QUT Centre for Inclusive Education

QUT's Centre for Inclusive Education (C4IE) produces research on matters that affect students in education with the aim of improving the educational experiences and outcomes of all, particularly those experiencing marginalisation. One of C4IE's objectives is to address knowledge gaps and positively influence attitudes by disseminating research evidence, engaging in public debate, and providing quality professional learning opportunities. C4IE makes this submission in response to the Western Australia Review of the School Education Act 1999.

Inclusive education is an established human right through Article 24 of the *Convention on the Rights of Persons with Disabilities* (CRPD; United Nations, 2006). It is considered a foundational right because effective implementation enables the achievement of all other rights, including the right to freedom of expression, the right to democratic assembly, and the right to work. General Comment No. 4 (GC4; United Nations, 2016) on Article 24 of the CRPD makes clear the legal obligations of States parties and outlines the steps necessary to achieve immediate progressive realisation of systemic inclusive education reform. GC4 defines inclusion and identifies forms of provision that are incompatible with inclusion (exclusion, segregation) or often mislabelled as inclusion (integration) (Graham, 2024).

Inclusive education is underpinned by the social model of disability which conceptualises disability as the outcome of an interaction between a person with an impairment and economic, social, and environmental barriers to their access and participation on an equal basis to others without that impairment (Graham et al., 2024). Measures to support learning and implementation of inclusive education are based on universal design principles and multi-domain (academic, social-emotional, behaviour) multi-tiered (universal, targeted, intensive) systems of support, wherein all students benefit from high quality and accessible universal support and the provision of a coordinated continuum of supports across academic, social-emotional and behavioural domains.

There is a common misperception within departments of education, schools, and even initial teacher education that inclusive education is "just about students with disability" but it is not. Inclusive education is everyone's business. Inclusive practice benefits all students to whom the human right to an inclusive education is extended through students with disability. Inclusive education in Australia is also informed by Article 14 of the Universal Declaration of the Rights of Indigenous Peoples (UNDRIP; United Nations, 2007) which is expressed through a right to education without discrimination. Our response to the discussion paper is informed by these core principles, as well as legislation from other Australian and international jurisdictions, and the research literature.

1. Should the objects of the SE Act be changed to improve access and inclusion for students with disability? If so, what should this look like?

The Objects of the SE Act should be changed to improve access and inclusion of students with disability.

The SE Act recognises every child's right to education and the responsibility of government schools to meet the educational needs of all children. However, the recognition of the right of every child to education must be aligned with the definition under the Education of the Convention on the Rights of People with Disabilities (CRPD; United Nations, 2006) to ensure **access, participation and inclusion of students with disability in all schools**.

We commend that the SE Act recognises the right of every child to education and the obligation to provide for government schools that meet the educational needs of all children. We note that other jurisdictions in Australia have also set objects in their legislation that government schools have an obligation to provide universal access and are responsive to students' individual needs (Queensland), are appropriate for all children and responsive to individual needs (Northern Territory), provides high-quality education that includes reasonable provisions for students with disability (Tasmania).

New Zealand's Education and Training Act 2020, describe the act's purpose to provide their student the "skills, knowledge, and capabilities that they need to fully participate in the labour market, society and their communities" (p.29). The New Zealand legislation also explicitly states students with disability' right to enrol, attend and receive education.

Portugal's Decree Law 54/2018 goes a step further prescribing on its objectives and scope principles and norms that guarantee inclusion, identifying measures that support learning and inclusion and specific resources that must be in place to meet the education needs of each and every student.

The objects of the SE Act should change to explicit ensure that students with disability are supported and are getting the most out of their education.

A suggested amendment of the Objects of the Act could be:

Objects of the Act

(1) The objects of this Act include the following —

(a) to recognise the right of every child in the State to an inclusive education as defined in General Comment No. 4 on Article 24: Education of the Convention on the Rights of People with Disabilities (CRPD); and

(b) to establish principles and standards to ensure that all government and non-government schools meet the academic, social-emotional, and behavioural needs of all children to fully participate in social, economic, and civic life through

the provision of quality, evidence-based, and accessible universal instruction with timely and relevant interventions; and

(c) to allow that education to be given in a government school, a non-government school or at home; and

(d) to provide for quality education, training and employment alternatives at the senior secondary level; and

(e) to recognise the right of every child to self-determination, creating opportunities for the realisation of their right to participate in decision-making; and

(f) to recognise the right to and support participation of a child's parents in the child's education; and

(g) to provide for student residential colleges that offer residential accommodation for students to attend, and participate in an educational programme of, a school.

(2) Any person who has a function under this Act is to seek to ensure that the objects stated in subsection (1) are achieved.

2. Should principles be added to the SE Act to improve access and inclusion? If so, what principles would you add?

Guiding principles <u>should</u> be included in the SE Act to improve access and inclusion.

Guiding principles within the legislation will assist in providing a clear and articulated vision for education in Western Australia and supporting system leaders, policy officers, and school staff to make sound decisions that are grounded in evidence-based strategies and a human-rights approach.

Suggested principles include:

INCLUSIVE: *All students can learn and are valued members of their school community. Every child no matter the nature or severity of their disability and regardless of their personal, socioeconomic and cultural background is entitled to an inclusive education in their local school with the requisite support to achieve their aspirations and potential.*

HOLISTIC: *Schools positively contribute to social, economic, and democratic participation by implementing evidence-based frameworks to support children's development across academic, social-emotional, and behavioural domains, and by valuing, respecting, and partnering with families of different cultures and faiths.*

PROACTIVE: *Where possible, barriers that impede students' access to inclusive education will be anticipated and removed through the application of the principles of universal design and the provision of adjustments to enable access and participation. Accessibility extends beyond physical*

access through ramps and assistive technologies to include accessible curriculum development, classroom pedagogy, and formative and summative assessment to benefit all students.

SYSTEMIC: *There is shared commitment across schools, regions, and department offices to implementing rigorous systems to support the enactment of genuine inclusive practices in schools. Inclusive education is embedded across the entire system and effectively communicated across portfolios encompassing curriculum, facilities[1], and workforce development.*

EVIDENCE-BASED: *Schools implement programs and practices for which there is strong evidentiary support. Interventions to support children's academic, social-emotional, and behavioural development will be provided in a timely manner and for the necessary duration with the use of validated assessment tools and data-based decision making to determine intervention targeting, frequency, intensity, and duration.*

RESPONSIVE: *Students and their parents or carers are consulted in the design and implementation of adjustments to enable access and participation on the same basis as students without disability as required by the Disability Standards for Education 2005. Students and parents or carers are meaningfully involved in all decisions affecting them and are treated with dignity and respect. Parents and carers have the right to information and participation regarding all aspects of the education of their child.*

3. Should the definition of disability in the SE Act be changed to improve access and inclusion? If so, how?

The definition of disability in the SE Act <u>should</u> be changed to improve access and inclusion.

