



The Centre for Inclusive Education ([C4IE](#)) is founded on an understanding that Inclusive Education is a fundamental human right that enables all other rights. The Centre exists to produce research that will reduce exclusion and increase inclusion to provide all children and young people with equitable opportunities to learn and develop as independent and valued human beings. Researchers from C4IE put forward this position paper in response to the Disability Royal Commission call for responses on ways to promote inclusion.

## 1. PROMOTING INCLUSION THROUGH INCLUSIVE EDUCATION

The foundation of an inclusive society is an inclusive education system. Through inclusive education, people with disability and people who do not have a disability *all* experience inclusion in the school years and forge a path to an inclusive future as adults. The focus of this submission is **inclusive education**, as a means for achieving social, economic and cultural inclusion for individuals, and for achieving an inclusive society more broadly.

We call on the Commissioners to foreground a mandate for high-quality, authentic inclusive education, as defined in General Comment No. 4 (GC4, United Nations, 2016) on Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD, United Nations, 2008) in their recommendations, so that people with a disability of all ages can benefit from education and an inclusive society can be achieved.

### What Does Inclusion Mean?

Achieving an inclusive society and the realisation of other human rights is underpinned by inclusive education (United Nations, 2016). Although the concept of inclusive education has been misappropriated and misunderstood (Graham, 2020a), it is now clearly defined in GC4 as:

*“the full and effective participation, accessibility, attendance, and achievement of all students, especially those who, for different reasons, are excluded or at risk of being marginalized. Inclusion involves access to and progress in high-quality formal and informal education without discrimination.”* (United Nations, 2016, para 9)

GC4 makes it clear that segregation by way of enrolment in special schools and classes is incompatible with inclusive education (para 11), stating also that the ‘right to non-discrimination includes the right not to be segregated’ (para 13). Inclusive education is the right of all learners and requires the commitment of both educators and governments to eliminate physical, social, cultural, systemic, and attitudinal barriers.

### Inclusive Education as a Driver for an Inclusive Society

Inclusive education is foundational to an inclusive life in adulthood and central to the development of “inclusive, peaceful and fair societies” (United Nations, 2016, para 2). It seeks to enable communities, systems, and individuals to combat discrimination and the use of harmful stereotypes, to recognise diversity, promote participation and overcome barriers to

learning and participation for all by ensuring the well-being and success of students with disabilities. People who have been included in education are more likely to have social networks post-school (Kvalsund & Bele, 2010), to move into employment and post-school education (Mazzotti et al., 2016), and to experience a better quality of life (Ryndak et al., 2012).

A report on Australia's level of compliance with the CRPD (McCallum, 2020) highlights that Australian society is not yet inclusive and that authentic inclusive education is still to be achieved. Barriers to inclusive education still exist, permeating from system structures through to the school and classroom levels, which in turn impact transition to a post-school life. The following sections consider each of these barriers in turn.

## 2. BARRIERS TO HIGH-QUALITY AUTHENTIC INCLUSIVE EDUCATION

### Systemic Barriers

The continuation of a parallel or dual-track schooling system, through 'mainstream' and 'special' schools and classes, perpetuates barriers to inclusive education for students with disability. For decades, scholars in both inclusive and special education have pointed to the role that special education has played in enabling a "one-size-fits-all" culture that makes it acceptable to teach in ways that fail to meet the needs of students with disability, many of whom are then relegated to specialist placements (Dunn, 1968; Slee, 2011; Graham, 2020a). Maintenance of this dual-track system directs critical funding towards segregated settings, which are more expensive and less effective than inclusive education (Thomas, 1997), and away from the resourcing and capacity building required to develop a genuinely inclusive education system. Decades of research, however, demonstrates that placement in segregated settings for students with disability has resulted in an adult population that has been institutionalised, undereducated, socially rejected, and excluded from society (ACIE, 2020; Biklen, 1988).

