

## Conference of States Parties to the Convention on the Rights of Persons with Disabilities

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### Roundtable 3: Right to education: challenges with inclusive education and accessibility during the coronavirus disease pandemic

**Mary Sayers, Chief Executive Officer, Children and Young People with Disability Australia**

#### Bio:

Mary Sayers (she/her) joined Children and Young People with Disability Australia (CYDA), the Australian representative organisation for children and young people aged 0 – 25 years, as Chief Executive Officer in July 2019. Over her career she has worked across policy and research, advocacy and service delivery for children, young people and families. Mary has family experience of disability as a parent, and is a passionate advocate for the rights of children and young people.

#### Speech

My name is Mary Sayers and my pronouns are she/her. A visual description of me is I have short blonde hair, wear glasses and have an Australian accent.

I would like to acknowledge the traditional owners of the land which I am coming to you from Australia. I acknowledge the Wurundjeri people of the Kulin nation and pay my respects to elders past and present and to acknowledge this was and always will be Aboriginal land and sovereignty was never ceded.

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0-25 and the majority of our members are families of children with disability or young people with disability. We are predominantly funded by the Australian Government.

Children and young people with disability and their rights are often overlooked or missed in public policy in Australia. In child and youth-specific policies, the distinct needs and strengths of children and young people with disability are generally absent. Similarly, their rights and developmental and social needs are also commonly absent from disability-specific policies.

The COVID situation was a perfect example of this.

We launched a survey of our members in March 2020 just five days after the World Health Organisation declared the pandemic, and over 5 weeks we had around 700 responses.

We published the findings of the report in May 2020, based on the analysis of the data from researchers at the University of NSW Canberra and Melbourne University led by Professor Helen Dickenson. The report was titled [\*More than isolated: the experience of children and young people with disability and their families during the covid-19 pandemic\*](#).

In this report it was found:

- 82% of survey respondents said they lacked information targeted at children and young people with disability and their families and this was consistent throughout the 5 ½ weeks of the survey
- This lack of information exacerbated distress and uncertainty
- Half of the survey respondents reported a decline in their mental health or the mental health of their child, with this figure increasing over the period of the survey

- Uncertainty about education was a dominant theme, including school closures and challenges with learning from home, and that progress gained by children and young people with disability would be lost during this period.

A quote from survey respondents was:

*“There has been no good information for people at high risk and families about distancing at home and keeping other kids at home from school. No advice about high risk conditions (or advice was slow and inconsistent)”*

The overall finding of this report was information about COVID-19 in Australia was not appropriately targeted to the needs of children and young people with disability and their families, and they were disproportionately impacted.

CYDA annually completes a National Education Survey that covers the extent of ‘gatekeeping’ by schools where families are discouraged from enrolling their children at their local school, part-time or no attendance at a school, segregation and discrimination in education and restrictive practices.

However, due to the COVID-19 situation from April to June 2020, CYDA launched a second COVID survey particularly focused on the educational experiences during the pandemic. During this period, many states and territories of Australia had moved to remote learning, with schools shut during various lockdowns.

In July 2020, we published a second report [Not even remotely fair: Experience of students with disability during COVID-19](#). This report was again written by researchers at the University of NSW and University of Melbourne and they reported on the results of a second survey and there over 700 responses plus over 1100 text comments. This second report found

- 72% of students with disability were more socially isolated from their classmates, such as being excluded from working with their peers, or not being included in virtual classrooms
- There were significant reductions in the provision of usual supports for students with disability, most notably supervision, social supports and individual support workers : 61% said students with disability had not received adequate educational support during the pandemic
- More than half did not have regular contact with the education provider to ensure the learning was accessible
- Many families felt that individual education plans weren’t operating well before the pandemic, and modifications were not being made to support the shift to remote learning

The overall findings were:

- Schools were unable to provide or reduced dramatically support for students in their education during the first COVID-19 lockdown
- Despite the well-known inequities they face in their education, there was a lack of assertive and proactive support for students with disability during the first lockdown
- The onus and thus ‘heavy lifting’ for providing inclusive education shifted from school staff to students and their families
- Individual Education Plans (IEPs) are not working in the way they should

Some quotes from survey respondents were:

*“The school was terrible at disability support and inclusion before the pandemic and have remained uncaring and disinterested during it. They are doing the absolute bare minimum to*

*support my child and others with disability, are not teaching at school or online, no aide time has been offered and there is no support”.*

*“Supports received at school pre-COVID-19 relied heavily on my advocacy. Modifications and Access to the remote learning environment were dependent on my capacity to navigate and implement new strategies. In basic terms -left to our own”.*

Together these two reports showed that the COVID-19 pandemic exacerbated existing inequality for children and young people with disability and there were very few mechanisms for their rights to be upheld during this time.

