exists between short term solutions and long term solutions. The student's inclusion is more effective and suspension more likely to be avoided if adjustments and special measures are reviewed on an ongoing basis, leading to a better fit with the student's need in the classroom, time needs to be taken to ask the following questions:

What has gone on for this child?

Were there appropriate supports in place?

Is there a behaviour plan in place? Was it followed?

Was the environment a trigger for this child?

What would we need to do as educators to adapt accordingly?

Has the parent been properly consulted?

On occasion, students are suspended for responding when they have been subject to victimisation. For example, other students may tease and "pick" on a student with disability. The response from the student with disability is likely to be more visible and less sophisticated than other students and hence more likely to be seen by a teacher. In these situations, the student who was the subject of victimisation is punished through suspension.

Below are suggestions for reasonable adjustments that can have a very positive impact on student belonging, and wellbeing and thereby reduce aggressive, unwarranted behaviours:

⁵ Statistics reported in a 2019 NSW Education Standards Authority (NESA) report show the numbers in home-schooling have risen dramatically (60.5 per cent) from 3679 in 2015 to 5906 in 2019. Of all the reasons given to home school, 25.37% of families were home-schooling due to their child's "special learning needs", which is 1,498 students in 2019. That is, almost 1,500 students with special learning needs are being home-schooled not by choice but more than likely due to the failure of the system to support them.

⁶ <https://parentsforadhdadvocacy.com.au/adhd-in-australian-schools-critical-gaps-report-released/>

Ensure individual education plans and functional behaviour assessments are created and implemented

There was a meeting prior and a learning plan was to be implemented. Nothing discussed at this meeting was done and no IEP ever written. It continued like this for 3.5 years.

Parent

Each education provider ought to ensure Individual Education Plans (IEP, which include suggestions for academic, social and emotional learning, and wellbeing supports) are developed and implemented as a mandatory requirement for all students with disabilities, and that these be supported with adequate funding and resources. Also, a functional behaviour assessment ought to be undertaken as it needs to be understood there is a purpose to the behaviour, that the students behaviour can be understood as a function of their disability and a form of communication of their inner self. For example, if a student runs away, this can be an expression of fear. Monitoring and accountability need to be firmly in place to track schools progress with this.

Allow reasonable assessments

Another source of frustration and microexclusion for students with disability is concerned with adjustments to assessments. Assessments are very minimally, if at all, adjusted, even if the curriculum and teaching materials are adjusted. This part of the Standards is not being highlighted or enforced. By having curriculum adjustments made and then no adjustments allowed in assessment tasks, the student is set up to not only be unable to demonstrate individual learning growth, but also to perpetually "fail". This needs to be addressed by systemic education of providers to understand their responsibility under the Standards to provide adjustments for assessments - this is required by the Standards and is not an optional extra. Continued focus on standardised testing and performance based outcomes for schools without recognition and promotion of the importance of diversity and the need to meet the learning needs of all students, will only exacerbate the problem.

Allowing reasonable assessments gives the student a chance to show their knowledge and understanding of a subject as well as have a way of measuring their own progress, however incremental or granular that may be. This sense of accomplishment can improve self-esteem levels and potential avoidant behaviours.

Reduce and eliminate the use of restrictive practices in schools

Students with disability face unacceptably high levels of abuse and violence at school, including restrictive practices.⁷ This can take many forms such as a student being told they cannot attend the school unless they take medication, being physically dragged along the ground by one leg, having one's motorised wheelchair turned off so they could not get out at recess (in the name of safety), not being provided the relevant communication device when that is their only way of communicating or being left in a wheelchair facing a wall, being locked in a room, and being kept in a classroom over lunch.

At times, this practice is unauthorised and applied without a behaviour plan in place. Family Advocacy take the position that **restrictive practices are ineffective, cruel, inhumane and violate the human rights of the student**. These practices indicate a lack of support to the student and failure of duty of care. In line with other Government Departments such as the National Quality and Safeguards Commission. there should be a proactive preventative approach to reduce and the eliminate restrictive practices and this needs to be incorporated in the Strategy. See Appendix 3 - Restrictive Practices to read examples from our parents.

⁷ The recent 2017 Parliamentary Inquiry on Education of students with a disability or special needs in New South Wales reported serious concerns about 'harm caused to students when practices like restraint and seclusion' are used. It was brought to light that advocacy groups 'are getting increasing reports of restraint and seclusion. See Legislative Council Portfolio Committee No. 3 – Education (Parliament of New South Wales), *Education of students with a disability or special needs in New South Wales*, Final Report, September 2017, p 24.

Improve Transitions

Parents understand their child better than anyone... Each child should be given a transition plan, drawn up by parents, counsellor and key participants including wherever possible the child themselves.

Parent

This process is entirely up to the schools (both) and their capability and interest to do an effective transition. The primary school was very keen to assist with transition, but the head of learning support at the high school was completely disorganised and not motivated; therefore any semblance of effective transition did not happen. We did a number of things ourselves through access to the school on the weekend and also through older students we knew, but transition was largely left to us to undertake.