These settings are also significantly overrepresented by children and young people with disability from some groups, strongly indicating—not only that their entitlement to support and reasonable adjustments is not being met—but that racial, social and cultural bias may be playing a role in their exclusion from educational, social and economic opportunity (Waitoller, Artiles & Cheney, 2010). Most overrepresented in Australia are Indigenous students, students from disadvantaged backgrounds, and students living in out-of-home care (Beauchamp, 2012; Sweller et al., 2012). Despite patterns that suggest segregated special educational settings may function to support rather than disrupt the "school-to-prison pipeline" (Graham, Sweller & Van Bergen, 2010), the NSW government recently committed to increase further the number of places in special schools and classes (Cukalevski & Malaquias, 2019).

Research investigating patterns in NSW government school enrolments shows that, even before this commitment, enrolments in segregated settings have increased over time relative to enrolments in mainstream, which have decreased (Sweller et al., 2012). This research also showed that Indigenous students are significantly overrepresented in segregated settings and that their overrepresentation has risen faster than their enrolments (Sweller et al., 2012). Indigenous children also experience suspensions and exclusions more frequently than non-Indigenous students (O'Brien, 2019), however, a recent *Inquiry into Suspension, Exclusion and*

*Expulsion processes in South Australian government schools*, found that disability was by far the most influential factor, not Indigeneity. When data for take homes, suspensions and exclusions were disaggregated into five distinct groups to disentangle the effect of intersectional inequalities (Table 1), Indigenous young people who did not have a disability and who were not living in out-of-home care (Group 1 in Table 1) were *not* overrepresented relative to their proportion in the total population. At 67%, Indigenous students with a disability accounted for the largest proportion of students in Group 4 (students who either have a disability or are Aboriginal or living in care, plus at least one or more of these factors), suggesting that their right to a culturally appropriate inclusive education supported by the provision of reasonable adjustments is not being met (Graham et al., 2020). These findings support those of Avery (2018) whose doctoral research highlights the “unique form of intersectional discrimination and social inequality experienced by Aboriginal and Torres Strait Islander people with disability”.

**Table 1**

*Intersectionality and the Use of Exclusionary School Discipline*

- Group 1 **students with a disability** (NCCD) who are not Aboriginal and not in care,
- Group 2 **students identifying as Aboriginal** (without disability and not in care),
- Group 3 **students in care** (who are not Aboriginal and who do not have a disability),
- Group 4 students who either have a disability or are Aboriginal or living in care, **plus at least one or more of these factors**; and
- Group 5 **students who are in none of the above ‘risk’ groups.**

(Reproduced from Graham et al., 2020, p. 310)

One fundamental barrier to inclusion is the difficulty that parents and carers experience when trying to secure adequate support and reasonable adjustments for their child. In numerous reviews and inquiries relating to the provision of education to students with disability, including in the successive five-yearly reviews of the DSE, parents have reported stonewalling by education providers, whether it be at the classroom level, the school level, or the provider/sector level. Parents and carers currently have nowhere to turn as Australian education systems do not comply with the CRPD requirement that “States parties must introduce independent, effective, accessible, transparent, safe and enforceable complaints mechanisms and legal remedies in cases of violations of the right to education” (United Nations, 2016, para 63). No Australian state or sector has yet implemented a system that complies with this element of the CRPD, nor is there an accessible, affordable support service available to assist students, and/or their parents and carers, to seek redress when the reasonable adjustments to which they are entitled are not being provided and when their right to an inclusive education is being denied. This is a critical barrier as it creates the conditions for adversarial interactions between students, parents/carers and providers, and leaves families in very unequal relations of power, while at the same time exposing them to significant psychological and financial risk.

