



Held back: the experience of students with disabilities in Victorian schools

> Main findings

The first report of its kind by a human rights commission in Australia, *Held back* examines how well students with disabilities fare in government, Catholic and Independent schools across Victoria – capturing the experiences of more than 1,800 students, parents and educators who participated in the research.

Main findings

- Despite 30 years of equal opportunity legislation in Victoria, discrimination still exists in Victorian schools. Half of the students and parents in our survey reported discrimination at school. One in four educators had witnessed discrimination.
- Significant barriers still exist for students with disabilities. These are amplified for Indigenous students and those from culturally and linguistically diverse backgrounds.
- Barriers include funding limitations, lack of specialist supports, inadequate knowledge and training in disability among teachers, lack of time for teachers to provide an individualised approach for students with disabilities, and discriminatory attitudes.
- Many individual schools and teachers are working successfully to build inclusive school communities and supporting students with disabilities to achieve positive educational outcomes. These educators care deeply about their students and are frustrated by resource and capacity constraints.
- DEECD has developed many valuable programs, policies, guidance and curriculum supports – these have the capacity to make an enormous difference, however, these are applied inconsistently by schools and are not effectively monitored by the Department.
- As a result, students' experiences depend on which school you go to, which teacher you have and the knowledge and attitudes of your school towards disabilities. This is a hit and miss approach to ensuring one of the most important human rights and the foundation for a good life – a decent education.

Compliance with anti discrimination laws

Enrolment

- 85 per cent of surveyed parents were able to enrol their child with disability at the first school to which they applied. However, for those who were unsuccessful, applications were made to many schools before being accepted.
- The refusal to enrol a student because of disability was rarely explicitly stated. It was more common for parents to be subtly informed that the school will not be able to accommodate the child's needs or told their child would not attract funding.

Participation

- 53 per cent of parents reported that their child was not able to fully participate in education; however, educators and students with disabilities took a more positive view. Seventy-two per cent of educators said that students with disabilities could fully participate, while 68 per cent of students reported full participation.
- When parents asked for adjustments to be made to facilitate their child's participation, 32 per cent said the adjustment was made in full. Fifty-eight per cent said adjustments were partially made and ten per cent said necessary adjustments were not made at all.
- When asked what the barriers were, parents most frequently identified lack of teacher training, teacher time and specialist supports. Educators were more likely to identify lack of funding and resources. However they also reported lack of training, poor coordination and school culture as barriers.

Curriculum development, accreditation and delivery

- In schools where teaching methods and learning materials are adapted to the individual needs of students with disabilities, students are more likely to enjoy better outcomes. However, performance across Victoria's education system is patchy.
- Students with disabilities may find that adjustments are made in the classroom but not for all aspects of schooling including excursions, school camps and other extracurricular activities.
- Making adjustments for exams and assessment is inconsistent between schools. In some schools, adjustments are not even considered. In others, the environment for testing or limitations in available supports can lead students to perform well below their potential.

Student support services

- Despite considerable investment, there is still significant unmet need for support services in schools including integration aides, occupational therapists, speech therapists, other specialist staff and assistive technology. Students in regional areas encounter particular difficulties gaining access to these services.
- Specialist supports such as occupational and speech therapists were the most frequently requested adjustments reported by parents in our survey. One third of parents said this was fully provided by the school, another 60 per cent said it was partially provided. This suggests that students are getting some access to supports, but not the amount needed to fully participate in education.
- Despite being contrary to government policy and legislation, some parents are contributing financially to the provision of specialist supports in schools to address gaps in the system and ensure that their child can remain at school.

Harassment and victimisation

- Bullying is a significant and widespread problem for students with disabilities, with six out of 10 reporting they have been bullied because of their disability.
- This is much higher than the rate of bullying for the general student population where bullying is estimated to occur to around one in four students.
- While existing efforts to reduce bullying generally in Victorian schools are impressive, urgent attention is needed to address bullying specifically based on disability.

Issues of concern

Inconsistency in student support groups and individual learning plans

- Student support groups are an important mechanism for consultation in the government school system. Similar processes occur in Catholic and Independent schools. These work well in many schools, however, the frequency, quality and results of these meetings are inconsistent.
- Individual learning plans (ILP) are the lynchpin in the government school system for setting and delivering on learning goals for students with disabilities and are mandatory for students in receipt of Program for Students with Disabilities (PSD) funding. However, not all students who should have a plan have one and not all teachers have the knowledge and skills to develop these plans.
- In our survey three quarters of students with disability who were required to have an ILP under funding rules had one, leaving one in four without a plan, or not knowing if they had one.
- The quality of individual learning plans and student support groups vary widely. Currently there is no systemic monitoring by the DEECD to ensure they are implemented properly.

Part-time schooling, suspension and expulsion of students with disabilities

- Even though the law requires all students who are enrolled to attend school full time, some schools do not allow some students with disabilities to come to school full time.
- Fifty-two parents reported part-time schooling. While this is a small number of students, education authorities must proactively address this serious matter.
- In some cases, students are only allowed to attend during the hours that a funded integration aide is available. In other cases, the student may be put on part-time attendance following behaviour problems that have not been well-managed.
- Information about suspension and expulsion of students with disabilities is not collected or reported by DEECD, the Catholic system or Independent schools. This makes it difficult to understand and fix the problem.
- However, our survey suggests that some students with disabilities are suspended multiple times or expelled, nearly always in connection with behaviour-related issues. These students are likely to end up home schooled, in distance education or out of education all together.