Parent

Only 4% of our survey respondents said their transition process was Extremely effective, 12% Very effective, 27% Somewhat effective, 35% Not so effective and 23% Not at all effective. On balance, the area of transition needs significant improvement. Transitions into school, between primary and secondary schools and out of schools are poorly planned or well planned and poorly executed which leaves the student already on the back foot as they commence a new phase of their schooling life whether it is each new school year or they are transitioning from pre-school to primary or from primary to high school, and sets them up for failure. Poor transitions can lead to many scenarios where the student with disability can become frustrated as their needs are not being met and they may express this through unacceptable behaviour.

For this reason, we recommend a transition framework be established. It is relevant to add here that Family Advocacy has been provided an Information, Linkages and Capacity Building (ILC) grant to create a transition to employment framework over the next 3 years in conjunction with our counterparts in the ACT and QLD.

3. Building capacity across the workforce through embedded and continuing professional learning

Mandatory training requirement for schools and all staff to know the Strategy.

Schools and teachers need to be trained to prevent in-school and out-of-school suspensions and expulsions, and to make adjustments and modifications to keep students engaged in their learning.

While some positives have come from wider awareness of the Standards, successful inclusion is still too dependent on the variable commitment of the Principal and school staff. A gap remains between the experiences of families and the intent of the Standards. The issues here are:

- **Teacher education, skills and training in curriculum adjustment;** teacher training is variable in its capacity to equip teachers for the mixed ability classes in which they will teach. Further professional development is limited.

- **Innovation in teaching learners with different needs;** many students lack timely support for full school participation. There is a lack of innovation and creativity in meeting student needs. A “one size fits all” approach and a dependency on the teacher aide model characterises many systems.
- **Quality teaching;** which involves:
 - Changes in requirements for the accreditation of teacher education programs to ensure graduates have the requisite competence for teaching mixed ability classes
 - The availability of specialist support in all schools to assist teachers to adjust teaching, learning and assessment processes
 - Provision of ongoing evidence-based professional development for teachers
 - The implementation of competency standards in relation to teaching mixed ability classes
 - Mandatory training for all education providers which includes Principals, teachers, and all professional staff with a focus on practical application, by making it part of the accreditation process.

These issues can only be addressed with adequate paid release time for lesson planning and curriculum adjustment, and compulsory professional development in both accommodating different learners, and the benefits of a school culture which values diversity and welcomes all learners. Some of the improvements that we would recommend are:

- more time for classroom teachers to be able to collaborate with family about the student’s strengths/areas for improvement in order to put together a useful individualised education plan (IEP) or functional behaviour assessment. Family members are the natural authority of their child⁸, and research shows that parental engagement is a critical factor in a student’s learning outcomes⁹
- more time for teachers to be innovative in providing personalised teaching such as through co-teaching, peer-learning, and a more effective use of teachers’ aides
- training for teachers in how to reconceptualise teacher aides in classrooms as research has shown traditional models in the use of teachers’ aides are not effective¹⁰. Rather than becoming an informal teaching resource (research shows this has the effect of separating students from their classroom, their teacher and their peers)¹¹, teachers’ aides can be better utilised when it is recognised they are not there to replace the teacher, but rather to add value to what teachers do by helping to develop the student’s independent learning skills to manage their own learning
- better professional development for classroom teachers and teacher aides; and
- better equipment for students.

4. Commissioning behaviour services to deliver improved outcomes

Apply a school wide approach

There is not enough detail in this section for us to be able to comment as this will depend on how it is implemented. If done well, the team of specialists can be a team supporting the teacher by upskilling the teacher

⁸ <https://www.family-advocacy.com/our-resources/the-natural-authority-of-families/>

⁹ Pushor, D. & Amendt, T. 2018, *Leading an examination of beliefs and assumptions about parents*, School Leadership & Management, vol 38 no. 2, p 202-21.

¹⁰ <https://evidenceforlearning.org.au/guidance-reports/making-best-use-of-teaching-assistants/>

¹¹ <https://evidenceforlearning.org.au/guidance-reports/making-best-use-of-teaching-assistants/>

on how to apply their skills in the classroom rather than only providing the support to the student. If implemented poorly with a "bolt on" approach, there is a danger the student with disability will be pulled out of the classroom, and these specialists may become mini behaviour schools within a school. We recommend a school wide approach be adopted so that these specialists are not simply "putting out fires" so to speak and instead are shifting school culture and staff capacity at a systems level.

We are concerned about the stigma that will be attached with a student needing to see a behaviour specialist and subsequent motivation for a student to see them. We recommend the DOE genuinely consider how this will pan out in a practical level on a day to day basis to avoid any stigmatisation that may result and approach it in a discrete manner. Careful consideration ought to be given to the title of these specialists and how their role is communicated to the entire school not just the student with disability, especially as many current incidents that occur for students with disability are considered a lacking of appropriate supports and adjustments. The DOE must move completely away from demonising the students if it is authentic in moving to a more positive focus.

Strategy ought to provide specialist service supports to children with disability that are homeschooling

There are reports of many families resorting to home schooling after multiple suspensions in primary school¹² Statistics reported in a 2019 NSW Education Standards Authority (NESA) report, show a concerning trend where the numbers in home-schooling have risen dramatically (60.5 per cent) from 3679 in 2015 to 5906 in 2019¹³. Of all the reasons given to home school, a quarter (25.37%) of families were home-schooling due to their child's "special learning needs", which is 1,498 students. That is, almost 1,500 students with special learning needs are being home-schooled not by choice but more than likely due to the failure of the system to support them.