A Disability Royal Commission has been established by the Australian Government to investigate violence, abuse, neglect and exploitation of people with disability in Australia. CYDA provided evidence to the Royal Commission in 2020 based on our COVID-19 survey results and our [2019 National Education Survey](#). We told the Disability Royal Commission:

- 24.2% of respondents indicated students with disability were enrolled in segregated education in either dual enrolment with a special school or attending a special school
- Another 15.5% of students who attended a ‘mainstream’ school were separated from their peers, either on a full-time basis in a special unit or withdrawn to the special unit for instruction in combination with attending a ‘regular’ class
- 12.5% of students with disability have been refused enrolment
- 16.6% of students with disability do not attend school full-time
- 14.7% of students with disability were suspended in the last year and 1.8% were expelled in the last year
- 40.2% of students with disability have been excluded from events or activities at school in the last year.
- 47.9% of students with disability experienced bullying at school in the last year
- 30.9% experienced restraint or seclusion in the last year and 11.1% experienced both restraint and seclusion

Sadly, our National Education Surveys year on year show similar results, and do not improve.

Children and young people with disability and their families have few avenues to have their right to inclusive education to be upheld in Australia. Notwithstanding Australia’s ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in 2008 and the provisions of the Disability Discrimination Act 1992 (DDA) in relation to education, the fundamental human right of children and young people with disability to inclusive education continues to be contested in Australia.

We believe that there is much more to be done by educational authorities in Australia to ameliorate the disadvantage students with disability face in education and the lack of inclusive education as defined in the CRPD [General Comment 4 \(2016\)](#). Full compliance to our international obligations as outlined in the CRPD requires state parties to acknowledge that implementing inclusive education is not compatible with sustaining two systems of education: mainstream and special/segregated education systems. However, we do not believe educational authorities in Australia are actively working towards progressive realisation of this obligation.

As an illustrative example, the Australian Government in its [submission to the Committee on the Rights of Persons with Disabilities \(Committee\) Australia’s second and third periodic report](#) under the Convention on the Rights of Persons with Disabilities (Convention) in 2018 said:

*In respect of the Committee’s comments urging States Parties to “achieve a transfer of resources from segregated to inclusive environments”, Australia’s view is that a State Party will meet its*

*obligations under article 24 through an education system that allows for funding of different education modalities so students with disability are able to participate in a range of education options including enrolment in mainstream classes in mainstream schools with additional support, specialist classes or units in mainstream schools and specialist schools. A range of education options ensure that the best interests of the student are a primary consideration”.*

In conclusion we believe the COVID-19 pandemic has shone a light on just how poorly children and young people with disability are supported in their education in Australia before and during the pandemic. This spanned all states and territories and all educational settings.

Until the entire educational system in Australia is focused on providing inclusive education in mainstream schools, these disadvantages will continue to occur. Education for students with disability in Australia is still a deeply contested space where educators, professional associations, principal associations, and elected officials rely on the notion of ‘parent choice’ and that there is a need for segregated education to best support students with disability, despite overwhelming evidence that inclusive education leads to better outcomes for both disabled and non-disabled students<sup>1</sup>.

The [Australian Coalition for Inclusive Education](#) convened by CYDA and [All Means All](#) has provided a roadmap to the Australian Government, state and territory education authorities and the Disability Royal Commission to realise inclusive education over the next 10 years. Titled [Driving change: A roadmap for achieving inclusive education in Australia](#) the roadmap outlines six key pillars required to bring about change including:

- Ensure inclusive education
- Phase out segregated education
- Increase educational outcomes
- Stop gatekeeping and other discrimination
- Eliminate restrictive practices
- Prevent suspensions and expulsions

We believe this requires legislative and policy change, parent education and changes in community attitudes, monitoring and accountability, teacher education, school cultures for inclusion and activating and listening to students themselves.

I look forward to the discussion today as there are some important lessons from the COVID-19 situation in Australia that we think can assist in the journey to inclusive education.

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<sup>1</sup> see Cologon, K. (2019) Towards inclusive education: A necessary process of transformation. Report written by Dr Kathy Cologon, Macquarie University for Children and Young People with Disability Australia (CYDA)