Education is a fundamental human right that enables all other rights. For people with disability, education must be inclusive across all ages and stages of learning, where external barriers to access and participation are removed. 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. Researchers from QUT's Centre for Inclusive Education (C4IE) makes this submission in response to the Australian Government Department of Education's Review of the *Disability Standards for Education 2005*.

Our feedback to the Australian Government's Department of Education 2025 Review of the *Disability Standards for Education 2005* (hereafter referred to as DSE) is informed by Australia's obligations under the Convention on the Rights of People with Disabilities (United Nations, 2006), as well as our experiences conducting research with an extensive range of interest-holders and our expertise in inclusive education.

The Disability Discrimination Act (DDA) and the Disability Standards for Education (DSE) were established prior to the Convention on the Rights of Persons with Disabilities (CRPD) and its amendments, particularly General Comment No. 4 (GC4) on Article 24, which articulates the right to inclusive education, as well the systemic reform necessary to realise that right.

Fundamental reform of both the DDA and DSE is now critical because the meaning of inclusive education and core elements for successful implementation, outlined in GC4, are not reflected in either the DDA or the DSE. C4IE researchers have recently made a submission to the review of the DDA, and we welcome the opportunity to contribute to improving and future-proofing the DSE through this current submission.

Topic 1. Effective implementation of the Standards

1.1 What further action is needed to increase knowledge and support effective implementation of the Standards?

The DSE were developed in 2005, prior to United Nations endorsement of the CRPD in 2006, and more than a decade prior to publication of GC4 in 2016. GC4 explicitly distinguishes between inclusion, integration, segregation, and exclusion. Although the DSE provide a framework for including students with disabilities in regular schools, they fall short in explicitly recognising that integrating, segregating, and excluding students constitutes discrimination.

We note that since the development of the DSE, there have been significant advances in the implementation of processes and practices that support the inclusion of students with disabilities, with an accumulation of research evidence from empirical studies demonstrating superior outcomes for inclusive education. Also, closer to home, Australia implemented a needs-based disability support funding allocation model known as the Nationally Consistent Collection of Data on School Students with Disability (NCCD). **Whilst NCCD has not lived up to its promise, and itself requires urgent reform due to the perverse incentive <u>not</u> to implement high-quality accessible Tier 1 instruction** (de Bruin et al., 2020), it nonetheless represents another difference in the education landscape for students with disability since the DSE were introduced. The National Assessment Program in Literacy and Numeracy (NAPLAN) and the My School website were also introduced after the DSE. Together, NCCD, NAPLAN and My School place considerable compliance load on schools which encourages administrative box-ticking and not the deep reform necessary to achieve high-quality accessible instruction with the provision of relevant adjustments for students who need them.

We note also that universal design was in its infancy in education when the DSE were first introduced, and this is most likely the reason that the provision of adjustments take primacy in the DSE's obligations for education providers. **The reliance on adjustments, which most often occur reactively in the absence of a universal design approach, is highly problematic** for at least two reasons: (1) it requires students to be identified and classified as eligible, and (2) it is vulnerable to staff knowledge and capability constraints. The long-standing result of this reliance on adjustments is that many students do not receive adjustments

and even if they do, the adjustments are often generic and not relevant to the barriers that create disablement (Tancredi et al., 2023). Students with less visible disabilities are more vulnerable to this outcome (Tancredi et al., 2023). These students become very visible in suspension and exclusion statistics (Graham et al., 2020; Graham et al., 2024).

We recommend that the DSE be revised to align with our recommendations for the DDA to impose a positive duty to proactively remove barriers through the implementation of universal design principles.

We further recommend that the purpose of student consultation be explicitly defined to make clear that consultation is not mere communication or notification that adjustments have been provided, *rather that consultation is a key mechanism to ensure that adjustments are relevant to the barriers faced by individuals and that they are therefore effective.* This too aligns with our submission on DDA reform and our recommendation that the word 'reasonable' be replaced with 'relevant' to drive alignment between impairment, barriers to access, and adjustments.