This has a negative impact on the students' academic and social learnings and wellbeing as well as a family's income capacity. It is the position of Family Advocacy that the DOE must not allow bureaucratic buck passing to continue and must do more for these students that have "fallen through the cracks" by offering the same supports being suggested here to build the capacity of the child and parent. Ultimately, the goal would be to return to the regular class with supports in place. In our view, one child left behind is one child too many.

¹² Rebecca English, 'Homeschooling is on the rise in Australia. Who is doing it and why?', *The Conversation*, post, 15 April 2019.

¹³ Home Schooling Data reports relating to 2019, NSW Education Standards Authority, June 2020 p 4, 13
<<https://educationstandards.nsw.edu.au/wps/wcm/connect/426e1f11-5752-4c1c-bdcc-68b880c0e0b3/Home+Schooling+Data+relating+to+2018+for+publication+on+NESA+website.pdf?MOD=AJPERES&CVID=>>

5. What's missing in the key reform directions of the Strategy?

Greater accountability

The need for a robust, independent and transparent complaints policy and procedures

Yes, I complained and I was told I was ungrateful.

Parent

There is no independence to complaint systems. Parents of students with disability and students with disability are very vulnerable to the consequences of lodging complaints. Therefore they tolerate harassment and victimisation that many others would not. The system is geared to the education staffer being presumed in the right, especially as the process is initially undertaken by the school itself. It could be vastly improved by an independent complaints process.

Parent

A significant proportion of students and families continue to feel fortunate just to be enrolled in a school and thus are unlikely to complain for fear of retribution or placing their child at further disadvantage. Their confidence, for example, to seek to enforce the school's responsibility to adjust the curriculum, ensure the teacher uses strategies likely to engage the student, provide accessible transport for a school excursion and ensure that the school camp is held in an accessible venue, is balanced against their fear that they will be labelled a "trouble maker" or that their child will be victimised by staff who feel forced to implement a strategy they disagree with, not see as necessary, or perceived as "too much work".

In cases where a parent does complain, our recent survey revealed 70% of parents were not satisfied with the current complaints process (27% very dissatisfied and 43% dissatisfied), with only 17% stating they were satisfied. The current complaints mechanism lacks objectivity, accountability, transparency and timeliness. The experiences shared by families tell of a system that investigates itself. The principal backs the teacher, the regional office backs the principal, and so it goes up the bureaucratic line within the Department. A big problem lies in the complaints process not being independent.

This has a flow on effect where students and their parents could suffer harm and mental health issues such as low self-esteem, shame, depression, anxiety, PTSD.

This lack of due process must be remedied. The Strategy needs to:

- Ensure the Department of Education has clear policy with independent procedures and processes for responding to allegations of failure to make reasonable adjustments and to appeal suspensions/expulsions to set clear guidelines and expectations for the benefit of external complaints. It is very important to ensure the school community understands how to make complaints of this nature and how the complaints will be investigated. It is critical that families and others also have a chance to feed into this.
- Ensure accessible online content in plain English or Easy Read advice is provided to parents about the right to complain about the lack of reasonable adjustments and how the complaint will be investigated, as well as the right to appeal a suspension/expulsion (and this must be an external process).

- Ensure there is an independent complaints/review process for a school's refusal to make reasonable adjustments, forced partial enrolments, suspensions and expulsions.
- Acknowledge input from all stakeholders such as the principal, teacher, student learning support officer (SLSO), allied health professional, parent, external expertise with evidence-based practices as to what constitutes a reasonable adjustment.
- Create an independent evidence centre for learning (at State or Federal level) to guide schools/parents as to what constitutes a reasonable adjustment.
- Acknowledge that whilst guidance can come from evidence-based examples, students with disabilities are not a homogenous group and so to apply a "one size fits all" approach can be dangerous when it comes to reasonable adjustments. See the individual first not the diagnosis.
- Ensure no Principal investigates a complaint against themselves.
- Maintain the rights to due process.
- Have an independent appeals process for suspensions/expulsions. (In Victoria, they now have an independent body for appeals of expulsions and the number of expulsions has dropped from 285 in 2018 to 185 in 2019).¹⁴

Additionally, while a complaints mechanism is usually the last resort for families, Family Advocacy suggest making further use of the role of the NSW Ombudsman or another type of independent body (that can be real-time responsive) to help track and provide a fuller picture of breaches of the Disability Standards of Education in relation to a lack of reasonable adjustments. This would provide a less formal option for family complaints than the Human Rights Commission. Most parents are currently unaware of the Ombudsman's role in addressing complaints regarding schools.

In this regard, Family Advocacy recommends:

- further use of the role of the NSW Ombudsman or another independent body to help track and provide a fuller picture of breaches of the Standards in NSW, and that the Ombudsman be resourced to do so
- that the Department of Education improve mechanisms to monitor compliance and that the Australian Human Rights Commission (AHRC) be empowered to intervene in cases of breach.