While Section 22 of the *1992 Disability Discrimination Act* (Cth) (DDA) makes it unlawful to discriminate on the ground of disability, including in education (Cukalevski & Malaquias, 2019), the legislation is more than one quarter century old and has not been amended to address inherent weaknesses. The *Disability Standards for Education 2005* (DSE) were developed more than 15 years ago to operationalise the DDA to guide education providers to meet their obligations to practice non-discrimination and provide reasonable adjustments. The rights-based language of the DSE may appear to promise delivery of inclusive education for students with

disability. However, case law suggests that for many students, the promise is illusory (see, e.g., *Walker, Kiefel, Abela*). The DSE, and its parent legislation, the DDA, contemplate a thick set of exemptions which may allow schools to discriminate where they can demonstrate that an adjustment which would support inclusion is not ‘reasonable’ or would cause “unjustifiable hardship”.

Most disability discrimination cases that end up in court concern students with “expensive” support needs such as one-on-one aide support or access to specialist expertise or equipment. In some disability discrimination cases, courts have accepted that even the State may prove financial unjustifiable hardship if equity would require that providing appropriately for one student, would, necessarily extrapolate to providing appropriately for all students with a particular support need, stressing the education budget (see, e.g., *Turner, Sievwright*). These rulings point to possible misalignment between Australia’s obligations to provide inclusive education as per the CRPD and the obligations outlined within the DSE. Such misalignment may contribute to systemic barriers to the actualisation of inclusive education, further highlighting the need for reform of dated legislation. One barrier worthy of further investigation is the perceived burden to prove, not simply that adjustments were not provided, but that their lack of provision was the result of discrimination on the basis of disability.

In some disability discrimination cases (notably the High Court of Australia case, *Purvis*) courts have found that mainstream schools are not required by law to include students whose disability manifests as “problem” behaviour which may be disruptive to the learning and safety of others. In the *Purvis* case, the minority judges found that the relevant school could have done more to support teaching staff to support the complainant. Such teacher support, however, costs staff, time, training, and monetary resources. It is claimed that funding constraints limit the ability of schools to deliver education “on the same basis” to many students with disability, and those funding constraints have been accepted by the courts, tasked with interpreting and applying the law, as excusing the exclusion of students with ‘expensive’ disabilities. However, evidence from NSW (Graham & Sweller, 2011) and South Australia (Graham et al., 2020) points to very significant increases in funding for students with disability over time; increases that have not been matched by an improvement in outcomes for students with a disability.

### **Funding for Students with Disability**

How funding is *used* is critical to the success of inclusive education. Release from face-to-face teaching to enable consultation with students with disability (Gillett-Swan et al., 2020), collaborative planning with specialist teachers and allied-health professionals (Tancredi et al., 2020), co-teaching (de Bruin, 2020a), and the implementation of appropriate adjustments (Swancutt et al., 2020) is the most effective use of school support funding. Disability support funding, however, is largely spent on “Velcro” teacher aide time, if it is even spent at all (de Bruin, 2020b). As noted in the 2017 National Audit Office performance report, *Monitoring the Impact of Australian Government School Funding*, accountability and monitoring of funding provided by the Commonwealth to support the education of students with disability is inadequate to ensure that funding is used effectively, appropriately and on the basis of need (de Bruin, 2020b). The impact of this inadequacy in oversight is evidenced by the 2020 NSW Auditor-General’s Performance Audit, *Local Schools, Local Decisions: Needs-based equity funding*, where the Audit Office compared equity funding allocated to 12 government schools to

reported spending and found evidence of poor reporting and significant underspend (Audit Office of NSW, 2020).

