

Inclusive Education

The current education system in Australia is failing to adequately meet the needs of students with disability, and it is rare for students with disability to be provided with a genuine inclusive educational experience.¹ Students with disability are being shut out and denied a future by school systems that assume they have nothing to contribute.²

Only 36% of people with disability aged 15-64 years complete secondary education compared to 60% of people without disability.³ 28% of school aged people with disability do not attend school.⁴ Students with disability report that their disability is the main reason they cannot attend school.⁵ Further, there is no data on part time attendance of students with disability despite the frequently reported direct experience of many children not being “allowed” to attend school on a full time basis.

Many mainstream schools are inaccessible. Principals and/or personnel of mainstream schools use exclusion practices referred to as “gatekeeping”, whereby school personnel suggest to parents that another school could better support their child.⁶ This means that many students with disability are re-directed to ‘special’ schools instead. ‘Special schools’ in Australia are those that “only enrol students with special needs.”⁷

Segregation of students with disability has increased significantly over the past decade, with a shift towards students with disability attending special schools and away from attending mainstream schools. The number of students with disability attending a special school increased by 35% between 2003 and 2015. This increase is supported by a funding incentive, whereby a child with disability receives higher funding if they attend a special school rather than a mainstream school.⁸

The *Committee on Economic, Social and Cultural Rights* expressed concern about the increase in segregated education during the constructive dialogue with Australia in May 2017 and recommended that Australia implement measures to ensure children with disability have access to inclusive education.⁹

Students with disability routinely experience discrimination, lack of supports, inadequately trained teachers, a lack of expertise and an entrenched systemic culture of low expectations.¹⁰ Around 3 in 4 students with disability experience difficulties at school, predominately due to fitting in socially, communication difficulties, and learning difficulties.¹¹ 20% of people with disability attending an educational institution experience discrimination, of which 25% identify a teacher or lecturer as the source of that discrimination.¹²

Students with disability are experiencing disturbing rates of bullying and situations of restraint and seclusion.¹³ There are an increasing number of incidents being reported of children with disability being placed in ‘withdrawal spaces’, which effectively amount to restraint and seclusion in fenced off spaces, cages and cupboards.¹⁴

There is no government data on these experiences. However, a national survey of education experiences of students with disability undertaken in 2017 by the national representative organisation, Children and Young People with Disability Australia (CYDA)¹⁵ found that in the preceding 12 months, 19% of students with disability experienced restraint at school and 21% reported experiences of seclusion. The survey also found that in the same period, 56% of students with disability had experienced bullying, which is more than twice the rate of bullying estimated to occur in the general population of school aged children.

The national survey found that bullying incidents reported included students with disability being attacked, punched, kicked, head butted, having food or rocks thrown at them, being teased, mimicked and spat on, cyberbullied and even being told to commit suicide. One student reportedly had a skipping rope wrapped around her neck and an attempt was made to strangle her.¹⁶

The rate of disability for Indigenous people, including children¹⁷ is twice as high as that among the general population.¹⁸ The retention rate to Year 12 for Indigenous students is significantly lower than that for non-

Indigenous students. Although the retention rate to Year 12 for Indigenous students has increased steadily, from 47% in 2010 to 60% in 2016, it is still significantly lower than the non-Indigenous rate (79% in 2010 and 86% in 2016).¹⁹

Australia is seeking to reject its human rights obligations by seeking a clarification from the CRPD Committee “that States Parties may offer education through specialist classes or schools consistently with article 24”.²⁰ This is in violation of CRPD Article 24 and CRPD General Comment 4.²¹ CRPD General Comment 4 clarifies that: ‘States parties must ensure the realization of the right of persons with disabilities to education through an inclusive education system at all levels,²² and for all students, including persons with disabilities, without discrimination and on an equal basis with others.’ It further stipulates that: ‘Segregation occurs when the education of students with disabilities is provided in separate environments designed or used to respond to a particular impairment or to various impairments, in isolation from students without disabilities.’ In addition, it clarifies that: ‘For article 24 (2) (a) to be implemented, the exclusion of persons with disabilities from the general education system should be prohibited.’

Recommendations

That Australia:

- Develop a national Action Plan for Inclusive Education that includes a legislative and policy framework that fully complies with Article 24 and CRPD General Comment 4.
- Address the increasing rate of segregation of students with disability and redirect adequate resources to full inclusion into mainstream schools.
- In consultation with Indigenous people and their representative organisations, establish culturally owned and operated programs and initiatives to increase the education retention rate of Indigenous students.

Endnotes

¹ See e.g., People with Disability Australia, ‘Submission to the Senate Inquiry into the current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of supports’, 28 August 2015; People with Disability Australia, ‘Submission to the NSW Parliament General Purpose Standing Committee 3, Inquiry into Students with a disability or special needs in New South Wales schools’, March 2017; Children with Disability Australia, ‘Hear Our Voices: Submission to the Senate Inquiry into current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of supports’, August 2015.