There are also significant shortcomings in the monitoring and evaluation of compliance with the DSE, as highlighted by three previous DSE reviews that repeatedly recommend improving legislative clarity and compliance monitoring without leading to meaningful change. A key issue is the broad stakeholder consultation during these reviews, which fails to prioritise the perspectives of students with disability and their families, despite them being the primary stakeholders and having rights protected under the CRPD.

As highlighted by the 2025 Review of the Disability Standards for Education Discussion Paper, many educators are unaware of their obligations under the Standards. The Discussion Paper also noted that in response to this issue, the Australian Government developed a significant number of online resources in consultation with people with disability and educators. Web-based materials have been available for quite some time, but they have not proven to be effective. In relation to the DDA and DSE, our experience shows that most educators who enrol in our Master of Education (Inclusive Education) program or in the professional learning programs we offer, are either unfamiliar with the DDA/DSE or, if they are aware of them, lack understanding of their legislative obligations.

We note that in Queensland state schools, 'DDA' has become shorthand vernacular to describe a student who meets criteria for NCCD. In our experience, this does not typically extend to knowledge that individual teachers are required to (i) consult students in the design and implementation of adjustments, (ii) provide those adjustments, and (iii) eliminate harassment and victimisation. We recognise the availability of DDA training modules; however, those modules are not engaging, which can make them difficult to complete, and they do not promote deep learning.

Another problem is that Australian educators are currently awash with guidance materials which are being produced and disseminated by the Australian Education Research Organisation (AERO). The volume of the materials being produced by AERO is greatly disproportionate to the bandwidth of overburdened educators and nor are they accurate. A search for "Disability Standards for Education" on the AERO website obtains 17 records. Most contain only one 'stock' statement about disability, that is: "Reasonable adjustments must be made where necessary to ensure full access and participation for students with disability". These documents contain no references to the DSE nor any information for educators to find out more. Within those 17 records are documents like the report on tiered interventions prepared by ACER, which does not mention adjustments at all.

Similarly, a search for "universal design" netted no relevant results; the term "universal" is used without context or explanation and then only to refer to "universal instruction" without the concomitant focus on designing for accessibility that is a core requirement. The only documents we could find that speak to educator's obligations under the DSE are those prepared by MultiLIT and the Institute of Special Educators, however, even in these examples it is not clear that providing adjustments, student consultation, and eliminating harassment and victimisation are legislative obligations, nor how they work together (e.g., consultation should inform the design and implementation of adjustments so that the adjustments are relevant and effective). Inexplicably, the word "universal" does not appear at all in their document on Planning for Supporting Students' Diverse Needs. The information provided by AERO and other government agencies is fractured and will not lead to the comprehensive knowledge base necessary for educators to meet their obligations under the DSE.

1.2 Appropriate mechanisms to clarify the requirements around consultation, issues resolution and complaints handling in the Standards

The obligation to consult the student (and/or their associate) continues to be poorly understood and enacted and therefore appropriate mechanisms to clarify the requirements around consultation are urgently required. Stipulations within NCCD processes to consult students and/or their associate appears, in some instances, to have *raised awareness* about the requirement to consult. However, consultation is often viewed and enacted through the lens of compliance, rather than as a mechanism for the design of *relevant,* and therefore effective, adjustments. The obligation to consult aligns with international human rights conventions, where students with disability are positioned as experts in *their* education experience who are best placed to identify the barriers to participation that they encounter, informing the mechanisms (adjustments) to remove those barriers (United Nations, 1989; 2006). **Where consultation is not understood as a mechanism to enable the design and implementation of relevant adjustments, the process of consultation does not meet its objectives and therefore education providers do not uphold their obligations and duties under the Standards.**

Although the 2020 review of the Standards led to some resources on the NCCD website designed to support education providers to understand their obligations and duties to consult students about adjustments, many of the resources available continue to reinforce messages that consultation is a process that takes place between adults (e.g., teachers and parents) or with secondary-school aged students only. For example, Page 4 of the *Effective Consultation: Improving outcomes for students with disability factsheet* (Australian Government, n.d.) includes a quick guide. Within the quick guide, consultation is posed as a formal meeting, and guidance questions use technical language like "What are your rights and responsibilities? (Bring information with you)" (Australian Government, n.d., p. 4). **Consultation should be an ongoing process with regular interactions between education providers and students, designed to design, implement, and review adjustments over time** (Tancredi, 2020a, 2020b). All resources and support materials should reinforce this message.