Eliminating discrimination by monitoring compliance

They are not taken seriously, schools are aware of their obligations but choose to break them by constant gatekeeping on enrolment and curriculum, and bully parents who hold them accountable to these standards. To me it is just paperwork with no power in it because the standards are being ignored and schools continue to diminish their responsibility to the student and not take the Standards as seriously as they should. Need greater compliance and enforcement.

Parent

One of the difficulties of the Strategy is that there is no mechanism to monitor compliance. The only way in which a student and/or his/her family can take action for a breach is to make a complaint under the DDA to the AHRC. This is an emotionally and financially costly exercise with very detrimental impacts on the student.

We need an independent assessment of the extent to which a school was free from or was taking steps to provide reasonable adjustments and eliminate discrimination.

¹⁴ <https://www.theage.com.au/politics/victoria/school-expulsion-rates-plunge-after-students-gain-new-power-to-appeal-20200819-p55n8l.html>

Another mechanism to strengthen the onus on schools to provide an education free from discrimination is to give the AHRC the authority to take action where there are breaches of Standards without a student or parent having to take the action or allow an organisation to take action on their behalf.

We need to create a more proactive model of compliance monitoring to allow for a more consistent implementation of the Strategy. At the moment, resolution of formal complaints are confidential and this limits the systemic improvements that may occur with precedent setting and media exposure.

Family Advocacy therefore recommends:

- improving mechanisms that monitor compliance; enabling AHRC to intervene where there is a breach of the Standards
- greater accountability regarding the decision making of schools exercising unfettered discretion and a review of the current complaint mechanisms and practices which call into question issues of procedural fairness, take unreasonable lengths of time and often fail to resolve issues

Foster an inclusive culture to improve the effectiveness of the Strategy by promoting the Disability Education Standards 2005

Many of the parents we hear from would say the current culture is one that does not welcome all learners and/or celebrate diversity. More can and should be done to increase awareness of making reasonable adjustments and inclusion among both teachers and parents of students with and without disability. It is only through the broader cultural understanding and acceptance of the value of diversity to the whole of society that the Strategy will be able to be implemented in the way it was intended.

From a broad system perspective, we recommend a schoolwide approach to social, emotional and wellbeing school policies are required to influence school culture and climate. Culture is shaped by the schools' values and expectations whereas climate tends to be associated with teaching practices, attitudes to diversity and the relationships with stakeholders. As previously mentioned, an IEP will help direct this work across your schools.

Family Advocacy has produced two videos about school inclusion and how reasonable adjustments were made: '[Jacob's Story](#)'¹⁵ (18 minutes) and '[Al's Story](#)'¹⁶ (15 minutes), which illustrate inclusion in a public high school and give positive views from different members of the school community, peers, and the school principal and teachers.

The common theme to a positive inclusive experience has been the “**will**” of the school to give it a go (mindset of a welcoming culture), see inclusion as a journey (a process not a target), upgrading the “**skill**” of the teacher and the willingness to **collaborate** with the family (positive partnerships). We recommend you watch and encourage the use of these videos more broadly to Department of Education staff, the Minister for Education and her staff.

Parents need to be handed information about the rights of a child with disability, the obligation of the school to provide a reasonable adjustment plus the student behaviour strategy in all enrolment kits, in our experience many parents are still not getting access to this information.

Family Advocacy recommends the following to enhance the educational opportunities of students with disabilities and the inclusive culture of schools:

¹⁵ Family Advocacy: *Inclusive High School Education - Jacob's Story* <https://www.youtube.com/watch?v=YuLu8Dmv7OQ>

¹⁶ Family Advocacy: *Al's Story*, (Video, 23 October 2019), <<https://www.youtube.com/watch?v=lkbsmv22wCg>>

- NSW Department of Education's Disability Implementation Team ensures that accessible summaries of rights, obligations and complaints processes is provided to **all** prospective students as part of enrolment processes in every education setting; published on every education institution's website; and is prominently displayed in education facilities. Another suggestion is that the Standards are emailed and/or sent in hard copy to all participants in the NDIS for school aged children
- that the Standards be enhanced to create greater awareness and recognition of the rights of students by developing pamphlets and other communication strategies for families of students with and without disability explaining the DDA and the benefits of an inclusive society and an inclusive education community
- that information about the Disability Standards be included in all enrolment kits across Australia, and on the enrolment pages of the DOE website
- that complaints mechanisms, including internal and external, be included in all enrolment kits across Australia
- that the Department of Education engage in a targeted advertising campaign to alert parents of children with disability to the fact that their child has a right to be included on the same basis as other children, including in the regular classroom
- that as well as mandatory training on the Standards to school staff, this training should also be made available to other people that enter the lives of a child with disability such as the General Practitioners, Paediatricians, allied health professionals, obstetrician, early childhood professionals, tertiary leaders, NDIS participants, other parents, and the broader community
- training resources should be updated to show positive stories of substantive inclusion through reasonable adjustments in regular classroom settings so education leaders and teachers can see the positive impact of an inclusive education
- that the Standards website should also be updated to include positive stories of substantive inclusion with reasonable adjustments in regular classroom settings
- additional case studies should indicate good practice of curricular and social participation for students with intellectual and sensory needs in general education environments
- building more awareness of the rights and benefits of an inclusive society including an inclusive school community
- implementing strategies to build inclusive school communities.