The existing definition is focused on individual impairment with no acknowledgment of the barriers that prevent individuals' participation in society on an equal basis, which is not consistent with either the social or human rights models of disability both of which inform the Convention on the Rights of Persons with Disabilities (CRPD; United Nations, 2006).

These barriers are also what the Disability Standards for Education 2005 (DSE) obligates education providers to reduce or remove through the provision of reasonable adjustments.

We suggest revising the SE Act to include the CRPD definition of disability, which states:

> Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (United Nations, 2006, Article 1, para 2).

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[1] For an example of how Queensland has successfully embedded its inclusive education policy to ensure that future schools are built to support inclusion, see https://alt-qed.qed.qld.gov.au/our-publications/standards/Documents/design/education-facilities-design-principles-general-functional-brief.pdf
A system-wide approach is necessary for the type of systemic reform required to achieve genuine inclusive education and can be achieved by understanding and implementing General Comment No. 4 (Graham et al., 2020)

However, as disability isn't necessarily long-term, **the CRPD definition will need to be augmented by the DDA definition**, which informs the Nationally Consistent Collection of Data on School Students with a Disability (NCCD). Caution should be applied as the DDA is dated, uses the medicalised language of individual deficit, and does not sufficiently acknowledge the concept of barriers.

We note that the discussion paper asks whether the SE Act should just focus on diversity and responding to student differences and needs without needing to specify disability. We understand the reasoning behind the question and appreciate that the inclusion of a definition of disability can be problematic in that it rules both in and out (as categorical funding models have done in the past, see de Bruin et al., 2020) and misses other protected attributes such as race. We therefore recommend including **a comprehensive definition of disability based on the social model augmented with reference to the DDA** because many educators still believe that disability is limited to historical funding categories with the result that students with high-incidence disabilities, like Attention Deficit Hyperactivity Disorder and Developmental Language Disorder, are not provided with adjustments and continue to face barriers as a result (Tancredi et al., 2024).

Disability is a protected attribute with very specific requirements of practice (Dickson, 2024). Including a definition of disability with the elements we have recommended provides an opportunity to "correct the record" on what disability is and what educators' need to do in response.

4. Should the SE Act change so that there is a clear right for students with disability to enrol at their local government school?

The SE Act <u>should</u> be changed so that there is a clear right for students with disability to enrol at their local government school.

Limitations on enrolment create barriers to access and inclusion of students with disability. Gatekeeping is the formal or informal practice of refusal or discouragement of enrolment based on a student's disability label, which is a regular form of discrimination despite being an illegal practice under the DSE and DDA (Poed et al., 2022). However, there is evidence that limitations on the access of students with disability to general educational environments are common in Australia (Mavropoulou et al., 2021). Through **gatekeeping**, many students with disability are **channelled into segregated settings**, denying their right to inclusive education. These limitations to enrolment impose a significant **burden** on parents or carers, who must advocate for the student's rights amidst unwelcoming or even hostile environments or have no option other than to enrol the student in a segregated setting.

Hence, **the SE Act should explicitly establish the right of students with disability to enrol at their local government school**. This right will need to be supported through the development and implementation of **robust accountability measures** and a **complaints mechanism** that is **independent, effective, accessible, transparent, safe, trauma-informed and culturally**

responsive, and enforceable in cases of violations of the right to inclusive education (for more see our response to Q10).

Children with disability should also have a right to be able to enrol at a non-government school that reflects their beliefs, religion or language. However, specialist provision informed by beliefs, religion or language does not absolve the school from the obligation to be inclusive of students with disability, nor should the school be permitted to discriminate against students with disability in their selection and enrolment criteria or processes. Neither should non-government schools be permitted to discriminate against students based on race, gender identification, or sexuality. Providing an explicit statement about the right to enrol in local government schools, as well an **accompanying statement, about non-discrimination in selection and enrolment processes** may help reduce instances of discrimination and gatekeeping. These statements would also **support the implementation of national legislation**, including the DDA/DSE, and ensure compliance with UNDRIP (2007) and the 1975 Racial Discrimination Act.

We further recommend the inclusion of a statement regarding '**unjustifiable hardship'** informed by Recommendation 7.1 of the Final Report of the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability (Disability Royal Commission, 2023). For example,

> *(1) right to enrolment may only be limited by 'unjustifiable hardship' as defined in the Disability Discrimination Act 1992 (Cth). In such cases, the school principal is required to give reasons why the child's enrolment would impose unjustified hardship to the school, which would then be assessed by an independent review process.*

5. Should the SE Act provide greater flexibility in how students engage in education? If so, what should this look like?

The SE Act <u>should</u> be amended to provide greater flexibility in how students engage in education but not through private providers.

Several systems of education in Australia have embraced flexible pathways whereby schools outsource the completion of certificates and diplomas to private providers. However, **these options often do not effectively prepare students for further education, training or employment** (Clarke & Polesel, 2013). Diversification of senior years curriculum content and delivery has been undertaken to engage students perceived to lack interest in academic content. While students with a history of disruptive and disengaged behaviour *do* report a lack of correspondence between the academic school curriculum and their preferred future occupation (see Graham et al., 2015), this is exacerbated by failure in the primary school years to provide these students with the background knowledge and skills they need to successfully engage with the secondary school academic curriculum, together with the failure to **make the academic curriculum accessible to the full range of secondary school students**, including those with disability (Tancredi et al., 2024).

Providing greater flexibility at the end of schooling for students who have been ill-equipped with the foundations from the beginning may take pressure off secondary schools, but it will not address the core problem: ineffective primary school education and inaccessibility in secondary school education. If greater flexibility is perceived by the Review Panel as "providing more options in senior schooling", we suggest this be enacted alongside the implementation of **Integrated Multi-Tiered Systems of Support (I-MTSS)** with the aim of improving the rigor and accessibility of universal Tier 1 instruction, together with robust identification and support provision processes informed by data-based decision-making.

Greater flexibility can be offered in senior schooling by ensuring that students with disability have opportunities to **access the same high-quality and flexible curriculum**, on the **same basis** as their peers. **Adjustments** must be provided to students with disability across all ranges of academic and vocational programs. Importantly, while flexibility may help schools to retain students in education and even successfully complete 13 years of schooling, **research has consistently highlighted issues with the quality of provision and parity of esteem** (Polesel et al., 2021). Further, we note that current regulations do not set a time limit for the completion of the senior certificate, which allows some flexibility for people to re-engage in education later in life. However, there is a lack of research indicating that such options are available to students with disability or that they are supported by schools.