Equity funding accounted for an average of 12.4 per cent of total revenue in the 12 schools, however, in each of these schools unspent funding was carried forward in both 2017 and 2018. In 10 of the 12 schools, the amount carried forward increased across those two years. In one example provided, one of the 12 schools received \$90,728 equity funding in the category of low-level disability but spent only \$38,671 (41.5%). As noted by de Bruin (2020b), "this underspending is greatly at odds with the broader claims by schools and unions that there are insufficient funds provided to schools to support students with disability" and "highlights ... an issue with efficient and effective use of existing funds" (pp. 63-64, para 164). A similar point was made by Graham et al. (2020) in relation to increases in disability support funding in South Australian government schools which has "increased by 143.1% since 2010, rising from 4.2% to 7.2% of the total education budget, which has itself only increased by 55.6%" and "funding for students in regular (mainstream) schools accounts for the largest proportion of funding, as well as the greatest percentage of increase" (p. 321). *The problem is therefore not necessarily underfunding, but the timeliness and effectiveness of funding spent.*

### **Barriers at the School and Classroom Level**

At the school and classroom level, several contextual factors can constitute barriers to "the delivery, consistent implementation and success of support for learners" (Saggers et al., 2019, p. 13). These contextual factors include time constraints, acceptability and feasibility ratings of techniques, teacher efficacy, variables related to child and teacher characteristics, and contextual variables such as structure, values, attitudes, school culture and resources (Odom, McConnell, & Chandler, 1993). This variability highlights the compounding effect of contextual barriers in the classroom and the lack of professional development and support for teachers that responds to their individual contexts (Saggers et al., 2019). Attitudes of leaders, educators and administrative staff in regular schools continue to be a barrier to inclusion, with some children still excluded from an unconditional welcome in schools. Recent research shows ongoing gatekeeping practices in Australian schools prevent some children with disability from claiming their right to an inclusive education (Poed et al., 2020).

It is also true that teachers can have a positive attitude to inclusion but lack the support and professional learning that they need to include children with disability well. Inadequate methods of professional learning for teachers to action inclusion in context and particularly to help support the inclusion of learners with more challenging and complex profiles constitutes a significant barrier to inclusion. Awareness and understanding of inclusive practice are not enough to ensure inclusion. Teachers must be able to translate that knowledge into their unique, specific and individual teaching contexts and situations and must receive relevant support to do this. Effective support and upskilling of teachers:

*"requires looking beyond traditional modes of delivering professional learning. While professional learning targeted at understanding learners [with disability] is often touted as critical to helping school communities to meet their needs, a lack of attention is paid to what this professional learning looks like and how it is delivered within and to school communities. Traditional teacher training and support methods, such as didactic instruction and in-service workshops,*

*continue to be a primary source of professional learning and support for many classroom teachers. This is in spite of the fact that they have been proven to be inadequate methods of support and professional learning in isolation.”*  
(Saggers et al., 2019)

### **Barriers in the Transition to Post-School Life**

Young people with disability who are transitioning from education to employment experience similar difficulties to young people without disability. High competition for entry-level jobs and employer inflated expectations for prior experience, qualifications, and developed hard and soft skills for entry level jobs have contributed to the persistent high level of youth unemployment in Australia (Brotherhood of St Laurence, 2017; Moore et al., 2016; Moore, 2019a). For young people with disability, the unemployment rate is more than twice that of the rate for young people without disability (Australian Institute of Health and Welfare, 2020). The literature is replete with evidence that young people living with disability transitioning from high school to work are less likely to gain and maintain open employment without adequate support (Ruhindwa et al., 2016). Difficulty accessing work opportunities and appropriate support at work remain the dominant story for this population (National People with Disabilities Carers Council, 2009). Barriers to employment include the disconnected nexus between school, post-secondary education, and employment through the Disability Employment Services (Stafford et al., 2017). Whilst Disability Employment Services (DES) are available to people with disability and are funded by the Australian Government, the 2018 Performance Framework disadvantages people with disability. Two key performance indicators privilege efficiency and effectiveness, with little reporting on the quality of service provided through the voice of the person with disability (Department of Social Services, 2018).

