

Time for change: The state of play for inclusion of students with disability

Results from the 2019 CYDA National Education Survey

Children and Young People with Disability Australia

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Contents

Executive summary	2
Introduction.....	5
Educational segregation and exclusion	7
Segregated education	7
Enrolment barriers.....	7
Part-time attendance at school.....	8
Suspensions and expulsions	9
Exclusion from events or activities at school	10
Support for students at school	11
Educational support and funding	11
Out-of-pocket costs for families to support education	12
School cultures for inclusion	13
Personalised learning plans	13
Inclusive environments and high expectations.....	13
Abuse and violence	14
Bullying	14
Restrictive practices	15
Summary and discussion.....	17

Executive summary

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0–25 years. CYDA has an extensive national membership of more than 5000 young people with disability, families and caregivers of children with disability, and advocacy and community organisations.

CYDA's purpose is to systemically advocate at the national level for the rights and interests of all children and young people with disability living in Australia.

Research evidence overwhelmingly supports inclusive education. As well as positive outcomes for social justice and a sense of community and belonging, there are benefits for learning outcomes and for the social, behavioural and physical development of children and young people who do and do not experience disability.

Inclusive education is about everyone learning, growing and flourishing – **together** – in all our diversity. Inclusive education recognises **the right of every child and young person** – without exception – to be included in general education settings. It involves adapting the environment and teaching approaches to ensure genuine and valued full participation of all children and young people. It embraces human diversity and welcomes all as **equal** members of an educational community.¹

CYDA conducted a National Education Survey between August and September 2019 to provide important information on the experience of children and young people with disability in their school education. There were 505 young people with disability and families and caregivers of children with disability who responded to the survey.

The survey had representation from all states and territories, all age groups and from metropolitan, regional, rural and remote Australia. The majority of respondents were from families of students with disability (97%), with the balance of respondents being students with disability.

The results of the survey show that students with disability are routinely excluded in their education, with many being segregated from 'mainstream' schools and classrooms, not attending school full-time, refused enrolment and excluded from school activities. Suspensions and expulsions are also familiar practices, showing the lack of understanding and support for students with disability.

While the majority of students receive some specific support at school because of their disability or learning difference, there are many families who are out-of-pocket for supports and equipment to enable the student to participate in education. Many students do not have a personalised individual education plan in place.

Families did **not** believe:

- students with disability received adequate support in their education
- that they were communicated with regularly about the student's learning progress
- that teachers had high expectations of the student, or
- that teachers had the required training to provide a supportive and enriching education environment.

Students with disability experience unacceptably high levels of abuse and violence at school, including bullying and restrictive practices such as restraint, seclusion or both of these.

¹ Children and Young People with Disability Australia (2019) Fact Sheet 1, 'What is inclusive education?'

This report should be read in conjunction with:

- *Towards inclusive education: A necessary process of transformation*, written by Dr Kathy Cologon, Macquarie University, a report prepared for Children and Young People with Disability Australia (CYDA)
- CYDA Fact Sheets
 - 'What is inclusive education?'
 - 'The benefits of inclusive education'
 - 'Addressing ableism in education'
 - 'Transformation to inclusive education: the next steps'

The findings from the 2019 CYDA Education Survey show it is time for transformational change in our education system to ensure the inclusion of students with disability. Sadly, the prevalence of educational segregation and exclusion, lack of support for students, school cultures that are not inclusive of children with disability and their families, and the alarming rates of abuse and violence, highlight that education systems are failing children and young people with disability.

The Disability Royal Commission presents an opportunity for Australia to right its wrongs and start providing children with disability the inclusive education they are entitled to – it is their human right.