Use of restraint and seclusion in schools

- Thirty-four parents reported the use of restraint on their child at school and 128 parents reported that their child had been placed in 'special rooms'.
- 514 educators reported having used restraint. Over half said they were inadequately trained to deal with this situation.
- There is no independent oversight or monitoring of the use of seclusion and restraint in Victorian schools. There is no official data on how frequently these practices occur in schools, why they are used or their impacts.
- A number of circumstances describing the use of restraint and seclusion described to the Commission by parents and educators would constitute a breach of human rights and the *Equal Opportunity Act 2010*.

Inadequacy of school transport

- More than one in four students with disabilities reported problems accessing and using transport. Parents had a similar dissatisfaction rate.
- Some students are travelling for many hours on buses to get to and from specialist schools. Being denied food, water and toileting facilities on these buses violates their dignity and their rights.
- There is a lack of discretion in how eligibility criteria are applied to programs that may assist students with disabilities getting to and from school.

Transition points

- Poor planning and inadequate sharing of information between schools may compromise the quality of transition between school stages for students with disabilities.
- Funding reviews before entering secondary school may precipitate a step down in supports when a student with disability enters high school, even though the environment and curriculum may be more challenging in that new school.

Complaints system

- DEECD does not systematically monitor complaints made to schools. As such, there is no available data on how many complaints are made, what they are about or how they have been resolved.
- There is dissatisfaction among parents of children with disabilities about the current complaints process. One third of parents in our survey who felt their child had been discriminated against did not complain because they did not think it would make any difference. One in five did not complain because they were fearful of repercussions for themselves or their child.
- Those responsible for considering complaints in schools do not have specific training or skills in alternative dispute resolution. This increases the risk of complaints escalating.

Removing barriers and building capacity

Funding and resources

- While over 20,000 government school students receive additional assistance through the PSD, there are no effective key performance indicators to ensure that student outcomes are being improved. Nor does DEECD have a means to measure how students without funding are faring, where they are, or what they need.
- Parents found the PSD application process time consuming and stressful, especially its focus on what their child could not do. Many said that the funding criteria were applied too rigidly and that some forms of disability are not covered. Even when funding was provided, it was often not enough to meet the needs of the student.
- Parents also raised concerns about the transparency of PSD funding decisions, as well as the process which schools use to determine how this funding will be used.
- Educators reported a lack of resources for students with disabilities generally, and were particularly concerned for students who were not eligible for PSD.
- Although government policy is that the general school budget and other resources such as the Language Support Program and Student Support Service should be used to support students who are not eligible for PSD, parents and educators reported that in a resource-constrained environment, schools are less likely to make adjustments if a student is not funded.

Workforce capacity

- Over half of the educators surveyed said they did not have the support, training and resources they needed to teach students with disabilities well.
- Sixty- two per cent of teachers and 53 per cent of principals said they did not have adequate support, training and resources. Four out of 10 integration aides also reported this.
- Forty per cent of educators were not aware of their legal obligations to students with disabilities under the *Disability Standards for Education 2005*.
- Students with disabilities are likely to be found in almost every classroom. Victoria needs a teacher workforce that is better equipped to meet the learning and support needs of all students in their classrooms. To achieve this, teacher training university courses and ongoing professional development programs need a stronger focus on understanding and teaching students with disabilities across the full range of disabilities.

Leadership and accountability

- The culture and resources of individual schools, as well as the skills and attitudes of the principal and teachers, are key factors in building a school community that is inclusive and supportive of students with disabilities.
- While school leaders are important in building an inclusive culture, one or two champions are not enough. A 'critical mass' of support within the school is necessary to bring about sustained change.
- DEECD does not currently have systems for routinely monitoring how students with disabilities are faring in schools, nor does the Catholic system or Independent schools. Instead, information is held at a school level, usually through the student's individual learning plan. However, this research (and others) have identified problems with the quality and consistency of these. More systemic monitoring is required.
- We support the Victorian Auditor-General's recommendation for the introduction of key performance indicators for the PSD – recognising that it may take some time for the Victorian Student Number to be capable of measuring outcomes. In the meantime, closer monitoring of school's performance is necessary. Existing systems can be adapted to achieve this without creating an undue burden on schools.

Next steps

The report makes 50 recommendations, several of which are directed solely to the Victorian government, while others are also directed to the Catholic Education Offices and the Independent school sector. These recommendations range across the various suggestions for improvement made by participants and stakeholders in the research. These recommendations build upon those made by the national review of the *Disability Standards for Education 2005* and the Victorian Auditor-General's recent audit of programs for students with special learning needs.

The Commission has developed an implementation plan to monitor and progress implementation of the recommendations, and will work with stakeholders to achieve a better deal for students with disabilities.

Download the full report from humanrightscommission.vic.gov.au/disabilityinschools.

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