The persistent reluctance of employers to hire people with disability also impedes the school to work transition for many young people with disability (Moore et al., 2018). Many issues faced by young people with disability during their transition from education to employment can be addressed through interventions that should arguably be conducted by the government funded disability employment services programs that are designed to assist the unemployed to gain employment. Yet, research (Moore, 2019b) has highlighted frustrations expressed by employment consultants working in such services regarding their inability to provide adequate services due to restricted resources, including inadequate levels of government funding, and a deficit-focused assessment of job seekers with disability (Stafford et al., 2019) that minimizes individual capabilities and restricts opportunities for meaningful work.

### **3. ACHIEVING AN INCLUSIVE SOCIETY THROUGH INCLUSIVE EDUCATION**

A fundamental shift in the way education is conceptualised and the delivery of education to all students must take place to achieve genuine inclusive education in Australia. This shift requires a move away from parallel mainstream and special education models to a single comprehensive system based on respect for human dignity, full and effective participation, distributed expertise, universal access and design principles, consultation with students and caregivers, relevant and effective reasonable adjustments, effective needs-based funding, and quality initial teacher

education and professional learning for teachers, principals, teacher aides, and allied health professionals.

We now outline critical, practical, and achievable steps, designed to achieve inclusion in all Australian schools. These include: systemic reforms, the strengthening of ethical leadership for inclusive education, effective professional development of teachers, innovative inclusive practices, genuine and effective student consultation, and strengthening collaborative partnerships with parents.

### **Systemic Reforms**

The Australian Government must ensure that Australia's vision for inclusive education aligns with GC4 and commits to closing segregated settings. This will ensure that Australia meets our obligations under the CRPD. The closing of special schools will require the cessation of further investment in special schooling and the reallocation of funds to develop an inclusive education system. It requires an in-depth transformation of education systems in legislation, policy, and in the mechanisms for financing, administration, design, delivery, and monitoring of education. As outlined in GC4, systemic reform requires:

“a transformation in culture, policy and practice in all formal and informal educational environments to accommodate the differing requirements and identities of individual students, together with a commitment to remove the barriers that impede that possibility. It involves strengthening the capacity of the education system to reach out to all learners” (para 9).

Although Australia does not have a Charter of Rights at the national level, it is notable that the Commonwealth *Disability Standards for Education 2005* (DSE; Cth) acknowledge the right to education for people with disabilities “consistent with the rights of the rest of the community” (DSE Introduction). Schools must ensure that students with disabilities are able to enrol and participate in education, access curriculum and assessment, and necessary support services and facilities, so that they are educated “on the same basis” as students without disability. The DSE make it plain, moreover, that educating students with disability on the same basis as other students, may require them to be treated differently (DSE 2.2(3)) through the provision of reasonable adjustments (DSE 3.4). It is axiomatic that a commitment to inclusion be matched by a national inclusive education strategy, aimed at systemic reform to ensure that the right to inclusive education is upheld for all students. This will require enabling widespread legislative reform to ensure that all education policies and procedures are compatible, including system- and school-wide support frameworks, discipline policies and practices; consulting, communicating and collaborating with students, parents/carers, and allied health professionals; and restrictive practice procedures.

### **Ethical Leadership**

A critical step in the move towards inclusive schools is ethical leadership for change. Ethical leadership requires education leaders at all levels to be informed, and to understand and demonstrate their obligations “to ensure fairness and equity for all students” (Mavropoulou et al., 2021, p. 49), including those with disability. Furthermore, appointments for educational leadership positions must require the demonstration of inclusive attitudes, beliefs, and knowledge and skills related to the implementation of the DSE, including knowledge and skills regarding the provision of required levels of adjustments for students with disability. Currently,

as discussed at Hearing 7 of the DRC, DSE training is not mandatory for Queensland state school principals.