Key findings of the 2019 Education Survey:

Educational segregation and exclusion

- 24.2% of 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

Support for students with disability at school

- 79% of students with disability received some specific support at school because of a disability or learning difference
- 60% of students with disability received additional specific funding because of their disability or learning difference
- 77.6% of students with disability are NDIS participants
- 15.1% of students with disability are using their NDIS funding to assist in accessing and participating in education
- 57.2% of families are out-of-pocket for a range of supports or equipment and have paid personally to enable a student with disability to access and participate in education

School cultures for inclusion

- 17.8% of students with disability did not have an Individual Education Plan (IEP) in place and 9.1% of families didn't know if an IEP was in place
- 36.4% of families were not involved in the development of the IEP
- 52.1% disagreed that teachers and support staff had the training required to provide a supportive and enriching education environment for students with disability
- 48.9% disagreed that the student received adequate support in their education
- 34.7% disagreed that there was regular communication with the family/caregivers about the student's learning progress
- 29.7% disagreed that teachers and support staff had high expectations of the student and their learning
- 23.4% disagreed that family/caregivers of the student were made to feel welcome at school
- 18.2% disagreed that the student was made to feel welcome at the school

Abuse and violence

- 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
- 21.0% of students with disability experienced restraint in the last year and the most common form was physical restraint, followed by psycho-social, mechanical and chemical restraint
- 21.0% of students with disability experienced seclusion in the last year and the settings for seclusion included solitary confinement with and without supervision in a room, classroom or staff office

Introduction

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0 to 25 years. CYDA has an extensive national membership of more than 5000 young people with disability, families and caregivers of children with disability, and advocacy and community organisations.

CYDA's purpose is to systemically advocate at the national level for the rights and interests of all children and young people with disability living in Australia, and it undertakes the following to achieve this:

- listening and responding to the voices and experiences of children and young people with disability
- advocating for children and young people with disability for equal opportunities, participation and inclusion in the Australian community
- educating national public policy-makers and the broader community about the experiences of children and young people with disability
- informing children and young people with disability, their families and caregivers about their citizenship rights and entitlements
- celebrating the successes and achievements of children and young people with disability.

Research evidence overwhelmingly supports inclusive education. As well as positive outcomes for social justice and a sense of community and belonging, there are benefits for learning outcomes and for the social, behavioural and physical development of children and young people who do and do not experience disability.

Inclusive education is about everyone learning, growing and flourishing – **together** – in all our diversity. Inclusive education recognises **the right of every child and young person** – without exception – to be included in general education settings. It involves adapting the environment and teaching approaches to ensure genuine and valued full participation of all children and young people. It embraces human diversity and welcomes all as **equal** members of an educational community.²

CYDA conducted a national education survey in August–September 2019 of 505 young people with disability and families and caregivers of children with disability, to explore the experiences of inclusive education in Australia. This report can be read in conjunction with:

- *Towards inclusive education: A necessary process of transformation*, written by Dr Kathy Cologon, Macquarie University, a report prepared for Children and Young People with Disability Australia (CYDA)
- CYDA Fact Sheets
 - 'What is inclusive education?'
 - 'The benefits of inclusive education'
 - 'Addressing ableism in education'
 - 'Transformation to inclusive education: the next steps'

² Children and Young People with Disability Australia (2019) Fact Sheet 1, 'What is inclusive education?'

The survey had representation from all states and territories, all age groups and from metropolitan, regional, rural and remote Australia (Table 1). The majority of respondents were from families of students with disability (97%), with the balance of respondents being students with disability. Cultural diversity was reflected in the survey respondents, with 9% of students from a non-English-speaking background and 3.2% Aboriginal/Torres Strait Islander.

Table 1. Demographic characteristics of students with disability (n=505)

	Number	Percentage
Gender		
Male	343	67.9%
Female	153	30.3%
Prefer not to say or not specified	9	1.4%
Language and cultural background		
Aboriginal	15	2.9%
Aboriginal and Torres Strait Islander	1	0.2%
Non-English-speaking background	46	9.1%
State/territory		
VIC	141	27.9%
NSW	119	23.6%
WA	85	16.8%
QLD	82	16.2%
SA	47	9.3%
ACT	15	3.0%
TAS	12	2.4%
NT	4	0.8%
Location		
Metropolitan area	335	66.3%
Regional area	121	24.0%
Rural area	44	8.7%
Remote area	5	1.0%
Age of student		
4-6 years	50	9.9%
7-9 years	129	25.5%
10-12 years	127	25.2%
13-15 years	111	22.0%
16-18 years	61	12.1%
18 -25 years	27	5.4%
Type of school		
Government	330	65.4%
Non-government (e.g. faith-based, private school)	122	24.2%
Home schooling	15	3.0%
Distance education or e-learning	5	1.0%
Does not attend school	18	3.6%
Other	15	3.0%