The Western Australian government should consider amending the SE Act to ensure that students with disability have genuine options to engage in senior school education:

(1) Students with disability who wish to (a) enrol in academic subjects in senior years (Year 11 and 12), (b) enrol in a certificate (at any level), or (c) participate in an apprenticeship can do so and are entitled to adjustments to support their access and participation on the same basis as students without a disability. It is unlawful for an education provider to refuse enrolment into a subject or program with justification that adjustments cannot be provided. Right to enrolment may only be limited if the education provider can provide evidence of 'unjustifiable hardship' (as specified under the DSE).

(2) Students with disability are entitled to complete the credits required for the senior certificates beyond Year 12. Students with disability and their families are informed and supported by the education provider to make such choices. Schools are required to provide information about the option to extend the senior certificate completion timeline to students with disability before the end of Year 10.

6. Should there be any changes to the SE Act regarding roles and responsibilities? If so, what should this look like?

There should be changes to the SE Act regarding roles and responsibilities.

Consider adding to section 63 Principals' functions:

- To ensure that the school meets its obligations under the Disability Standards for Education (2005) by consulting students (and their parents/carers), providing reasonable adjustments, and eliminating harassment and victimisation.
- To ensure universal access to physical spaces, educational materials, pedagogy and assessment, and school information, processes and communication.
- To ensure proactive identification for and delivery of academic, social-emotional, and behavioural support to students, as well as the use of evidence-based programs and practices through the implementation of Integrated Multi-Tiered Systems of Support (I-MTSS).
- To be responsive to and communicate respectfully with students and parents or carers.

Consider adding to section 64 Teachers' Function:

- To consult students with disability about how they learn best and the barriers they experience before providing relevant adjustments.
- To engage in high-quality inclusive practice, including the design of accessible assessment and use of accessible pedagogies.
- To employ evidence-based classroom management strategies to promote understanding and compliance and to prevent and de-escalate teacher-student and peer conflict.
- To be responsive to and communicate respectfully with students and parents or carers.

7. Should there be any changes to the SE Act regarding adjustments for students with disability and/or universal measures? If so, what should this look like?

Changes should be made to the SE Act regarding adjustments for students with disability with emphasis on the proactive application of universal design principles.

All education providers are obligated to provide reasonable adjustments under the DDA and DSE, however, **many students with disability still do not receive adjustments** due to educators' historical association between students' eligibility for targeted disability support funding and their eligibility for adjustments (Graham et al., 2018). This association has led to a common belief that the provision of adjustments needs to be funded, and that students without funding

are not entitled to adjustments. Despite the move to needs-based funding, which should have addressed this association, there are similar problems due to the perception that schools will miss out on funding if they meet students' needs through the provision of Quality Differentiated Teaching Practice (de Bruin et al., 2020). It is important for governments to make clear to staff **that withholding adjustments is a breach of the DDA/DSE**. Workload concerns can also be mitigated through professional learning that helps staff to understand how proactive inclusive design saves them greater workload and stress in the long run by reducing student confusion, frustration, and requests for clarification, as well as disengagement and disruptive behaviour (Tancredi et al., 2024).

There is also some confusion about the senior years of school and whether **adjustments can be provided in senior assessment**. This has led to students with disability not being provided with adjustments to assessment or only being provided generic adjustments, such as extra time in exams with the risk that the student cannot demonstrate what they know and can do. In some schools in Queensland, these restrictions are being applied in junior secondary to "prepare students for senior". **It should be made clear that all students with a disability are entitled to adjustments throughout their education, including in the senior years of school.**

There is also considerable misunderstanding regarding the word 'reasonable' in the DDA/DSE with some educators believing that this relates to what is reasonable in terms of their own capacity and that the decision to provide adjustments (or not) is one they can make for themselves. **We therefore note the DRC recommendation to change nomenclature to 'adjustments'** (as used in the discussion paper) and anticipate that this will be changed in the DSE in the 2025 review. We hope this isn't all that is changed in the 2025 review, for the DDA/DSE is dated, fails to impose a positive duty, and relies on the concept of adjustments to a pre-determined norm (Dickson, 2024).

Adjustments are more costly for students and systems alike, for their determination and provision requires students to be identified which takes time and resources and can be stigmatising for students. Although there will always be students for whom individualised adjustments are necessary, **the volume of required adjustments can be minimised through the careful application of universal design principles** to design *accessible* buildings, support systems, curriculum, materials, teaching and communication methods, and assessment (United Nations, 2016). Note that this needs to be done carefully as one-size-does-not-fit-all. Accessibility is a necessary first step, but it will be insufficient for a range of students and educators' obligations to provide adjustments do not end there.

Western Australian education legislation about adjustment or universal measures should apply to all schools as their provision is required by national legislation (DDA/DSE) and are necessary for Australia to comply with international human rights law. Non-government schools are not exempt from these requirements and state legislation is an important mechanism to ensure compliance.

8. Should there be any changes to the SE Act regarding duties to communicate, consult and/or collaborate with students with disability and their parents. If so, what should this look like?

There should be changes to the SE Act regarding duties to communicate, consult and collaborate with students with disability and their parents or carers.

We commend the explicit inclusion of the requirement in Section 73 for students with disability and their parents or carers to be **consulted**, as this is an often-neglected legislative duty in national anti-discrimination and one that rarely makes an appearance in state education legislation. **Consultation** is a **proactive, intentional and collaborative process** that is central to inclusive education (Tancredi, 2020a). Schools are required to consult with students with disability (and their parent or carer) under the DSE. The DSE describes the obligations of educators and education providers, to ensure students with disability can access and participate in education on the same basis as their peers without disability. However, the **obligation is to consult** not simply about the content and implementation of the educational programme, it is to consult for the purpose of **identifying** and **implementing adjustments**. This obligation must take place **before adjustments are implemented** and **students must be involved in reviewing the success of the adjustment**. This is critical to ensure that adjustments are effective at addressing the barriers faced by individual students with disability.

We further recommend that the wording of Section 73 be changed to mirror the DSE, as the **obligation is to consult *the student* in the first instance** (or their associate). We value the important role of parents and carers, but they do not know or understand the barriers to access and participation in education as intimately as students do. Parents and carers are subordinate to the student in the DSE obligation for this reason, and we recommend that the wording of the SE Act be revised accordingly.

Further, while principals have the ultimate responsibility, they typically lack time to enact consultation processes themselves. For this reason, we recommend changing the SE Act to make clear that **principals are responsible for ensuring that relevant staff**, especially **classroom teachers**, engage in genuine consultation. Consultation must be enacted **proactively**, using **accessible methods** (see Tancredi, 2020a), to ensure the provision of relevant and effective adjustments. This is important because too often "consultation" is occurring in the form of the parent being asked to sign off on generic adjustments that have already been decided and which are often ineffective. This is not what consultation is for and it thwarts the intent of the DSE.