Better communication to parents regarding their child's right to a reasonable adjustment

Family Advocacy makes recommendations below regarding better ways for the Department of Education to communicate the Standards to families. When we receive a call from a parent whose child with disability is facing barriers, we refer them to the *Disability Education Standards* 2005 (the Standards), in particular, the Fact Sheets developed by the Australian Department of Education, Skills and Employment's NCCD website, the NSW Department of Education's website and we mention the Standards in our online and print material as well as in our workshops. However, many parents remain unaware of the Standards which includes their child's right to a reasonable adjustment and complaints mechanisms.

Although, it is important to note that while the Standards are of benefit to students with disability and their families, many families would hesitate to approach their school with a rights focus. Relationships with educators are an important part of any child's life, and while many parents may take this for granted, families of people with disability are often conscious of the vulnerability of their child. They will therefore be aware of the even greater importance of a positive relationship with teachers. If a negative relationship develops, parents will often simply attempt to find a more inclusive school. For this reason, amongst others, Family Advocacy would always suggest a problem-solving, relationship-building approach to school issues. However, this means there is an even greater

imperative for policy makers to ensure teachers and schools have the education, culture, and resources to practice inclusion, and that implementation of the Standards is the subject of compliance monitoring.

Strengthen the protocols around collaboration

Collaboration requires a commitment and a planned approach by all parties working towards a common goal by sharing responsibility and expertise. For successful inclusion of a student with disability, collaboration in schools takes many forms and involves multiple stakeholders working together to support the teacher such as the student, parent, teachers' aides and other professionals. For collaboration work to be effective, time and space need to be allocated for collaborators to develop a working relationship, establish roles, plan, implement, and reflect.

Student collaboration

This is necessary and valuable. Students who have positive relationships with their teachers are more likely to have better academic outcomes, a sense of belonging, interact positively with classmates, and can significantly reduce the students' aggressive behaviour.¹⁷ We recommend **it is a priority for schools to focus on relationships**. The Department of Education and schools must look for ways to support teachers to do so.

Parent collaboration

The Principal has never once picked up the phone to talk about some very big problems and he doesn't respond to emails or attend meetings he has been directly requested to attend. The Deputy Principal pulled the old "maybe she should go elsewhere" when supports were requested and sabotaged his own attempts at making accommodations by getting annoyed when they were used.

Parent

The advocacy undertaken by families with or on behalf of their family member with disability can be the greatest safeguard in their family member's lives. **Parents are typically accorded the natural authority in children's lives** and as such ought to take a legitimate and critical place in school communities and at the decision making table.¹⁸

In NSW, the Learning Support Team process provides families of students with moderate to high support needs in the regular class with a framework for consultation and an opportunity to contribute to planning around their son or daughter. In welcoming schools, this continues as a process of ongoing partnership. In many schools however, the process is tokenistic and support implemented has little resemblance to that discussed. Often, parents are not aware of whether adjustments are actually put in place and whether they continue to be in place. There must be regular ongoing review of the IEP or behaviour management plan to ascertain whether the plan is working and the student is making progress.

We recommend more clarity is required around the protocols around parent "consultation" and collaboration, to whom it applies to, when and how often it should occur. Parents with children who have disabilities also have particular needs. They need more time with their child's teachers, especially at school, to help with the education of their children, to involve the student, to share their experience and knowledge about their child's learning style and needs. It is important for schools to have that extra time to develop individual education/ behaviour plans for the student and to take account of the individual needs that different students have.

¹⁷ Van Bergen, P. & McGrath, K. & Quin, D., 'Nurturing close student-teacher relationships: Chapter 12' In Linda J. Graham (ed), *Inclusive Education in the 21st Century: Theory, Policy and Practice* (Sydney: Allen and Unwin, 2019).

¹⁸ Kendrick, M. 2009, *Letting in the light: Reflections on leadership, ethics and human services*, Brisbane: Community Resource Unit

Family Advocacy was recently funded to develop a collaborative engagement framework and this has been shared with the Disability Strategy Implementation Team within the NSW DOE, however, it is concerning that currently we have not received any feedback on the online platform nor has its potential use been discussed. We know from the reference groups that the department is looking at ways to better support parents and teachers and are concerned you will be reinventing the wheel when an excellent resource developed by parents and educators is already available.

Student Learning Support Officer (SLSO) collaboration

We need to reconceptualise teacher aides in classrooms as research has shown their traditional use is not effective and has the potential outcome of separating students from their classroom, their teacher and their peers.¹⁹ SLSO's can be better utilised when they are used to supplement rather than replace the teacher, to add value to what teachers do by helping to develop the student's independent learning skills to manage their own learning (as opposed to the learned helplessness which often occurs) plus proper time for planning and feedback with the teacher.²⁰

Professional collaboration

The Department and the principal need to support professional collaboration. There are benefits to the students with disability where professionals engage in collective problem solving and joint action²¹. This can take place within the workplace such as teaching staff sharing knowledge or co-teaching, or counsellors working with the learning support teacher; it can come from outside the workplace where allied health professionals (speech pathologist, physiotherapist, occupational therapist) can support the student directly but with the priority to build the teacher's capacity to support the student; it can also occur between schools.