Educational segregation and exclusion

Segregated education

The UN Convention on the Rights of Persons with Disability (CRPD) definition of inclusion in education explains that no form of segregation or integration constitutes inclusive education.³ Among CYDA's survey responses, the majority of children (67.3%) were attending school in a general education setting (Table 2). However, there were 24.2% who were experiencing segregated education in either dual enrolment with a special school or attending a special school.

Table 2. School setting of survey respondents (n=505)

School setting	No	Percentage
'Mainstream' school (e.g. the local primary or secondary school)	340	67.3%
Special school	97	19.2%
Dual enrolment (e.g. between a 'mainstream' and special school)	25	4.9%

Additionally for students who attended a 'mainstream' school, 15.5% (75) were separated from their peers on a full-time basis, either in a special unit or withdrawn to the special unit for instruction in combination with attending a 'regular' class with their peers. As defined by the CRPD, "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".⁴ Therefore, providing inclusive education does not involve withdrawing students from 'regular' classes and placing them in special units or classes.

Enrolment barriers

The experience of schools 'gatekeeping' is a well-known issue. Schools are required to comply with the *Disability Discrimination Act (2005)*, which requires students with disability to be able to enrol and participate in education on the same basis as their peers.

Despite this, 12.5% (63) of students with disability have been refused enrolment. Survey respondents were asked to provide more information about their experience. The thematic analysis (Table 3) shows a mix of government and non-government schools refusing enrolment. Reasons provided for exclusion included schools advising families they lacked the necessary supports and resources, and many students had been denied enrolment on multiple occasions.

³ United Nations Convention on the Rights of Persons with Disabilities, General comment No. 4 (2016) Article 24: Right to inclusive education

⁴ UN CPRD (2016) Gen Comment No 4.

Table 3. Enrolment barriers (n=63)

Type of school refusing enrolment	No	Percentage
Government	32	50.8%
Non-government (private school, faith-based)	16	25.4%
Distance education	1	1.6%
Reasons to refuse enrolment	No	Percentage
Lack of support/resources	14	22.2%
Pushed out, threatened	3	4.8%
School out of catchment	2	3.2%
Refused enrolment for year 10	1	1.6%
Times student has been refused enrolment	No	Percentage
Once	31	49.2%
Twice	6	9.5%
Multiple times	7	11.1%

Feedback from families about their children being refused enrolment:

"I applied to 36 schools in WA, have attended four, which two have removed him and three would not meet his needs and assaulted him" – family of a child aged 7–9 years, special school, rural WA.

"School unable to accommodate student not toilet trained despite being part of disability. Schools didn't appear resourced or confident to accept borderline level 3 autism" – family of a child aged 4–6 years, special school, regional NSW.

"Was previously enrolled at a different mainstream school, was requested to either provide full-time aide or remove her from classroom as not enough resources available to cope" – family of a child 10–12 years, mainstream school, metropolitan VIC.

Part-time attendance at school

A total of 16.6% (84) of students with disability were not attending school full-time. Survey respondents were asked to provide more information about the number of hours per week the student was attending school (Table 4). Of those attending part-time, 29.8% were attending 15 hours or less and 32.1% were attending between 16 and 30 hours per week.

Table 4. Part-time school attendance hours (n=84)

Number of hours per week children and young people with disability attend school	No	Percentage
1-5 hours	6	7.1%
6-10 hours	10	11.9%
11-15 hours	9	10.7%
16-20 hours	4	4.8%
21-25 hours	14	16.7%
26-30 hours	9	10.7%

Comments from families about their child not attending full-time schooling:

"Just been forced out of mainstream into a segregated special needs unit at a different primary school this term. Currently allowed to do longer days – 25 hours a week. Up until last week it was only 10 hours a week and his start at the new placement was delayed so he was away from school altogether for seven weeks before that" – family of a child aged 10–12 years, mainstream school with special unit, regional ACT.