### **Effective Professional Development for Teachers**

For school communities to successfully and confidently meet the needs of all learners, education systems must deliver contextualised, appropriate and ongoing professional learning for teachers as part of a suite of support that teachers can access in their daily practice. Previous research investigating the most effective and efficient ways to provide professional learning and support to teachers in the classroom has highlighted the importance of contextually responsive approaches, such as peer coaching and technical assistance (Gilchrist, 2018; Gregory et al., 2017). Snell and Janney (2000) recommend that professional development and support for classroom teachers take place in the natural environment and consist of feasible, embedded strategies, which include teacher collaboration and problem solving, as well as adequate social and administrative support to ensure sustainability. Novel and innovative methods must be identified to support educators “in a range of geographical locations [and] in a contextually responsive, ongoing, cost effective and collaborative manner” (Saggers et al., 2019). Sustained support and training must also be provided to educators to assist them to implement inclusive practices for students with disability from all backgrounds and cultures.

### **Genuine and Effective Student Consultation**

Inclusive education can be progressed through the enablement of student voice. The *right* for all children and young people—including those with a disability—to be consulted about the issues that impact their lives is enshrined in international human rights conventions (United Nations, 1989; 2016). Student consultation is also the *obligation* of educators and those working with children and young people at school, as per the DSE. When consultation takes place adults can meet their obligations as duty bearers, children’s right to freedom of expression is upheld, and there are practical benefits. To enable student voice, inclusive strategies for supporting student expression and involvement in matters affecting them may also be required. There may need to be a broadening of what is expected (and accepted) as input, modes of participation may need to be adjusted to include all children. Importantly, inclusive practice requires that self-determination and self-advocacy for students with disabilities are promoted and that consultation with students is duly acted on.

### **Collaboration with Parents**

Although collaboration with parents is consistently referenced as a key step in progressing inclusive education, research is clear that the relationship between parents and teachers in an inclusive context is not an easy one (Scorgie & Sobsey, 2017). It will be critical to provide ongoing support for this relationship to flourish and to investigate why this remains a fraught partnership and what educators can do to facilitate stronger and more trusting links with parents and carers (Mann et al., 2020). Current research and policy are weighted towards the aim of encouraging parents to engage with schools and in their child’s education. Parents of students with a disability, however, are typically very highly engaged in all aspects of their child’s life, including health and education, but experience another type of gate-keeping: that of being kept out of the loop or excluded from decision-making or communication about their child (Graham et al., 2020). Recent research with Australian parents and educators (Mann & Gilmore, 2021)

found teachers were less engaged in parent-teacher partnerships than parents; teachers valued the partnership less, were less sensitive to other perspectives, and were less invested in the relationship. Needed instead of policies aimed at “engaging” already engaged parents are those based on evidence-based strategies and professional learning programs to support educators to engage positively and productively with parents and carers.

#### **4. HOW CAN WE EVALUATE OUR PROGRESS TOWARDS INCLUSIVE EDUCATION?**

General Comment No. 4 on Article 24 of the CRPD (United Nations, 2016) has clearly defined inclusive education, as well as the models of provision that are incompatible with it. The focus now needs to shift to measure implementation progress (Graham, 2020a). There is a need to ask the right questions that would drive the development of measures to enable regular and systematic data collection to evaluate progress on the nine core features of inclusive education systems described in GC4. These nine core features are: (1) a system-wide approach, (2) committed leaders, (3) whole of school, (4) collaboration with students, families and the community, (5) respecting and valuing diversity, (6) confident, skilled and capable workforce, (7) accessible learning environments, (8) effective transitions, and (9) monitoring and evaluation.

The following suggested markers of evaluation are drawn from the scholarly literature, existing system measures, and international guidelines.

##### **Scholarly Literature**

Lozman (2013) describes three themes in measuring inclusive education: (1) Inputs (such as policy, teacher education, resources, leadership, curriculum), (2) Processes (such as school climate, practices, collaboration and supports), and (3) Outcomes (such as participation, student achievement and post-school outcomes). Watkins, Ebersold and Lénárt (2014) also present a range of ideas that should be addressed by systems when collecting data to monitor the progress and impact of inclusion in education that include converging data collection from a range of data sources that identify trends and findings from different points of view and more detailed and long-term data on the outcomes of the education system for individual learners.