Alter the suspension policy to make a distinction regarding “intentionality” where suspension would cause a disproportionate harm to the child with disability.

The current policy requires automatic suspension in cases of violence, whether it is intentional or not, regardless of the student's disability. We recommend the new suspension policy must provide a principal the discretion to allow for exceptions in the case where such a suspension would cause a disproportionate harm to the child with disability. Where a child is deemed as acting violent and the school has not undertaken their duty of care in relation to developing and implementing reasonable adjustments, then suspension should not be allowed.

Acknowledging intersectionality

It is important to acknowledge the compounding disadvantage that occurs for those with disability that are part of other marginalised groups such as being of Aboriginal and Torres Strait Islander backgrounds, CALD backgrounds, LGBTQIA, and those living in out of home care, youth justice, as well as rural and remote communities. The Strategy should provide particular consideration to and recognise these additional barriers, particularly in terms of determining whether an adjustment is reasonable.

¹⁹ <https://evidenceforlearning.org.au/guidance-reports/making-best-use-of-teaching-assistants/>

²⁰ Webster, R. & Blatchford, P., 'Rethinking the use of teachers aides: Chapter 16' In Linda J. Graham (ed), *Inclusive Education in the 21st Century: Theory, Policy and Practice* (Sydney: Allen and Unwin, 2019).

²¹ Tancredi, H. & Dixon, G. & English, L. & Gallagher, J., 'Collaborating with colleagues and other professional staff: Chapter 15' In Linda J. Graham (ed), *Inclusive Education in the 21st Century: Theory, Policy and Practice* (Sydney: Allen and Unwin, 2019).

Providing clear language in Easy Read formats

To avoid any misinterpretation of terms from their original intention in the Strategy, and to ensure it is accessible to people with disability and their families, there should be the development of an Easy Read and Plain English version of the Strategy in accessible formats and multiple languages.

Require mandatory data collection

There has historically been a poor collection of disaggregated data regarding suspension/expulsion rates, and the use of restrictive practices for students with disabilities. We suggest the Strategy explicitly require each education provider to collect data and report on all students with disabilities who have been suspended/expelled/have partial enrolments including disaggregated data about the school setting for students with a disability with tracking that monitors who attend special schools, support units in mainstream schools and regular classes in mainstream schools. For transparency, all of this data should be publicly available and easy to access. The purpose of this data is to inform where there may be 'hot spots' or whether certain schools, or regions need more attention, training and support, and also whether any systemic changes need to occur.

Acknowledge the need for independent advocacy

The most vulnerable in our society need to have someone in their corner to help to navigate the many complex systems and services. This sentiment was shared by the NSW Disability and Ageing Commissioner when he stated in his Review into Disability Advocacy in NSW, "The need for advocacy will continue to be an important part of the lives of people with disability to ensure the continued promotion, protection and security of their rights, and enable their genuine participation in the community."²²

The importance of this is well articulated by the advocacy group Children with Disability Australia (now Children and Young People with Disability Australia or CYDA), when they commented in the 2016 Senate Inquiry, *Access to Real learning: the impact of policy, funding and culture on students with disability*:

"CYDA does not deny that there are good pockets of education practice, but it is just not right that this is the exception rather than the norm. I do not think I know of one child with a disability, including my own, that has not had to have significant compromises in their education experiences. To have any chance of accessing your basic education rights in Australia, students with disability must rely on fierce advocacy—usually by families and the stars aligning. Usually, the magical combination is also dependent on a strong school leader who is unwavering in their commitment that all students should access an education. The chance of accessing a quality education when you are a student with a disability is likened to that of winning the lottery."

We strongly recommend that independent advocacy be provided for any child with disability (and their parent/carer) to assist them in navigating all aspects of the education system, but particularly in this instance to support them in preventing suspensions/microexclusions/partial enrolments/ expulsions from occurring in the first place but also in the event that these occur, assistance with the appeals and complaints processes. This requires funding and resourcing individual advocacy.

²² Dr Robert Fitzgerald, *Review into Disability Advocacy in NSW: A report by the NSW ageing and Disability Commissioner*, 19 December, 2019.

Appendix 1 – Suspensions

The following are examples of what we hear from our people across NSW about suspension and exclusion of students with disability. The first two examples (Peter and John) have been written by Family Advocacy staff based on lengthy phone calls by those staff with parents. The third example is a written response shared by a parent with Family Advocacy (Leanne):

The school is framing my 6 year old child as violent! This is a problem. No child is born “violent” or wants to be in trouble. By using this phrase, there is a subtle criminalisation of a child’s behaviour. His behaviour is partly due to his disability but really it is due to the system that does not support his disability. I am concerned if these suspensions continue, he will enter the school to prison pipeline. If the school keeps alienating him, he will end up in the justice system.

In an effort to get more funding, the school did a series of standardised tests on my child to get a diagnosis. The tests were done in an unwelcoming room with a stranger. After this, his behaviour was triggered and the school’s response was heavy handed. He had 7 suspensions in 2 terms, ranging from 1 to 5 days. We were threatened with 20 day suspensions if we did not comply.