"10 hours max (not our choice) but I get called to pick my son up nearly daily in the two hours he's there" – family of a child aged 7–9 years, mainstream school with a special unit, metropolitan WA.

"Between 15 and full-time depending on how many times I am called to pick her up early or if she is suspended" – family of a young person aged 13–15 years, special school, regional NSW.

"Trying to get full hours x 5 days. School indicated that if he will come to this school, he will be only allowed to attend 9am to 11am" – family of a child aged 4-6 years, does not attend school, metropolitan QLD.

Suspensions and expulsions

A total of 14.7% (74) of students with disability were suspended in the last year. Additional information about the suspensions was provided (Table 5). Many students had been suspended multiple times.

Table 5. Suspensions information (n=74)

Reason for suspension	No	Percentage
Behaviour	24	32.4%
Physical	14	18.9%
Times student has been suspended		
Once	21	28.4%
Twice	8	10.8%
Three to five times	4	5.4%
Six to nine times	4	5.4%
Multiple times (did not specify)	15	20.3%

Comments from families about suspensions included:

"Suspended 60 out of 150 days in the first three terms last year. Went on part time hours. First week back this year he was suspended for four days and last week of second term he was suspended for four days" – family of a young person aged 13–15 years, mainstream school with special unit, metropolitan NSW.

"Suspended six times in six months for 'behaviour' issues and 're-direction' issues, only once for aggressive issues. They push and push until he is completely overwhelmed and then they wonder why he won't comply, then they suspend him, once for three days – he was six years old" – family of a child aged 7–9 years, mainstream school, metropolitan SA.

"Suspended for actions out of their control that broke school rules" – family of a young person aged 13–15 years, mainstream government school, metropolitan WA.

"Suspended for having meltdowns in class when staff not following protocols provided by myself developed with OT, speech therapist, psychologist, psychiatrist and Autism SA behaviour specialist" – family of a young person aged 13–15 years, mainstream school, rural SA.

There was 1.8% (9) of students with disability expelled in the last year. Comments from families about expulsions included:

"Student meeting for expulsion was set up with support from the department. We pulled son out of school in preference to expulsion to avoid further school-caused trauma" – family of a child aged 10–12 years, metropolitan VIC.

"Expelled from last school last year. Supports were not put in place and school did not like us as her parents asking for them" – family of a young person aged 13–15 years, mainstream school, metropolitan QLD.

Exclusion from events or activities at school

A total of 40.5% (203) of students with disability were excluded from events or activities at school in the last year. The most common forms of exclusion were from excursions, sports, and special events such as incursions, carnivals, surveys and NAPLAN testing (Table 6).

Table 6. Types of activities students with disability excluded from (n=203)

Type of events or activities where student with disability has been excluded	No	Percentage
Excursions	32	15.8%
Sports	25	12.3%
Special events and activities; for example, incursions, carnivals, surveys and NAPLAN tests	22	10.8%
Class	20	9.9%
No reason specified but generally excluded from most or all activities	18	8.9%
Camps	16	7.9%
Excluded as punishment for behaviour, disability, sickness	11	5.4%
Suspension	8	3.9%
Assemblies	7	3.5%
Recess and lunch breaks	3	1.5%
Work experience	1	0.5%
After-school care	1	0.5%

Comments from families about the exclusion of their children included:

"Excursions, carnivals, faith-based masses at other schools, but all of which we found out after the fact" – family of a young person aged 13–15 years, mainstream school, rural NSW.

"The principal at times forgets to include the support unit kids in activities. Or they are always separated from the mainstream kids by default" – family of a child aged 10–12, mainstream school with a special unit, metropolitan NSW.

"Did not gain leadership for year 12 despite achieving standing ovation after speech delivery and receiving the majority of votes – numbers were changed apparently as they felt that he would be unpredictable and therefore the role may be too stressful" – family of young person aged 18–25 years, mainstream school, regional NSW.