There are significant challenges in measuring inclusive education that include ethical dilemmas, applying measurements in different contexts, a range of resourcing models, teacher preparation, beliefs and attitudes, practices towards inclusion, and how leadership behaviours and styles influence inclusive education (Forlin, & Lozman, 2014). Despite these challenges there is a strong need for applicable data to support policy makers to analyse the effectiveness of inclusive education drawing on quantitative and qualitative data.

Irrespective of the measures adopted in school systems across Australia, the importance of student voice is undoubtedly critical for assessing progress towards the achievement of inclusive education. Within a rights-based framework, the voices of students with disability must be included in evaluations of classroom, school, and system level implementation of inclusive education, impacting their lives. However, there is a risk that the voices of certain groups of students will be privileged (Gillett-Swan et al., 2020). For example, less is known about the views

of students with disability and their perception of inclusive education implementation at a whole-school or systems level. Specifically, student voice initiatives that seek to obtain students' views or input in decision making may not be accessible to all students, such as students who experience communication or literacy difficulties (Roulstone et al., 2016). When students are consulted in ways that are accessible, students with disability can contribute to the design of reasonable adjustments and can identify when inclusive classroom practices are taking place (Tancredi, 2020).

## System Measures

State school systems in Australia implementing inclusive education such as the Department of Education in QLD measure the success of inclusion using a range of success measures and evidence (Department of Education, 2021). In alignment with the commitment to the [State Schools Improvement Strategy \(2021-2025\) "Every student succeeding"](#), other measures deployed across QLD schools include:

- improving the A-E performance for students with disability,
- increasing the proportion of students with disability receiving a Queensland Certificate of Education
- decreasing the proportion of students with disability receiving a school disciplinary absence (SDA)
- reducing the number of students with disability not attending a full-time program.

Regarding the evaluation of academic achievement (A-E), questions such as "is the achievement gap closing between students with disability and students without disability?" guide the recording of data about the proportion of students achieving a C or higher grade and checking if that is increasing over time. These measures are used to create data dashboards which guide performance conversations at central, regional, and school levels. Critical to the success of those performance conversations, however, are the deep knowledge and implementation of system-wide prevention and intervention frameworks (such as Multi-Tiered Systems of Support) necessary to enact practices capable of achieving better outcomes. Equally important is enabling legislation, together with internally compatible policies and procedures. For example, QLD principals are currently operating in an environment where they are being assessed on the proportion of students with disability receiving an SDA (suspension or exclusion), but where legislative thresholds have also been removed to enhance principals' power to suspend (Graham, 2020b). The aim of reducing SDAs is therefore not supported by legislation, policy or procedure. The "Every Student with a Disability Succeeding" strategy and Inclusive Education Statement is due for review in 2021, however, the DoE has not yet published any data by which progress can be independently assessed. Notably, the CRPD and GC4 are not cited under the "We are governed by" subheading in the Inclusion section of the State Schools Improvement Strategy (2021-2025), only in the subordinate Inclusive Education Statement.

Other Australian states have recently produced Inclusive Education statements or policies, including New South Wales (NSW Department of Education, 2021), which—like Queensland—claims it is informed by the CRPD. However, the [NSW Statement for Students with Disability](#) contravenes the CRPD by reinforcing an ideological commitment to segregated settings and parent choice, despite GC4 defining segregation as incompatible with inclusion (United Nations,

2016) and making clear that parental responsibilities with respect to education are subordinate to the rights of the child to an inclusive education (para 10). These discrepancies need to be addressed if there is to be a consistent approach to inclusive education in Australia.