Similarly, the NCCD website now houses DSE e-learning modules that outline the obligations and duties of various education providers. However, as we noted earlier in this submission, these require complete revision to ensure they are engaging and time-effective resources for school leaders, teachers, teaching assistants, and other stakeholders (Education Services Australia, 2022). For example, **resources could be packaged as videos case studies with prompt questions that school teams could complete together across a 1-hour staff meeting**, thereby fostering collaborative learning and shared dialogue about providers' obligations and duties under the Standards.

Further, C4IE noted in our 2020 submission to the Standards review that **there are no accountability measures to ensure (i) that students and their associate are consulted during the design and implementation of adjustments, (ii) whether the adjustment/s implemented meet the student's requirements, or (iii) whether adjustment/s have been implemented**. Unfortunately, little has changed since and accountability measures are still absent. This must change if students' right to an inclusive education is to be realised.

Topic 2. Inclusive decision-making

2.1 How can students with disability and their families, carers and associates be better supported through consultation, issues resolution and complaints handling?

Consultation must be proactive and accessible (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 such practices undermine the intent of the DSE. **Genuine consultation is ongoing with regular interactions between education providers and students, aimed at designing, implementing, and reviewing adjustments over time.**

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 systematic and comprehensive approach to service delivery that seeks to support students' academic, social-emotional and behavioural development through coordinated provision of universal and targeted supports** (de Bruin et al., 2024). Students' learning and wellbeing is emphasised through high-quality accessible instruction and support to all students (Tier 1) 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). Additional supports at Tiers 2 and 3 are provided on the basis of data derived through screening, continuous monitoring, and formative and summative assessment. **These data are used in a process known as Data-Based Decision Making (DBDM) to determine which students require additional support and – *most critically* – in what. Implemented correctly, DBDM is what determines what skills students already have and what they need to learn.** This is what ensures that students are not withdrawn for guided reading when they really need targeted instruction in phonemic decoding (Graham, White et al., 2020). Critically, effective provision of high-quality accessible Tier 1 across the academic, social-emotional and behavioural domains will reduce unnecessary demand for Tier 2 and Tier 3 supports.

Complaints handling must be independent, effective, accessible, transparent, safe, trauma-informed and culturally responsive, confidential, and enforceable in cases of violations of the right to inclusive education. Despite GC4 referring specifically to the implementation of such complaints handling mechanisms to reduce bias and to enhance accountability, Australian governments have so far resisted implementation, particularly at the state level. Reluctance may stem from a perceived risk of vexatious complaints or a concern that the creation of such a body will produce a complaints culture. However, as recognised by the Final Report of the 2020 Review of the Disability Standards for Education 2005 (Department of Education, Skills and 20 Employment, 2020) when a student or family member 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 is crucial to safeguard the rights of children and young people with disability. An independent, accessible, transparent, and enforceable 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 and funding necessary to function effectively. **The DSE must make it clear that education providers are obligated to share information about the right to inclusive education and ensure that advice on how to challenge denials or violations is widely disseminated and publicised.** Advice should include examples of gatekeeping, explain the right to inclusive education and what it, universal design, and 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 student. We note that the DSE should set appropriate timeframes and minimum standards for consultation and review processes for handling complaints and disputes.

2.2 Should new principles for inclusive decision-making be included in the Standards?

Yes, however the draft principles do not define what inclusive decision-making is, and how decision-making is shared. While the draft states that "[someone] (c.) actively seek the views of the student or an associate of the student in relation to the matter and gives these views proper consideration during the decision-making process, including any views in relation to preferred support and reasonable adjustments" it is unclear who holds the decision making power, and what happens if there is no consensus between the views of the students and educators in a particular matter. Nor is it clear to what these 'matters' might pertain.