"Excluded from all activities at school, does not even get to interact with any other children" – family of a young person aged 13–15 years, mainstream school, regional VIC.

Support for students at school

Educational support and funding

Survey respondents were asked a range of questions about the educational support and funding provided for students with disability. Overall, 79% (401) of students with disability received specific support at school because of a disability or learning difference.

The most common types of support provided to students with disability is curriculum modification, followed by an individual support worker, behavioural support and specific aides and equipment (Table 7).

Table 7. Types of support provided to students with disability (n=505)

Type of support	No	Percentage
Curriculum modification	151	29.9%
Individual support worker	76	15.1%
Behavioural support	35	6.9%
Specific aides and equipment	33	6.5%
Supervision	13	2.6%
Social support	10	2.0%
Assistance with personal care	9	1.8%
Access to specialist allied health	5	1.0%
Some or all of the above	49	9.7%
Other	63	12.5%

Overall, 60% (303) of students with disability received additional specific funding because of their disability or learning difference, while 17.6% (89) of students with disability did not receive additional specific funding. About one in five survey respondents – 21.4% (108) – did not know if the student with disability received additional funding because of their disability or learning difference.

A total of 77% (389) of students with disability were NDIS participants, with 15.1% (76) of students with disability using their NDIS funding to assist in accessing and participating in education. The most common forms of NDIS supports used to support the students' education were specialist allied health, transport and assistive technology (Table 8).

Table 8. Types of funding from the NDIS to support education (n=76)

Support from NDIS funds	No	Percentage
Specialist allied health	31	40.8%
Transport	9	11.8%
Assistive technology	7	9.2%
Individual support worker	5	6.6%
Behavioural support	2	2.6%
Capacity-building and daily activities	1	1.3%
Personal care	1	1.3%

Out-of-pocket costs for families to support education

Overall, 57.2% (289) of families of students with disability had paid personally for specific supports or equipment required to enable access to, and participation in, education. These include specific aids and equipment, specialist allied health and individual support workers (Table 9).

Table 9. Out-of-pocket costs for families (n=289)

Type of supports or equipment paid for by student's family	No	Percentage
Specific aides and equipment	112	38.8%
Specialist allied health: OT, speech therapist, psychology	40	13.8%
Individual support worker, tutor	25	8.7%
Transport	9	3.1%
Books/copies of text books	4	1.4%
Social support, sports, recreation and excursions	6	2.1%
Special clothing/shoes	3	1%
Behavioural support and personal care	2	0.7%

Comments from families about out-of-pocket costs to enable the access and participation of the student with disability include:

"Our son has been diagnosed with a range of conditions and hasn't been formally tested and diagnosed with specific learning disabilities. We have a report from the clinical psychologist. We have paid for tutoring, speech pathology and OT for specific learning disabilities severely affecting reading and writing. The school offers no support in class and no remedial programs. They have refused to have external service providers visit the school despite offering to fund these supports. They have refused our son any classroom accommodations so that he cannot participate in class activities and NAPLAN at a level playing field" – family of a child aged 10–12 years, mainstream school, metropolitan VIC.

"Bought so many resources, even painted a spare room in the unit so they could set up a sensory room" – family of a child aged 7–9 years, mainstream school with a special unit, regional QLD.

"Specialised communication system, assistive technology, training in use of these, furniture for use at school, modifications to uniforms" – family of child aged 10–12 years, mainstream school, metropolitan QLD.

"iPad for writing due to fine motor and executive function problems however school still pushes her to hand write" – family of child aged 10–12 years, mainstream school, metropolitan WA.

"Extra tutoring, extra travel time, moving sibling to different school so other child can access education" – family of child aged 10–12 years, special school, metropolitan NSW.

"Aides that have been broken and need replacing" – family of young person aged 13–15 years, mainstream school, metropolitan VIC.