## 5. RECOMMENDATIONS

In summary, we propose the following recommendations for policy, practice and research:

### *Legislation*

1. *Ensuring adherence to CRPD and GC4:* All states and territories to revise their legislation to reflect a student's right to an *inclusive* education consistent with General Comment No. 4 on Article 24 of the CRPD, together with a legislative requirement for schools to collect evidence on their compliance with the features of inclusive education as outlined in the CRPD
2. *Revisiting the DDA and DSE:* The DDA is 25 years old and the DSE are 16 years old. Successive reviews highlight their weaknesses and these urgently need to be addressed to enable parents/carers and people with disability to hold governments and providers to account and to ensure that their entitlements to non-discrimination and reasonable adjustments are met.
3. *Ensuring adherence to DDA and DSE:* All states and territories to revise their legislation to include clear mandates on the need for educational practice to be grounded in student consultation in the provision of reasonable adjustments.
4. *Creation of an independent body to review complaints, appeals and breaches of the DDA/DSE in line with the CRPD and General Comment No. 4*
5. *Introduction of safeguards:* All states and territories to revise their legislation to ensure that students in priority equity groups (e.g., students with disability, Indigenous students, and children in out-of-home care) and their parent or carer are represented by a specialist or advocate from student support services with the aim of preserving their right to an inclusive education.

### *Policy Recommendations*

1. *Development of a National Inclusive Education Strategy* in consultation with people with disability, peak organisations, parents of children with disability, inclusive education researchers, and education providers.
2. *Closure of special schools and classes:* A roadmap for the closure of special schools and segregated settings in mainstream schools must be developed with sufficient funding for resources and staff capability.
3. *Funding:* All sectors and systems need to adopt a consistent model of adjustments-based funding provision in line with the original intent of NCCD. NCCD, however, needs reform because it currently lacks sufficient accountability checks to ensure that students are consulted and parents informed in the design and implementation of adjustments, there is evidence suggesting the existence of perverse incentives to inflate the level of

adjustments claimed, and there is currently no mechanism to evaluate the relevance or effectiveness of those adjustments.

4. *Evaluation*: Measures for evaluating national quality indicators/measures for inclusive education need to be developed in consultation with stakeholders (teachers, senior leaders, parents and students)

### ***Practice Recommendations***

1. *Leadership*: Promoting ethical leadership in schools and systems with requirements for mandatory training in the DSE, genuine inclusive education principles and practice, and Multi-Tiered Systems of Support (MTSS) for executive directors, directors, regional directors, principals and middle school leaders,
2. *Classroom best practice*: Funded schemes for educators, allied health staff (such as speech pathologists) and teacher aides to access, high-quality and research-based professional learning on inclusive education and Multi-Tiered Systems of Support (MTSS), particularly in relation to universal design principles and accessible pedagogies at Tier 1, and professional collaboration models for Tiers 1-3.

### ***Research Recommendations***

That funding to be made available for high-quality academic research to:

1. Investigate processes for measuring schools' inclusiveness (e.g., school connectedness, teacher-student relationship quality) and students' non-cognitive outcomes (e.g., student mental health and wellbeing) to assist in elevating these outcomes to the same level of importance to literacy and numeracy outcomes.
2. Assess existing tools for evaluating inclusiveness and promoting inclusive practice and research to revise or create new tools appropriate for Australian contexts.
3. Investigate the outcomes for students with disability who have received adjustments, to identify which strategies are working well and which are not.
4. Develop new approaches to school improvement where inclusive education is embedded rather than "added on".
5. Produce rich and robust longitudinal evidence on students' social outcomes to determine the impact of genuine inclusive education, including through the implementation of Multi-Tiered Systems of Support (MTSS) and evidence-based mental health programs and practices, on student learning and wellbeing.
6. Identify ways to strengthen the teacher-parent relationship in an inclusive context and development of high-quality research-based guidelines and professional learning to support teachers.
7. Understand the needs of young people with disability who are transitioning from education to employment, from the perspectives of the young person, their family members and other support networks, schools and community organizations, to build inclusivity and strength-based approach to job search support into the employment assistance services funding model.

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