The consultation process and assessment of the need for **pedagogical modifications** should also be supported by a **multidisciplinary team**, including the **classroom teacher**, **inclusion teacher**, **allied health** and other relevant staff. In consultation with the student and their family, the multidisciplinary team can determine whether student learning needs can be catered within universal and holistic measures as part of an **Integrated Multi-Tiered Systems of Support**

(I-MTSS) framework. I-MTSS is a framework that addresses academic, social-emotional and behavioural domains through a coordinated system of universal and targeted supports (de Bruin et al., 2024). Learning and wellbeing of students in emphasised through high quality instruction and support at universal level (all students) with methods to identify when that support is inadequate for individual students or when "classroom-level teaching may itself need intervention" (de Bruin et al., 2024, p. 163). I-MTSS focus on provision of **timely intervention** combined with **high quality universal support**, through a coordinated tired systems of support that span academic, social-emotional, and behavioural domains to support the whole child. Effective provision of Tier 1 academic, social-emotional and behavioural supports will reduce unnecessary demand for Tier 2 and Tier 3 supports.

In addition, the right obligation for consultation processes to be **accessible** for persons with disability is stipulated in General Comment No. 7 to the CRPD:

> States parties should also ensure that consultation processes are accessible—for example, by providing sign language interpreters, Braille and Easy Read—and must provide support, funding and reasonable accommodation as appropriate and requested, to ensure the participation of representatives of all persons with disabilities in consultation processes. (United Nations, 2018, para 45).

Therefore, it is not enough to simply offer consultation. The processes used to engage students with disability in consultation must be **designed for accessibility** (Tancredi, 2020a). As a starting point, this can be achieved through universal design principles and further **accessibility mechanisms** are described below. However, higher levels of adjustment may be required for some individuals, such as access to interpreters or use of multi-modal communication and technology.

We suggest the following statements to be included in the SE Act:

73. Child with disability, consultation process

(1) Where a child with a disability is enrolled at a government school, the principal is to ensure that an appropriate consultation process is implemented through the guiding principles of the SE Act and to meet obligations under the Disability Standards for Education. The consultation process must involve:

> *(a) consultation with the student, or their associate prior to making an adjustment. The consultation process must be accessible to the student.*
>
> *(b) ongoing consultation and shared decision-making with students, parents or carers about reasonable adjustments and in reviewing the success of the adjustments. The consultation process must be accessible to the student.*
>
> *(c) ongoing collaboration with the classroom teacher and other relevant staff to ensure that adjustments are implemented with fidelity, evaluated and reviewed.*

Further amendments can be made to **regulations and other policy documents**, to explain the **ways in which consultation can be made accessible**. For example:

Mechanisms for accessibility (Tancredi, 2020b):

(1) Set up a **supportive environment**. The physical location (e.g., school office versus a quiet space in the library) and the people present (familiar adults and/or a support person) must be considered.

(2) Designing **accessible questions/discussion points**. The student needs to be both familiar with the vocabulary used in the questions and questions need to be asked in a way that is comprehensible to the student.

(3) Engaging **parents or carers** and/or a broker of information. The power differential between students and teachers may mean a student prefers to be consulted by someone who is not their teacher (e.g., another teacher, school counsellor or speech pathologist). This person can liaise with the students' teacher/s to communicate what the student has shared with teachers, who then refine and implement adjustments. Parents and carers play a critical role in supporting this communication process.

(4) Engaging **voice through multiple modes**. Some students may prefer to express their views using both speech and other communication modes (e.g., arts-based approaches and photos). The power of **visual tools** lies in their potential to supplement verbal interactions and enable both the participant and interviewer to draw on tangible resources to express and comprehend questions, ideas, and insights (Glegg, 2019; Lyons et al., 2022)

Importantly, the principles of accessibility apply to consultation with individuals or groups, and students with disability have the **right to be consulted** both in **cohort level** opportunities (e.g., school student voice initiatives) and at the **individual level**. At the cohort level, consultation may occur to get feedback on education processes or policy, or to understand students' perspectives through research. At the individual level, consultation may occur for the purpose of designing and/or reviewing adjustments or seeking students' perspectives on school-based processes or practices.

While consultation is a necessary process, **successful communication and collaboration** between student and school, and parents or carers and school requires schools to actively engage in building a **culture of welcome and belonging** (Mann et al., 2024). We note that the nature of successful communication and collaboration may be too complex to be fully reflected in legislation. However, the combined amendments to the SE Act suggested in this submission, (for example in the sections of Objects of the Act, Guiding principle, Consultation, Principals' and Teachers Functions) have the potential to improve communication and collaboration between students, parents or carers and the school. Additionally, explicit legislation requiring schools to provide accessible and timely information about the rights of students with disability and the implementation of robust complaint mechanisms will likely improve communication

standards provided by schools to students and parents or carers. To support successful collaboration and communication between students and schools, and parents or carers and school, we further recommend that consideration be given to amendments to **regulations and relevant policies** (for example, amendments to the School Regulations 2000 and Student Behaviours in Public Schools Procedures – Policy).

Schools should support students with disability to share their views by creating a whole-school climate that is emotionally positive and supportive (Van Bergen et al., 2024) and embracing **Voice Inclusive Practices (VIP)**. VIP is a framework designed to help educators promote participatory rights and amplify student voices (Gillett-Swan, 2022). VIP is grounded in the principles of the United Nations Convention on the Rights of the Child (UNCRC, 1989) and is built on four key principles: being **achievable in everyday contexts, authentic, integral, and compatible with the rights, responsibilities, and citizenship of adults**. VIP encompasses activities and practices that actively involve students and consider their **perspectives on issues that affect them** (see Gillett-Swan, 2022 for examples of practices and activities). Students are in the best position to inform adults about their experiences and what is effective (or not) for them at school. To support students with disability in participating in these processes, schools must ensure that these practices are accessible to students (see mechanisms for accessibility earlier in this section).

Schools should also support parents or carers of students with disability to share their views at school. Recognition of parental or caregiver roles as a **valuable partner** in contributing to students' development and outcomes is vital. Practical ways that schools can support parents or carers to share their views include providing **multiple ways and opportunities for feedback**, engaging in "**open door" practices**, involving parents or carers in decision-making processes that are accessible and transparent, and valuing parent or carer contributions **beyond transactional relationships** (e.g. participation in fundraising and support with events and activities). Mann et al. (2022) found that positive teacher-parent/carer communication is often built and strengthened in small, **day-to-day interactions**; **solution-focused and student-centered conversations**; **collaborative decision-making** and considerations around **contextual factors** such as timing and place to ensure effective communication. Implementing practices that support parents or carers to engage with schools in ways they can, providing multiple opportunities for parents and carers to share their views without fear of repercussion and valuing parents and carers views on their child education and collaboration with school are essential to support successful communication and collaborations between families and schools, particularly families supporting a student with disability.