School cultures for inclusion

Personalised learning plans

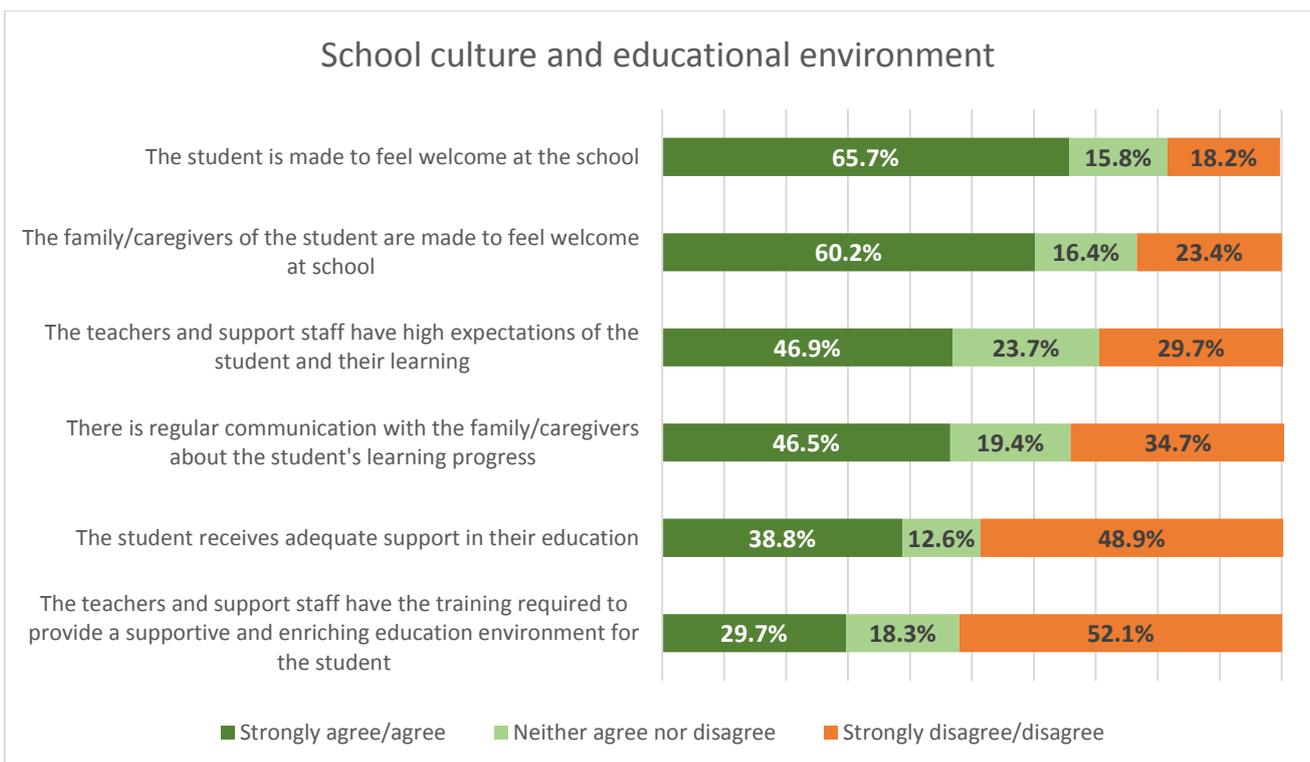
For students with disability it is important that they have personalised learning plans that provide high educational expectations. While the majority of students with disability, 72.3% (365), had an Individual Education Plan (IEP) in place, 17.8% (90) did not have an IEP in place, and 9.1% (46) of respondents didn't know if an IEP was in place.

Of the 136 students with disability who either did not have an IEP in place or families were not sure, most were in mainstream schools (70.5%). Those that were either dually enrolled with a special school or solely in a special school (14.7%) did not have an IEP in place. Family involvement in the development of the IEP was limited, with 36.4% (184) of families not involved in the development of the plan.

Inclusive environments and high expectations

Survey respondents were asked a number of attitudinal questions about school cultures and the educational environment (Figure 1).