Peter

I was self-employed. I had to drop a project and clients and had to borrow money. It is impossible to work with all the school meetings and getting called in regularly to collect your child because there has been an incident. Before, my child was stigmatised as “trouble” and so there are no playdate invitations, so it’s isolating and we didn’t feel like we are part of the school community. Now, my child has positive days; he plays with other kids and we now interact with other families from the school. The attitude of the teacher had a huge impact on my child’s behaviour.

I would question what the antecedent to the behaviour. Often, I would not be told the whole story. It would become clear that my child’s needs were not being met, or it was from not understanding him as a person first, his developmental needs were not being recognised, and/or not enough care had been provided to him, being expected to do things he did not have the capacity to do. If the teacher had recognised my child’s behaviour was his way of telling her something, a form of communication, there may have been a different end result. No kid wants to be in trouble.

We found a very insightful psychologist who taught the teacher that time out for my child is unhelpful, suspension will embed the behaviour, and the child needs support not punishment. Using words like violence is stressful and unhelpful. For a child with severe ADHD and Autism, if they are feeling elevated, it is important to have a safe space to go to such as the library and a safe person to talk to, to build a strong relationship with an adult at the school.

To the school’s credit, they took the psychologist’s advice and after a long process of teacher/parent collaboration, my child is happy and calm, attending full time hours, maturing as he feels he is in a secure environment that is supporting him. The teacher has a personal passion for different learning styles, made incredible accommodations for our child such as wobble chairs, or making the alphabet out of 3D foam so my child could learn in a tactile way. My child is thriving. Behavioural issues were a daily occurrence. Now they are just every now and again.

John

H is 9, in Year 2 and he has had success in school. Why? Because he had an experienced teacher, a “straight” class – a class of his peers, a support worker who understood his support needs. He finished the year well and was proud at the final assembly to receive his certificate with his class mates. The next year H was suspended twice in his last two terms and pushed to be “unable to succeed at school” (I felt). Why? He was put in a 3 - 4 composite class with many kids with issues and strong personalities with a teacher who was in their second year out of university, with a young inexperienced support worker. In year 4, on his first day, my worst nightmare had come true after I received a phone call from the school principal that H had an outburst in the classroom which scared his teacher and classmates and the police were called. They restrained him with handcuffs. My 9-year-old boy.

Leanne

Appendix 2 – Partial enrolment

Many families whose children with disability are partially enrolled in school have informed us that their child was experiencing full attendance at a preschool or previous school settings and is quite able to manage a full day without incident. These are their stories shared via phone conversations and email messages.

When my son moved from a special school to a mainstream school, he was put on a trial from 9am-3pm without a teacher's aide and all went well. Despite this, the school said he needed to be on a partial enrolment from 9-12.30pm for five weeks. We wanted to question the purpose of partial enrolment and why five weeks? There was no reason for this. But there is such a power imbalance between us as parents of a child with disability and the principal, we dared not ask. We were so happy our son was being given a chance.

In this time, our son absolutely loved being in a mainstream school in a regular class. His horizons expanded enormously. He quickly identified and wanted to participate in the debate team, a talent show, computers and netball. He was given a Teacher's Aide for 1 hour per day for Maths support as his avoidant behaviour can be disruptive. There were no incidents over the five weeks. We expected full time attendance would follow. On the last day of the partial attendance plan, the school told us it would rezone the plan for another five weeks from 9am-2pm. They simply said we would like him for full attendance next year but we will see how we go. This cut off the last session of the day, which was netball or computers, the subjects he was really interested in. So it didn't make sense to us when the school told us the reason for not giving him the full time enrolment was because our son had told them he was not sure he wanted to be there the whole day. Again, as parents we do not feel we have the power to argue with the principal and have to accept what we are given. It was clear our son is happy to go to school, he has a sense of belonging. He specifically asked for the teacher aide to be out of the way in maths and he should sit with the boys. He has his eyes on the future, can't wait for school camp and has set a goal to be the school library prefect. We can see how now he feels like a citizen, like he belongs, he is recognised. This did not happen when he was at the special school.

Meg

After 6 half hour trial sessions at a school we were told: "Your son is too high needs for our school (local primary school closest to my home), he needs a specialist school and 2:1".

Country area. No specialist school. My son has been in partial enrolment at the school he attends for two years now.

Ellen

We had a terrible experience with our son when we approached our local school.

We met with the school Counsellor and a learning support coordinator. I thought I was just meeting the latter, but the School Counsellor was there and drove the meeting. The first thing she did was ask for any reports. I provided a Disability Specialist Unit report stating Global Development Delay. She asked me about ten times if I was sure mainstream was the best option. I kept saying yes, we were. I asked how we could support his transition to school. She thought he would be better placed in a support unit. I said no. She said she could take me on a tour of one, so I could see how it would benefit my boy. I said no, we want him at our local school. Then she was telling me how there is a big school population and Jimmy would struggle. He would get knocked over. 'The

walkway is like grand central station.' There were stairs. He would be pushed down and hurt. There were big distances between classrooms, and he would fall behind and fatigue. And academically he would fall behind, and lose his confidence, 'he would be a shell of the child he used to be' and by the time we realised he should be in a unit, it would be too late and there wouldn't be any places!!! She was horrific but we stood our ground.