9. Should there be any changes to the SE Act regarding Act regarding discipline, suspensions or exclusions? If so, what should this look like?

There should be changes to the SE Act regarding discipline, suspensions and exclusions.

The SE Act should be amended to ensure legislation and implementation complies with international best practice to engage in evidence-based prevention and intervention processes that promote school connectedness, prosocial behaviours, and minimise suspensions and exclusions. The **international evidence consistently shows** that schools that apply protective/preventative approaches and which minimise punitive discipline practices improve school safety, student connectedness, and student achievement, significantly reducing the use of exclusionary disciplinary practices and decreasing potential for student contact with the youth justice system (Graham et al., 2020).

Minimising punitive discipline practices can be achieved by **implementing more stringent suspension criteria that limit the acceptable reasons for suspension** in accordance with international best practice, including:

- imposing bans on the use of suspension for minor infractions (e.g., uniform) or subjective reasons (e.g., wilful defiance) or counterproductive to the infraction (e.g., disengagement and truancy),
- banning the use of suspension for children in Foundation to Year 3,
- significantly reducing the permissible suspension duration (a maximum of 3–5 consecutive days).

Multiple US public school systems with student populations and social factors that are far more complex than our own—due to the lack of adequate social welfare, the prevalence of gangs, and the ready availability of drugs and firearms, such as Los Angeles Unified Schools District and Chicago Public Schools—have engaged in **systemic policy reform to curtail the use of exclusionary discipline**. This is due to the long-documented ill-effects on children's academic, social-emotional, and behavioural development and the role these play in a negative life trajectory known as the "school-to-prison pipeline". In the final report of the 2020 *Inquiry into suspension, exclusion and expulsion processes in South Australian government schools*, Graham et al. (2020) outlined the breakdown of behaviours for which suspension is and is not permissible in Chicago Public Schools and recommended that South Australian government schools follow suit by developing a similarly comprehensive and explicit list of permissible reasons to prevent the inappropriate use of suspension. Importantly, banning of suspension for subjective or minor reasons and for younger children in various US public school systems has been matched with **systemic practice reform to ensure that educators have alternatives and know how to use them effectively**. This is a key point that is continually missed in Australia. Three Australian state governments—South Australia, New South Wales, and Queensland—have in the last five years attempted minor reforms to discipline policy but each has been thwarted

by vested interests, mainly teacher unions and principals' associations (Graham et al., 2023). The behaviour of these groups is immensely disappointing, as has been the acquiescence of governments, because there is a better way for both educators and students alike.

Systemic approaches capable of enhancing student outcomes and reducing the use of suspension include implementation of school-wide social and emotional learning (SEL) as one component within an Integrated Multi-Tiered Systems of Support (I-MTSS) framework across all three developmental domains: academic, social-emotional, and behavioural (Close et al., 2024). Critically important for **students with disability** (and students from linguistically diverse backgrounds which includes **Indigenous students**) is the *accessibility of Tier 1* (curriculum, pedagogy, and assessment) together with the provision of reasonable adjustments to address barriers to comprehension and learning, as all education providers are obligated to do by the DSE. The Review's discussion paper is correct in asking whether it is right for students with disability to be suspended or excluded for behaviours that result when they are not provided with the right adjustments and supports. It is not right but it is an all-too-common experience for students with disability as highlighted in three recent studies.

It is clear from the most recent of these studies that **disability increases the risk of suspension** beyond either Indigenous background or living in care (Graham et al., 2023). This is not the case for all students with disability as **some disability subgroups face significantly more risk than others**. Group membership can be extrapolated from the categories of NCCD adjustments that have been provided to suspended students. Across the four categories of NCCD adjustments (Cognitive, Physical, Sensory, and Social-Emotional), the highest number of suspension incidents was in the Social-Emotional category. Single suspensions in this category were almost double that of the next highest category (Cognitive), while repeat suspensions were almost 2.5 times that of repeat suspensions in the same category (Graham et al., 2023). **Students who receive adjustments in the Social-Emotional category are typically neurodivergent**, a group that includes those on the autism spectrum and/or Attention Deficit Hyperactivity Disorder, as well as those with Developmental Language Disorder, anxiety, etc.

Note that these students are not at higher risk of suspension because they are "naughtier" than other students. Common among this group of students is **emotional overwhelm** which is a **state of distress** that may result in students hiding or running away, lashing out (if they feel threatened or cornered), emotional outburst (which may include swearing or shouting), or task avoidance which is often perceived as disengagement and non-compliance. **These behaviours should be pre-empted by skilled educators by amplifying accessibility in curriculum, pedagogy and assessment, thereby avoiding confusion, frustration and overwhelm** (Tancredi et al., 2024). Emotional self-regulation can be supported through the provision of timely and relevant adjustments, such as "Chill Out" cards to help students recognise and regulate their emotions *before* those emotions reach crisis point. Repeat suspensions of students with disability who receive adjustments in the Social-Emotional category indicate that (a) far too many of these students are reaching crisis point, (b) educators are not learning from the experience, and/or

(c) the right adjustments and supports are not being implemented. Note that our reference to "right" adjustments aims to signify adjustments that are designed in consultation with students to address the barriers they experience and provided consistently, effectively, and in time.

The concept of "breach of school discipline" is a barrier to access and inclusion for students with disability. The concept is too broad, lending it to subjective interpretation and rigid response. The SE Act should be amended to **stipulate developmentally appropriate expectations for student conduct** in Western Australian schools **with explicit reference to extenuating factors** (e.g., disability, Indigenous background, adverse childhood experiences and trauma) **that educators are required to consider** when interpreting behaviour, adjudicating incidents, and determining their response.

Beyond professional learning and policy changes, additional measures should be taken to protect **students who are at higher risk of suspension, exclusion and expulsion** (including Aboriginal students, students in care, and students with disabilities). These include the inclusion of **legislative safeguards**, such as ensuring that principals consult an appropriate representative when interpreting student behaviour and considering a disciplinary response. In the case of Indigenous students, this representative may be an Indigenous support worker, a member of community, or a parent/carer. For students with disability, this representative may be inclusion support staff member, a disability advocate, or a parent/carer. The aim is to protect students in these three priority equity groups from the inappropriate use of suspension and exclusion.