² See also: [Australian schools failing children with disabilities, Senate report finds](#); ABC TV (15/01/2016)

³ Sands, T. (2017), Disabled People’s Organisations Australia (DPO Australia) [Submission to the 2017/2018 Federal Budget](#).

⁴ Students with disability report that their disability is the main reason they do not attend school. See: Australian Institute of Health and Welfare (2017) [Disability in Australia: changes over time in inclusion and participation in education](#). AIHW, Canberra.

⁵ See: Australian Institute of Health and Welfare (2017) [Disability in Australia: changes over time in inclusion and participation in education](#). AIHW, Canberra.

⁶ R. Dixon, L. Graham and H. Proctor (2016), “[How schools avoid enrolling children with disabilities](#)”, The Conversation, 28 January 1-3.

⁷ Schools that only enrol students with special needs. Australian Institute of Health and Welfare (2017) [Disability in Australia: changes over time in inclusion and participation in education](#). AIHW, Canberra.

⁸ Students with disability at a mainstream school attract a students with disability loading of 186 per cent of the base per student amount; those at a special school attract a students with disability loading of 223 per cent. See: Senate Standing Committees on Education and Employment (15 January 2016) [Chapter 5: How to better support students with disabilities in schools](#) in ‘[Access to real learning: the impact of policy, funding and culture on students with disability](#)’.

⁹ Committee on Economic, Social and Cultural Rights, Concluding observations on the fifth periodic report of Australia, UN Doc E/C.12/AUS/CO/5, paras 55-56.

¹⁰ See for eg: Children with Disability Australia (CDA) (2013) [Inclusion in education: Towards equality for students with disability](#), Written by Dr Kathy Cologon for CDA. See also: [Australian schools failing children with disabilities, Senate report finds](#); ABC TV (15/01/2016)

¹¹ Australian Institute of Health and Welfare (2017) Disability in Australia: changes over time in inclusion and participation in education. AIHW, Canberra.

¹² 20% of people with disability attending an educational institution experience discrimination, of which 25% identify a teacher or lecturer as the source of that discrimination. See: Australian Institute of Health and Welfare (2017) Disability in Australia: changes over time in inclusion and participation in education. AIHW, Canberra.

¹³ The evidence base describing egregious breaches of the human rights of children and young people with disability in schools is rapidly increasing. See for eg: Children and Young People with Disability Australia (CYDA) (August 2016) Bullying and abuse of school students with disability at alarming levels; Media Release 9 August 2016. See: Australian Broadcasting Corporation (ABC) (16 August 2016) School investigated after claims boy with autism locked in 'cage'. Australian Broadcasting Corporation (ABC) (31 August 2016) School accused of leaving teen with autism outside on beanbag for whole term. The Canberra Times (11 August 2016) Autism cage details emerge as United Nations investigates abuse of children. See also: Senate Community Affairs References Committee (November 2015) Final Report: Violence, abuse and neglect against people with disability in institutional and residential settings. See also: Senate Education and Employment References Committee (2016) Final Report: Access to real learning: the impact of policy, funding and culture on students with disability

¹⁴ See e.g., See: Australian Broadcasting Corporation (ABC) (16 August 2016) School investigated after claims boy with autism locked in 'cage'. Australian Broadcasting Corporation (ABC) (31 August 2016) School accused of leaving teen with autism outside on beanbag for whole term. The Canberra Times (11 August 2016) Autism cage details emerge as United Nations investigates abuse of children.

¹⁵ Children and Young People with Disability Australia (CYDA) Education Survey 2017. CYDA, Melbourne, Victoria.

¹⁶ Gotlib, S. (2018) Action Must Be Taken to Stop Bullying of Students with Disability. ProbonoAustralia, 21st May 2018.

¹⁷ Australian Bureau of Statistics, 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, 2015: Aboriginal and Torres Strait Islander People with Disability.

¹⁸ Australian Institute of Health and Welfare 2018. Australia's health 2018. Australia's health series no. 16. AUS 221. Canberra: AIHW.

¹⁹ See: Australian Institute of Health and Welfare 2017. Australia's welfare 2017. Australia's welfare series no. 13. AUS 214. Canberra: AIHW.

²⁰ Australia government response to LOIPR, para 275 (b).

²¹ Committee on the Rights of Persons with Disabilities, General comment No. 4 (2016) on the right to inclusive education. UN Doc No. CRPD/C/GC/4.

²² including preschool, primary, secondary and tertiary education, vocational training and lifelong learning, extracurricular and social activities. UN Doc No. CRPD/C/GC/4.