Australian Education Bill 2012

AFDO SUBMISSION TO

THE SENATE STANDING COMMITTEES ON EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

FEBRUARY 2013

About the Australian Federation of Disability Organisations (AFDO)

The Australian Federation of Disability Organisations (AFDO) has been established as a primary national voice to Government that fully represents the interests of all people with disability across Australia.

The mission of AFDO is to champion the rights of people with disability in Australia and help them participate fully in Australian life.

Introduction

AFDO is currently developing a national policy regarding the education of Australian students with disability.

AFDO's policy will:

- Reinforce the rights of students with disability aligned to Article 24 – Education, UNCRPD, and
- Define the benefits to individuals with disability and to the Australian nation of the provision of targeted support to students with disability based on individual need.

Educational support for students with disability should be aligned to measurable goals and outcomes, and aim to significantly improve support for students with disability to:

- Achieve their educational goals alongside their peers without disability
- Prepare students with disability to undertake tertiary qualifications
- Prepare students with disability for post-school training and employment
- Improve individual capacity to engage actively in social, economic, cultural and political life

AFDO's policy on the education of Australian students with disability will be publicly available in June 2013.

The AFDO position

Alongside the development of its education policy on students with disability, AFDO offers the following perspectives on the initial 2nd reading of the Australian Education Bill 2012:

Preamble

AFDO recommends that:

1. Specific mention should be made to conforming with relevant international conventions
2. In the paragraph beginning "*The quality of a student's education"* personal circumstances should be defined to include disability, gender and cultural background.
3. Outcomes relating to culture, physical activity and civic participation should be inserted

Objects

1 Objects of the Act should also include the above.

Part 2 Improving the performance of schools and school students

1. AFDO considers that the Australian Education Bill 2012 is an important step towards improving the educational outcomes for all Australian students and creating school environments which support a high quality, equitable education for all Australian students.
2. All schools receiving Government funding should be education ready for the inclusion of children with disability. This includes full accessibility of all infrastructure, teacher training to ensure teachers teach for all children and creating a school environment that welcomes children with disability, including participation in extra-curricula activities and school community social events
3. Education for students with disability should focus on quality outcomes in academia, culture, physical activity and civic participation. Students with disability should be enabled to perform to their full potential in these areas.
4. Supported with targeted resources aligned to individual need, Australian students with disability can achieve higher educational outcomes which enable their participation in the diverse, skilled workforce which the federal Government has identified as a critical component for Australia to meet the challenges of the "Asian century".

5. Therefore all proposals for development and supply of targeted supports to students with disability should be specifically aligned to achievement of educational outcomes which can be identified and measured against defined goals; must be developed in partnership with students, their families, teachers and schools and must meet individual students' needs for educational support, rather than supplying one-size-fits-all support based on systemic lines.

6. Calculating the loading to fund resourcing supports to improve social, curriculum and participation outcomes should include but not be limited to physical, technological, digital and social supports aligned to individual needs.

7. Reform directions for the national plan

Transparency and accountability

(4) Support will be provided to schools to find ways to improve continuously by:

(a) analysing and applying data on the educational outcomes of school students (including outcomes relating to the academic performance, attendance, behaviour and wellbeing of school students); and

(b) making schools more accountable to the community in relation to their performance and the performance of their school students.

Meeting student need

(6) Australian schooling will place the highest priority on:

(a) identifying and addressing the needs of school students, including barriers to learning and wellbeing; and

(b) providing additional support to school students who require it

(iii) gathering and sharing evidence about the most effective methods of improving the performance of schools and school students.

9 School funding

Funding to schools should include infrastructure costs as well as a loading for disability

For any Government of a State or Territory, or non-government education authority, that reaches agreement with the Commonwealth on its implementation of the national plan referred to in section 6, the Commonwealth will provide funding for schools or school

systems, through grants of financial assistance to States and Territories, based upon the following principles:

(a) every school student will have the opportunity to have an excellent education;

(b) base recurrent funding will be allocated according to a formula that calculates an appropriate amount for every school in recognition of the costs of providing a high quality education;

(c) educational disadvantage associated with any of the following circumstances will be recognised and addressed through providing additional recurrent funding in the form of loadings:

(i) having a disability;

(ii) being an Aboriginal person or a Torres Strait Islander;

(iii) having a low socioeconomic status;

(iv) not being proficient in English as a result of the ethnic background or immigration status of a student or a student's family;

(v) the size of a student's school;

(vi) the location of a student's school.

Part 3 - Miscellaneous

Research and anecdotal evidence consistently demonstrates that most students with disability and their families are not welcomed routinely into schools in the public, independent or religious school systems.

Fewer still receive the supports they need to progress their education and proceed to higher education and employment.

In December 2012 the DEEWR Report on the Review of Disability Standards for Education 2005 found the that the existence of the Standards is not widely known nor understood by many educational institutions, resulting in inferior educational outcomes for students with disability. The Report noted that:

Discrimination and inclusion

- *The Standards do not have enough focus on measures for promoting greater inclusion and removing subtle and indirect discrimination.*

- *The obligations and requirements under the Standards are not backed up by strong accountability frameworks.*

Therefore AFDO is gravely concerned that the failure of the Australian Education Act 2012 to "create legally enforceable obligations" will perpetuate the exclusion of students with disability from the anticipated beneficial outcomes arising from the application of the bill, as:

1) This Act does not create rights or duties that are legally enforceable in judicial or other proceedings.
2) A failure to comply with this Act does not affect the validity of any decision, and is not a ground for the review or challenge of any decision.

United Nations Convention on the Rights of Persons with Disability

Article 24 - Education

States Parties shall ensure that:

a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

c. Reasonable accommodation of the individual's requirements is provided;

d. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

Conclusion

AFDO believes that its recommendations should be considered to make the legislation "real" for students with disability, and to genuinely enable students with disability to receive the supports they need to access education and develop skills for further education and employment.

AFDO asks that it be given the opportunity to present its case for these recommendations to the House of Representatives Committee and the Senate Committee when in respective hearings on 8 February 2013 and 15 February 2013.