The SE Act should also be amended to include thresholds to limit the frequency of suspension. Research across multiple states in Australia, including SA, QLD and (soon) NSW, shows that the majority of suspension incidents are repeats (e.g., in SA, single suspensions accounted for only 28.7% of incidents in 2019, with the remaining 71.3% being repeat suspensions). Importantly, there were already some limited thresholds within the South Australian legislation, but these were being overridden by school principals. For example, one legislative threshold was that permission needed to be sought from the Chief Executive (SA Director General) to suspend a student on more than four separate occasions in one school year or for more than 15 days in total. According to the Chief Executive, this responsibility had been delegated to Education Directors, however, EDs were unaware of the requirement and had not been receiving requests for permission. The threshold trigger was easily overridden in the system, resulting in 278 students being suspended for more than 15 days, accumulating 1,969 suspension incidents (an average of 7.1 suspensions), and 804 students being suspended on more than four separate occasions. These students accumulated 5,014 suspensions of which 1,798 were *above* the legislative threshold. The key point here is that **the inclusion of thresholds and safeguards in legislation is necessary but insufficient**; they must be actioned in all other appropriate instruments including the regulations, policy and procedures, and backed up by quality professional learning, comprehensive support structures, and rigorous accountability mechanisms.

One mistake made by previous governments has been to socialise the idea of policy change, as happened in New South Wales, **without providing adequate guidance for or investment in practice change**. Policy and practice are indivisible, and governments cannot achieve positive outcomes "on the cheap", e.g., through policy reform alone. However, nor do we recommend Queensland's reverse approach of monitoring suspensions and then having "conversations" with principals, while leaving legislation, policy and procedures untouched (Graham et al., 2023). While this approach may improve headline suspension statistics and thereby take pressure off governments and departments, it does nothing to help educators prevent or deal more effectively with the behaviours for which they are currently using suspension. This is why WA needs not simply to make changes to the SE Act but to telegraph ahead of the release of those changes that educators will be supported to enact alternatives with quality professional learning and improved structures and processes.

We are not suggesting that suspensions and exclusions cannot ever be used but they must be a genuine last resort. While the wording of "last resort" is common in legislation across states, research using departmental suspension data to examine the volume of incidents and the reasons for which suspension has been used shows clearly that it is not being used as a last resort in far too many schools. Suspensions should be permissible for major infractions such as bringing, selling or sharing drugs at school (not including vapes or tobacco), bringing and using or threatening to use weapons to school (not toys, sticks, pencils or school furniture), acts of genuine physical violence that result in injury (including against teachers), and filming and sharing acts of violence or of a sexual nature. For more examples of where suspension might be warranted, see Groups 4-6 in the permissible reasons for suspension published by Chicago Public Schools. **Pay particular attention to their emphasis on within-school "skill-building suspension"**. This should not be framed as a punishment. The aim is to provide the young person with the knowledge and skills they need to comply with expectations.

Another reason that Australian states have failed to reform school discipline effectively is that none has invested in the procedural infrastructure that the successful implementation of alternatives requires. **Skill-building** should not only occur through within-school suspension; it **should be proactive and implemented universally at Tier 1 through quality social-emotional learning**. Before students are suspended, especially for physical and/or relational aggression, they should be identified for Tier 2 or Tier 3 level interventions to equip them with the social, self-regulatory, empathic, and decision-making skills they need to be safe, comply with school rules, and get along with others. This can be achieved through the implementation of **Integrated Multi-Tiered Systems of Support (I-MTSS)** whereby school staff actively lift the quality and accessibility of Tier 1 across all three developmental domains and employ data-based decision-making using data gained from screening measures to identify students in need of further support (de Bruin et al., 2024). Support must be grounded in empirical evidence of effectiveness and provided as inclusively as possible (e.g., to small groups within the classroom). Where necessary for some students, withdrawal intervention should be time

limited, and children returned to class as quickly as possible. Inclusive education does not mean all children are in the classroom 100% of the time. But withdrawal should be avoided where possible through the creative use of flexible grouping and time tabling (for more see de Bruin et al., 2024).

10. Should there be any changes to the SE Act (or regulations) regarding restrictive practices? If so, what should this look like?

There <u>should</u> be changes to the SE Act and regulations regarding restrictive practices.

Restrictive practices significantly impact both students and staff. Restraint and seclusion violate fundamental human rights such as autonomy, bodily integrity, and liberty, often leading to degrading and undignified treatment of students. These practices are intended to be used **only as a last resort** due to the high risk of psychological and physical injuries. There have been numerous calls for Australian education systems to regulate, reduce, and eliminate these practices. Despite these rights violations and repeated calls for elimination, evidence shows that restrictive practices are still being used beyond 'last resort' in Australian schools, with students with disabilities being the most impacted group.

The Regulations currently provide broad discretion to take any action reasonable. This should be amended to limit discretion. The Regulations should be framed in a way that promotes elimination of restrictive practices. **Prohibition of restrictive practices would be consistent with international human rights standards.** Inclusion of these limitations in the Act and Regulations provides a formal legal basis, ensures clarity, and ensures safeguards against abuse. Although policy/procedure (such as Student Behaviours in Public Schools Procedures – Policy) typically lacks the binding authority and formal safeguards that legislation provides, they are instrumental for the enactment of legislation. Hence, policy and procedures will also require amendment to ensure direct alignment with legislation.

The SE Act and future Reviews of the School Education Regulations and Student Behaviours in Public Schools Procedures – Policy should be changed to align with the above recommendations.

Physical restraint should only be used when a student is displaying physically violent behaviour that presents substantial and imminent risk of injury to the student or others. Physical restraint should only be applied under the following conditions:

(1) Less restrictive methods of de-escalating the situation have been attempted without success.

(2) If it is the least restrictive option available, or at last resort.

(3) In a matter that is safe and proportionate to the severity the behaviour, the chronological and developmental age, physical size and condition of the student, and the potential risk of injury to the student.

(4) With the minimum necessary use of force for the shortest period of time necessary for

the student to regain behavioural stability, and the risk of injury has ended, usually a matter of minutes.

11. Should there be any changes to the Disability Advisory Panel and/or Discipline Advisory Panel sections of the SE Act? If so, what should this look like?

The Disability Advisory Panel and Discipline Advisory Panel sections of the SE Act should be changed.

We recognise that the requirement of the establishment of an independent Disability Advisory Panel and a Discipline Advisory Panel under the SE Act 1999 is commendable. We recommend the SE Act should be changed to explicitly state the appointment of **at least one person with relevant expertise and knowledge regarding inclusive education and school discipline** and **at least one person with relevant expertise and knowledge working with priority equity groups, including students with disability, Indigenous students and students in care** for each of the Disability Advisory and Discipline Advisory Panels. Such measures can support the Disability Advisory Panel and Discipline Advisory Panel in providing appropriate advice and response when reviewing cases of students at higher risk of exclusion and/or experiencing multiple disadvantages. Including at least two panel members with the suggested expertise will provide more effective ways to address behaviours of concern that are based on evidence.