Figure 1. School culture and educational environment



The majority of respondents (52.1%) 'disagreed' that teachers and support staff had the training required to provide a supportive and enriching education environment for students with disability. Almost half (48.9%) 'disagreed' that the student received adequate support in their education. While almost half of respondents (46.5%) 'agreed' that teachers and support staff had high expectations for the students, the majority either 'did not agree or disagree', or 'disagreed', that there were high expectations for students with disability. There were large proportions who 'disagreed' the student was made to feel welcome at school (18.2%), that family/caregivers were made to feel welcome at school (23.4%), or that there was regular communication with the family/caregivers about the student's learning progress (34.7%).

Abuse and violence

Bullying

Almost half of the survey respondents, 47.9% (242), reported that the student with disability had experienced bullying at school in the last year. When asked for more information, survey respondents said bullying occurred from other students, there was both physical and verbal bullying and some of the abuse was from teachers, principals and other school staff (Table 10).

Table 10. Types of bullying experienced by students with disability (n=242)

Response	No	Percentage
Bullied by other students	112	46.3%
Verbal: nicknames, taunt, teased, racist comments	70	28.9%
Physical: pushed, kicked, beaten, chased	30	12.4%
Bullied by teachers, school principal and other school staff	22	9.1%
Social exclusion	19	7.8%
Cyberbullying	3	1.2%
Sexual harassment	2	0.8%
Bullying causing self-harm and depression	2	0.8%
Bullied by other parents	1	0.4%
LGBT bullying	1	0.4%
Did not specify	4	1.7%

Comments from families about the bullying experienced by students with disability included:

"Disgusting comments from other girls every day. School PE teacher ridiculed her for not wanting to participate in sensory-overloading PE classes and music. But at home, she loves music" – family of a child aged 10–12 years, now home-schooled, regional QLD.

"Bullied so bad that it has led to self-harm and depression" – family of a young person aged 13–15 years, dual enrolment between mainstream and special school, regional NSW.

"Name calling, a child who told him he wants to kill him, rejection, not being allowed to access the same areas of the school as other kids, other kids getting special awards for speaking to him and this creating negative perceptions and devaluing him" – family of a child aged 10–12 years, mainstream school, metropolitan QLD.

"Name calling, exclusion, forced to play with kids who have hurt my child, teachers referring to child's work as terrible and garbage, pushed into the ocean off a pier, hid in garbage bin to hide from tormentors, too many to list" – family of a child aged 10-12 years, mainstream school, metropolitan VIC.

"By other students – photographing him and videoing him telling him to say inappropriate things. Teachers not thinking what behaviour is communicating. Singling him out in front of fellow students and saying things like 'he has to understand the impact he has on other students'" – family of a young person aged 16–18 years, mainstream school, metropolitan QLD.

"Bullied by previous principal. Punished with less time at school. Was only allowed to attend school for two hours a day. New principal allows my son to go to school every day" – family of a young person aged 13–15 years, rural VIC.

"He was threatened continually by staff due to a medical condition that annoyed the staff member. He was constantly sent out of the classroom by the teacher (sometimes several times

every 15 minutes). This was not behaviour-related but an uncontrollable issue with his disability” – family of child aged 10–12 years, mainstream school, metropolitan QLD.

"Pushed down stairs, called names, was threatened with rape" – family of a child aged 10–12 years, mainstream school, metropolitan NSW.

"Daily. Her anxiety is so high she can't cope with recess, let alone lunch. She arrived late every day to avoid the morning social interactions. She has had group violence on numerous occasions [for] which she always ended up suspended or with a punishment for fighting back and defending herself. She has also had online bullying. At 11 years-old was suicidal with a plan; luckily I was able to intervene" – family of a young person aged 13–15 years, mainstream school, rural SA.

Restrictive practices

Restraint and seclusion are restrictive practices. The 2019 Education Survey defined restraint as “any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability”. This can include physical, mechanical or chemical restraint. It can also include psycho-social restraint, which involves using intimidation or threats to control a person.

The survey defined seclusion as "solitary confinement of a person in a room or area from which their exit is prevented by barrier or another person. Seclusion includes situations in which people believe they cannot or should not leave an area without permission”.

Almost one in three students with disability, 30.9% (156), experienced restraint or seclusion in the last year. There were 11.1% (56) who experienced both restraint and seclusion.