2.3 If the draft principles that have been developed are fit for purpose or if they need to be changed?

The draft principles for consultation are not fit for purpose. We draw the Review to the Disability Standards for Education 2005, section 3.5 (cth), which states:

> Before the education provider makes an adjustment for the student, the education provider must consult the student, or an associate of the student, about:
>
> (a) whether the adjustment is reasonable; and
>
> (b) the extent to which the adjustment would achieve the aim mentioned in paragraph 4.2 (3) (b), 5.2 (2) (b), 6.2 (2) (b), 7.2 (5) (b) or 7.2 (6) (b) in relation to the student; and
>
> (c) whether there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the student.
>
> (*Disability Standards for Education 2005*, section 3.5 consult the student)

The intent of consultation is to ensure all adjustments that are designed, enacted, and reviewed for reasonableness are discussed with the student through a process of consultation. Consultation, as stated in the Standards, is not in the first instance about issue resolution and complaints handling.

Conversely, the principles for consultation, as presented in Appendix B of the 2025 Review of the Disability Standards for Education – Discussion Paper (Australian Government, 2025) focus primarily on issues resolution and complaints handling. Only one mention of consultation on adjustments is present in the draft principles, at point c. "actively seek the views of the student or an associate of the student in relation to the matter and gives these views proper consideration during the decision-making process, including any views in relation to preferred support and reasonable adjustments".

We have major concerns about the draft Principles because conflation between consultation on adjustments and consultation on issues resolution and complaints handling will introduce confusion to education providers. There is a concerning risk that the draft principles may result in consultation no longer being understood as a collaborative, co-design process focused on reasonable adjustments, but instead on a retrospective process for issue resolution and complaints handling.

We urge the 2025 Review of the Disability Standards for Education to:

1. Remove the term "consultation" from the draft principles and reframe the principles to focus only on issues resolution and complaints handling under the Disability Standards for Education.
2. Create new principles for consultation that align with the intent of consultation per the *Disability Standards for Education 2005*, section 3.5 consult the student. These principles could draw on Australian research on student consultation (e.g., Tancredi, 2020a, 2020b).
3. Replace the word 'reasonable' with 'relevant' (as per our DDA Review submission) throughout to drive alignment between impairment, barriers, and adjustments.

2.4 How draft principles for consultation, issues resolution and complaints handling should be included in the Standards.

We agree with Option 3. The first option will not make any difference to the status quo, and the second will do the same by endorsing providers choosing their own adventure. We are open to providing further advice on how to support improved consultation, issues resolution and complaints handling for students with disability.

Topic 3. Clear responsibilities for assessment authorities and course developers

3.1 Are the Standards clear enough that organisations which develop, assess, and certify courses have responsibilities to ensure students with disability are able to access and participate in their courses on the same basis as students without disability?

Our view is that the Standards are not clear enough. Currently, the webpage with resources for educators and education providers points to three obligations:

1) making reasonable adjustments which allow students with disability to participate and learn on the same basis as students without disability
2) preventing harassment and victimisation of students with disability
3) consult regularly with students with disability and their parents and caregivers to develop reasonable adjustments and address concerns as they arise.

Within the Standards document, however, other key responsibilities are split into six parts:

i. enrolment,
ii. participation,
iii. curriculum development,
iv. accreditation and delivery,
v. student support services, and
vi. elimination of harassment and victimisation.

This division – with some information being in one place and other information somewhere else – is something that we refer to as 'procedural complexity' (Graham et al., 2018). While our research focuses on the in/accessibility of summative assessment task sheets, the same principle applies. **Breaking information up and distributing it across multiple pages or places increases the risk that readers will miss important pieces of that information.** In the case of the DSE, it could well lead to educators and education providers believing that the three obligations they see on the webpage is all that is required of them. A quick solution would be to make clear on the same initial landing page that there are three obligations (list them) which apply across six areas (list those).

Even then, **we think that there needs to be more work done to articulate the connection between the three obligations and the six areas.** Currently the webpage does not offer this. Instead, educators and education providers are shown an array of resource portals to choose from, but none indicate where they will find simple and quick answers to what they have to do to comply with the Standards. Nor does the landing page really provide educators and education providers with a thumbnail explanation of what they Standards are or what material force they have.