The Western Australian government may also consider adding a statement to the Discipline Advisory Panel to encourage further diversity by **including representatives of various communities (for example, LGBTQI+ and CALD)** as panel members. Such measures can further support these panels in providing decisions based on a culturally sensitive manner.

We suggest the following statements to be included regarding the appointment of a **Disability Advisory Panel**:

87. Disability Advisory Panel, appointment of etc.

(1) The Minister is to appoint a Disability Advisory Panel (a Panel), consisting of not less than 3 persons, whenever it is necessary for the purposes of section 86(6) or 92(3)(b).

(2) The Minister must ensure that the panel consist of —

(a) a person with a disability

(b) at least one person with relevant expertise and knowledge regarding inclusive education and school discipline

(c) at least one person with relevant expertise and knowledge working with priority equity groups, including students with disability, Indigenous students and students in care

(d) a person who is not a member of the teaching staff of the school at which the child is enrolled.

We suggest the following statements to be included regarding the appointment of a **Discipline Advisory Panel**:

93. School Discipline Advisory Panel, appointment of etc.

(1) The Minister is to appoint a School Discipline Advisory Panel (a Panel), consisting of not less than 3 persons, whenever it is necessary for the purposes of section 92(3)(a) or 96(4)(a).

(2) *The Minister must ensure that the panel consist of —*

(a) at least one person with relevant expertise and knowledge regarding inclusive education and school discipline

(b) at least one person with relevant expertise and knowledge working with priority equity groups, including students with disability, Indigenous students and students in care

(c) a person who is not a parent of a child at a school to which the matter relates

(d) a person who is not a member of the teaching staff of the school at which the child is enrolled.

(3) *The Minister might consider appointing a person from a particular social-cultural group as a representative of the local community, considering they meet criteria 2 (c) and 2 (d).*

12. Should the SE Act change so complaints are handled in a different way? If so, what should this look like?

The SE Act <u>should</u> be revised so that complaints are handled in a different way, ensuring alignment with international human rights standards.

To safeguard the right to inclusive education, students, parents, and carers must have opportunities to contest decisions or service delivery that fail to uphold this right. The SE Act should be revised, and reforms implemented to **provide a complaints mechanism** that is **independent, effective, accessible, transparent, safe, trauma-informed and culturally responsive, and enforceable** in cases of violations of the right to inclusive education. This step will enable the Western Australian government to meet international human rights obligations and provide an "arm's length" method to address gatekeeping, failure to provide appropriate adjustments and support, as well as the inappropriate use of exclusionary school discipline, seclusion and restraint.

Australian governments have proven reluctant to adopt independent complaints mechanisms, but it is an essential safeguard that can reduce bias and increase accountability. Reluctance may be due to a perceived risk of vexatious complaints or a concern that the creation of such a body will produce a complaint-culture. However, as recognised by the *Final Report of the 2020 Review of the Disability Standards for Education 2005* (Department of Education, Skills and

Employment, 2020) **if a student, parent, or carer resorts to filing a formal complaint, it indicates a breakdown in their relationship with the school or education provider**. Prioritising consultation and early resolution of issues will play a significant role in ensuring that the rights of children and young people with disability are upheld. An independent complaints mechanism, such as that recommended in the Graham Report from the Inquiry into suspension, exclusion and expulsion processes in South Australian government schools (Graham et al., 2020), should have the audit and investigative powers necessary to function effectively.

The SE Act should also establish the education provider's obligation to **provide clear information about the right to inclusive education and ensure that advice on how to challenge denials or violations is widely disseminated and publicised**. This advice—to be developed by the WA Department of Education—could provide examples of gatekeeping, explain what adjustments are and the purpose of consultation, as well as point to the responsibilities of parents and carers to work effectively and respectfully with educators in supporting their child.

We note that the SE Act should set appropriate timeframes and minimum standards for consultation and review processes for handling complaints and disputes.

13. With all the changes you have suggested in mind, how can the government monitor what is happening and show things are improving?

The Western Australian government can monitor what is happening and demonstrate improvements through adequate accountability measures aligned with the guiding principles set in the recommended changes to the SE Act.

We recommend that the Western Australian government **develop robust data collection and management systems and publish a series of outcome measures** by which it will assess and report progress. This is an approach that was adopted in Queensland following the Disability Review (Deloitte Access Economics, 2017), however, reports on progress have not been made public. This is deeply problematic and shields governments from the scrutiny necessary for effective accountability. This is also why embedding changes such as those we have recommended in legislation is important. It reduces the chance of new Ministers or department leaders from discontinuing elements essential to the success of reform. For example, the Deloitte Disability Review (2017) report recommended the establishment of a senior executive leadership position in the QLD Department of Education to **ensure a voice at the table for disability and inclusion in the development of policy across the system**. That position was established quickly but disestablished a few years later (Graham et al., 2023). The Inclusive Education Policy is currently under review without said voice at the table.

Establishment of an independent complaints mechanism as recommended in our response to Q12 could provide government with data to measure client satisfaction and identify problem areas, if it was set up to do so.

We note that WA has an Office of the Auditor General, which has produced 10 reports on education in the last decade. **Audit Offices play an important role in assessing the effectiveness and function of public services** but only if their work is heeded. In NSW, for example, the NSW Audit Office has produced multiple reports over time pointing to inefficiencies in the education system. Some of these reports have been heeded, when they align with the direction that the government of the day wants to take. An example where the NSW government has implemented changes is reading on which multiple reports from the Centre for Education Statistics and Evaluation (CESE) and the NSW Audit Office have highlighted the use of practices and programs that lack evidence or effectiveness. In relation to the provision of education to students with disability, however, the NSW government has been less responsive. **The Western Australian government should consider how it may make use of the Office of the Auditor General in strengthening monitoring and accountability processes into the future.**

The changes to the SE Act recommended within this submission are a critical step to support monitoring and improvement in the education sector. Including guiding principles in the SE Act can support a clear and articulated vision to drive changes and support systemic improvement in education.

We thank the Western Australian government for the opportunity to submit this response to the discussion paper and can provide further clarification or information if needed.

References

Clarke, K., & Polesel, J. (2013). Strong on retention, weak on outcomes: the impact of vocational education and training in schools. *Discourse: Studies in the Cultural Politics of Education*, *34*(2), 259-273.

Close, M., Killingly, C., Gaumer-Erickson, A. S., & Noonan, P. M. (2024). What is Social and Emotional Learning (SEL) and why is it important?. Chapter 4 in *Inclusive education for the 21st century: Theory, policy, and practice [2nd ed.]*, 275-301.

de Bruin, K., Killingly, C., & Graham, L. J. (2024). Multi-Tiered Systems of Support: What are they, where did they come from, and what are the lessons for Australian schools? Chapter 9 in *Inclusive Education for the 21st Century [2nd ed.]* (pp. 157-175). Routledge.