We persevered. She hadn't met my son. I thought once she met him and saw him doing well in a mainstream preschool that she would back down. I thought she would realise my son was more than the DSU report! We arranged a time for the two to come to the preschool and watch Jimmy. They talked to the staff at the preschool. Staff later asked me if he would be better placed in a support unit. I was furious that the Counsellor had influenced his preschool teachers to do her bidding. Later she conceded that Jimmy could attend the school if we really wanted him to, but that he would need to start on a few hours a day, and that he would start a week or two later, after his class mates had settled in. It meant that he wouldn't be there for lunch or recess so he would miss opportunities to make friends. She couldn't tell me how long that would go on for...I argued that he had been doing full days at preschool and the reduced hours wouldn't be necessary. She wouldn't back down. It was partial enrolment or nothing. I know we could have sent him.

We knew they had to take him, even though they acted as if they needed to approve his attendance. But we weren't prepared to risk him attending somewhere that he was expected to fail, and that had such low expectations of him. We started at a different school but transferred to our local school in term 3 of kindergarten. It was a totally different experience as the gatekeeper had left, and the teacher we met with was very inclusive and supportive of our attendance. Jimmy is doing really well. I am angry that, because of the Counsellor, we didn't start at our local school to begin with. I can't believe the experience we had, to be honest. I understand the Counsellor was reprimanded for her actions. But I also know that she is at another school and my friend battled with her all of last year to keep her boy in mainstream and out of the support unit. People like this should be retired!

Jo

Appendix 3 – Restrictive Practices

Below are some examples of restrictive practices that have been written by Family Advocacy staff based on phone calls with parents:

Physical

My son came home from school very distressed. Once I finally managed to calm him down he told me he had been pinned to the ground in a prone position by multiple staff members at school. I was not informed that a restrictive practice had taken place. He did not have a behaviour support plan in place at the school. This is not acceptable. He has been traumatised ever since.

My son came home upset after school one day and told me the learning support teacher dragged him by the leg whilst hiding under a table. The school did not report this incident to me. Apparently, he was wanted access to the computers and was not allowed to. Rather than give him some space and time to accept this, he was boxed into a corner by the teacher which felt threatening so he hid under a table. Again rather than keeping calm and giving space to allow for reasoning and self-regulation, the teacher chose an antagonising approach which only made things worse. My son was grabbed by the leg and dragged along the floor. My son is a teenager. He felt ashamed and still does when in this teacher's company.

Chemical

After an incident occurred where my son "lashed out", I was told my son could not come back to school unless he took medication to calm him down. What they failed to tell me, and I subsequently found out, was that he was surrounded by four boys and he was being bullied. If the school had addressed the bullying, the behaviour would have stopped. Instead, my son was in fear of his life and he retaliated to protect himself. When I picked him up, he was laying on the floor in the foetal position, clearly distressed and traumatised.

Mechanical Restraint

My son was not allowed to use his motorised wheelchair at recess in the name of "safety" and so the staff turned the power off to the chair and he was left without any way of moving.

Psycho-Social

In Kindergarten, he had the most amazing teacher that understood different learning styles, really got to know him and my son would run out of class with a smile on his face. The next term he got a new teacher who was the polar opposite, rule oriented without flexibility and with a punitive approach. One day, he would not come out of class and I found him under the table, screaming. The next morning he got himself ready early saying he wanted to go to the bin. Turns out, the teacher had chastised him for not sitting still for one hour, ripped his sticker book rewards chart and told him he would have no friends if he kept behaving that way. I say again, this is in Kindergarten.

Social

In Year 7, my son who is in a wheelchair was placed in the “out of bounds” area with two teacher’s aids and no one else around. It was at the top of a hill. All the Year 7’s played at the bottom of the hill. So isolating. This went on every recess and lunch for a whole term before I found out. There was no discussion or problem solving, nothing.

In Year 10, all the students were to attend a tax seminar but the room it was scheduled in was upstairs so he could not attend. This was his fourth year in the school and this basic consideration was overlooked.

Organisational

My child was specifically asked not to attend the swimming carnival, athletics carnival, excursions, incursions or school camp. No inclusion happening at all. I believe this was the school’s way to get us to leave. Often, permission notes would ‘accidentally’ not come home.

Communication

My child was never given support by someone that can communicate Auslan sign language with her, the language she can understand and respond to. The teacher’s aide knew key word signing she had learned at a special school, this is very different to Auslan and my child could not communicate in this language. It’s like having a Spanish speaking teacher when you speak English. Also, my child had an FM system, which is a microphone that would need to be attached to the teacher’s lapel and feed into her hearing aide. This was sometimes used and sometimes not. The teacher was supposed to take it off during classwork time when she was going around to individuals but it would often be left on. This was very distracting and meant my child found it hard to concentrate to do classwork.

Seclusion

Use of sole confinement and time out placing my son away from their peers and natural supports and safeguards.

My child was being placed in their wheelchair in the out of bounds area of the school clearly away from their friends. His friends told me this, the school did not even consider changing this, I think it suited them.

I dropped into school and saw my child facing a wall in a line with other students in wheelchairs. I decided right away that that was his last day in the school and we moved to the local regular class, much better.