References

Australian Government [Department of Education]. (2025). *2025 Review of the Disability Standards for Education discussion paper*

Australian Government [Department of Education, Skills and Employment]. (n.d.). *Fact Sheet 4: Effective Consultation*. https://docs.education.gov.au/system/files/doc/other/dse-fact-sheet-4-effective-consultation_1.pdf

de Bruin, K., Graham, L. J., & Gallagher, J. (2020). What is the NCCD and what does it mean for my practice? In Inclusive education for the 21st century (pp. 122-155). Routledge.

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.

Disability Standards for Education 2005 (Cth). https://www.legislation.gov.au/F2005L00767/latest/text

Education Services Australia. (2022). *Professional learning: Disability Standards for Education e-learning*.

https://www.nccd.edu.au/resources-and-tools/professional-learning/format/e-learning-5

Feldon, D. F. (2007). Cognitive Load and Classroom Teaching: The Double-Edged Sword of Automaticity. *Educational Psychologist*, *42*(3), 123–137. https://doi.org/10.1080/00461520701416173

Graham, L. J., Killingly, C., Alexander, M., & Wiggans, S. (2024). Suspensions in QLD state schools, 2016–2020: Overrepresentation, intersectionality and disproportionate risk. *The Australian Educational Researcher*, *51*(4), 1527-1558. https://link.springer.com/article/10.1007/s13384-021-00504-1

Graham, L.J., Tancredi, H., Willis, J. & McGraw, K. (2018). Designing out barriers to student access and participation in secondary school assessment. *Aust. Educ. Res.* 45, 103–124. https://doi.org/10.1007/s13384-018-0266-y

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/studentabsences/report-of-an-independent-inquiry-into-suspensions-exclusions-and-expulsions-in-southaustralian-government-schools.pdf

Graham, L. J., White, S. L., Tancredi, H. A., Snow, P. C., & Cologon, K. (2020). A longitudinal analysis of the alignment between children's early word-level reading trajectories, teachers' reported concerns and supports provided. *Reading and Writing*, *33*(8), 1895-1923. https://link.springer.com/article/10.1007/s11145-020-10023-7

Graham, L. J. & Willis, J. (Eds.). (2025). *Accessible Assessment and Pedagogies: Improving Student Outcomes Through Inclusive Practice*. Taylor & Francis.

OECD (2019), *TALIS 2018 Results (Volume I): Teachers and School Leaders as Lifelong Learners*, TALIS, OECD Publishing, Paris, https://doi.org/10.1787/1d0bc92a-en

Ross, E. (2024). Teachers' interpretation of curriculum as a window into 'curriculum potential'. *The Curriculum Journal*, *35*(1), 38-55. https://doi.org/10.1002/curj.239

Tancredi, H. (2020a). Meeting obligations to consult students with disability: methodological considerations and successful elements for consultation. *Australian Educational Researcher, 47*(2), 201–217. https://doi.org/10.1007/ s13384-019-00341-3

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. (2023). Investigating the impact of impairment and barriers experienced by students with language and/or attentional difficulties. *Australian Journal of Learning Difficulties*, *28*(2), 173-194. https://doi.org/10.1080/19404158.2023.2285270

Thomson, S., & Hillman, K. (2020). *The Teaching and Learning International Survey 2018. Australian Report Volume 2: Teachers and School Leaders as Valued Professionals*. Australian Government Department of Education. https://research.acer.edu.au/talis/7

UNESCO. (2023). *Technology in education: A case study on Singapore*. Paper commissioned for the 2023 Global Education Monitoring Report, Southeast Asia - Technology in education. https://doi.org/10.54676/HOOV5879

United Nations. (1989). *Convention on the Rights of the Child*. Geneva: United Nations

United Nations [Department of Economic & Social Affairs: Disability]. (2008). *Convention on the Rights of Persons with Disabilities (CRPD)*. https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html

United Nations [Committee on the Rights of Persons with Disabilities]. (2016). *General comment No. 4 Article 24: Right to inclusive education*. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/4&Lang=en

Members of The Centre for Inclusive Education (C4IE) at Queensland University of Technology (QUT) conduct high-quality research across three interlocking programs: (i) Engagement and Learning, (ii), Inclusion and Exclusion, (iii) Health and Wellbeing. For more information about C4IE, its members and research outputs, please visit www.research.qut.edu.au/c4ie/