Decree Law 54/2018 (PT).

Deloitte Access Economics. (2017). *Review of education for students with disability in Queensland state schools*. Queensland Department of Education and Training. https://education.qld.gov.au/student/Documents/disability-review-report.pdf

Department of Education, Skills and Employment. (2020). *Final Report of the 2020 Review of the Disability Standards for Education 2005*. Commonwealth of Australia. https://www.education.gov.au/disability-standards-education-2005/resources/final-report-2020-review-disability-standards-education-2005

Dickson, E. (2024). The legal foundations of inclusion. Chapter 5 in *Inclusive Education for the 21st Century [2nd ed.]* (pp. 157-175). Routledge.

Disability Discrimination Act 1992 (Cth).

Disability Royal Commission (2023). *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Volume 7, Inclusive education, employment and housing*. Commonwealth of Australia. https://disability.royalcommission.gov.au/publications/final-report-volume-7-inclusive-education-employment-and-housing

Disability Standards for Education 2005 (Cth).

Education and Training Act 2020 (NZ).

Gillett-Swan, J.K. (2022). *Student-Driven school change: A practical guide for educators and other professionals* [PDF]. The Centre for Inclusive Education. https://eprints.qut.edu.au/237006/

Glegg, S. M. (2019). Facilitating interviews in qualitative research with visual tools: A typology. *Qualitative health research*, *29*(2), 301-310. https://doi.org/10.1177/1049732318786488

Graham, L. (2024). What is inclusion...and what is not? Chapter 2 in *Inclusive education for the 21st century: Theory, policy, and practice [2nd ed.]*, 18-37.

Graham, L. J., Killingly, C., Laurens, K. R., & Sweller, N. (2023). Overrepresentation of Indigenous students in school suspension, exclusion, and enrolment cancellation in Queensland: is there a case for systemic inclusive school reform? *The Australian Educational Researcher*, *50*(2), 167-201.

Graham, L., McCarthy, T., Killingly, C., Tancredi, H., & Poed, S. (2020). Inquiry into suspension, exclusion and expulsion processes in South Australian Government schools. Available at: https://www.education.sa.gov.au/docs/support-and-inclusion/engagement-and-wellbeing/student-absences/report-of-an-independent-inquiry-into-suspensions-exclusions-and-expulsions-in-south-australian-government-schools.pdf

Graham, L. J., Medhurst, M., Malaquias, C., Tancredi, H., De Bruin, C., Gillett-Swan, J., ... & Cologon, K. (2023). Beyond Salamanca: A citation analysis of the CRPD/GC4 relative to the Salamanca Statement in inclusive and special education research. *International Journal of Inclusive Education*, *27*(2), 123-145.

Graham, L., Medhurst, M., Tancredi, H., Spandagou, I., & Walton, E. (2024). Fundamental concepts of inclusive education. Chapter 4 in *Inclusive education for the 21st century: Theory, policy, and practice [2nd ed.]*, 60-80.

Graham, L. J., Tancredi, H., Willis, J., & McGraw, K. (2018). Designing out barriers to student access and participation in secondary school assessment. *The Australian Educational Researcher*, *45*, 103-124. https://link.springer.com/article/10.1007/s13384-018-0266-y

Graham, L. J., Van Bergen, P., & Sweller, N. (2015). To educate you to be smart': Disaffected students and the purpose of school in the (not so clever) 'lucky country. *Journal of Education Policy*, *30*(2), 237-257.

Lyons, R., Carroll, C., Gallagher, A., Merrick, R., & Tancredi, H. (2022). Understanding the perspectives of children and young people with speech, language and communication needs: How qualitative research can inform practice. *International Journal of Speech-Language Pathology*, *24*(5), 547-557. https://doi.org/10.1080/17549507.2022.2038669

Mann, G., Fleming, K., Specht, J., & Bobongie-Harris, F. (2023). Parents and teachers working together. Chapter 16 in *Inclusive education for the 21st century: Theory, policy, and practice [2nd ed.]*. 331-346.

Mann, G., Gilmore, L., Robertson, A., Kennedy-Wood, L., & Maia-Pike, L. (2024). Little things mean a lot: parent perspectives on positive teacher-parent communication when students have disability. *Teachers and Teaching*, *30*(1), 102-115. https://doi.org/10.1080/13540602.2023.2241020

Mavropoulou, S., Mann, G., & Carrington, S. (2021). The divide between inclusive education policy and practice in Australia and the way forward. *Journal of Policy and Practice in Intellectual Disabilities*, *18*(1), 44-52. doi:

10.1111/jppi.12373

Poed, S., Cologon, K., & Jackson, R. (2022). Gatekeeping and restrictive practices by Australian mainstream schools: Results of a national survey. *International Journal of Inclusive Education*, *26*(8), 766-779.

Polesel, J., Gillis, S., Suryani, A., Leahy, M., & Koh, S. (2021). The Australian Senior Certificates: after 50 years of reforms. *The Australian Educational Researcher*, *48*(3), 565-584.

Tancredi, H. A. (2020a) Meeting obligations to consult students with disability: methodological considerations and successful elements for consultation. *Australian Educational Researcher*, *47*(2), 201–217.

Tancredi, H. A. (2020b). Consulting students with disability: A practical guide for educators and other professionals [PDF]. The Centre for Inclusive Education QUT. https://research.qut.edu.au/c4ie/practice-guide-student-consultation

Tancredi, H., Graham, L. J., Killingly, C., & Sweller, N. (2024). Investigating the impact of Accessible Pedagogies on the experiences and engagement of students with language and/or attentional difficulties. *Learning Environments Research*, 1-18. https://link.springer.com/article/10.1007/s10984-024-09514-z

United Nations. (1989). *Convention on the Rights of the Child*. https://www.ohchr.org/sites/default/files/crc.pdf

United Nations. (2006). *Convention on the Rights of Persons with Disabilities (CRPD)*. https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf.

United Nations (2007). *Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

United Nations. (2016). General Comment No. 4, Article 24: Right to Inclusive Education. https://www.refworld.org/docid/57c977e34.html

United Nations. (2018). General Comment No. 7, Article 4.3 and 33.3: Participation of Persons with Disabilities, including Children with Disabilities, through their Representative Organizations, in the Implementation and Monitoring of the Convention (CRPD/C/GC/7). https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/336/54/PDF/G1833654.pdf?OpenElement

Van Bergen, P., McGrath, K., & Quin, D. (2020). Nurturing close student–teacher relationships. Chapter 16 in *Inclusive education for the 21st century: Theory, policy, and practice [2nd ed.]*, (315-330).

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