Restraint and seclusion were consistent across all school types, with roughly the same proportions of students experiencing restrictive practices across ‘mainstream’ (30%), special schools (29.5%) and those with a dual enrolment (37.5%).

Overall, 21% (106) of students with disability experienced restraint in the last year and, of these, the most common form was physical restraint, followed by psycho-social, mechanical and chemical restraint (Table 11).

Table 11. Type of restraint experienced by students with disability (n=106)

Type of restraint	No	Percentage
Physical	57	53.8%
Psycho-social	18	17.0%
Mechanical	10	9.4%
Chemical	6	5.7%

There were also 21% (106) of students who experienced seclusion in the last year. The settings for seclusion included solitary confinement with and without supervision in a room, classroom or staff office (Table 12).

Table 12. Settings for seclusion of students with disability (n=106)

Response	No	Percentage
Solitary confinement	28	26.4%
Solitary confinement with supervision	6	5.7%
Room	21	19.8%
Staff office	9	8.5%
Isolated around school, corridors, playground, reception	7	6.6%
Classroom	3	2.8%
Detention, after school detention, internal suspension	3	2.8%
Recess and lunch	2	1.9%
During NAPLAN examination	1	0.9%
Did not specify	2	1.9%

Feedback from families about restrictive practices:

"Restricted practice with the use of weighted equipment in a time-out room with no communication with the family. Also has been locked in a support unit area and refused access to the mainstream area during recess and lunch" – family of a child aged 13–15 years, dual enrolment, regional NSW.

"Initially the school tried to encourage 'chemical restraint' by encouraging me to have my son placed on Ritalin. But again I had to advocate that it is not required for my son's condition and only works on children with ADHD, which my child does not have" – family of a child aged 7–9 years, mainstream school, metropolitan QLD.

"In the disability unit he was left in a room on his own and when he became agitated and broke a window they rang me and suspended him on two occasions. If I left him there any longer he would have been expelled. He only ever had behavioural issues in that environment" – family of a child aged 10–12 years, mainstream school, metropolitan SA.

"Psycho-social restraint. A person who loves life and interacting with people often comes home and says 'I don't talk at school, I only talk at home'" – family of a young person aged 16–18 years, mainstream school, metropolitan QLD.

"Has had to work in the principal's office rather than the classroom" – family of a child aged 10–12 years, mainstream school, metropolitan VIC.

"He was left briefly in a hot school taxi and felt scared that he couldn't get out" – family of a child aged 7–9 years, dual enrolment between special school and mainstream school, metropolitan SA.

"Made to sit on a bench in the playground and not move off it" – family member of a young person aged 13–15 years, special school, regional NSW.

Summary and discussion

As outlined in the report *Towards inclusive education: A necessary process of transformation*, inclusive education is provided within the 'general' education system and ensures that each person has access to opportunities to maximise academic and social development.⁵ The UN Convention on the Rights of Persons with Disability definition of inclusion in education outlines that no form of segregation or integration constitutes inclusive education.⁶ Despite this, the number of students in Australia with disability attending a special school increased by 35% between 2003 and 2015⁷.

Research shows that students who experience disability who are educated in 'mainstream' settings demonstrate better academic and vocational outcomes when compared with students educated in segregated settings. Research also demonstrates benefits for educational attainment, with students who are educated in 'mainstream' settings nearly five times more likely to graduate at the expected time than students in segregated settings.⁸

Segregation and denial of education has been defined as macro-exclusion⁹. The UN Convention on the Rights of Persons with Disability has clear definitions of what is and what isn't inclusive education, and states all forms of segregation and integration, without making adjustments to the educational environment, constitutes exclusion.

The 2019 CYDA National Education Survey results show that one in four students is in a special school or has a dual enrolment between a 'mainstream' and special school. Meanwhile, one in ten is enrolled in a 'mainstream' school but is separated from the class in a separate unit. There is also evidence of 'gate-keeping' and students being denied enrolment, with one in ten students with disability having been refused enrolment. There are significant numbers of students who are not participating in full-time schooling, with families reporting that schools are using suspensions and 'support needs' as ways to prevent students from attending school full-time.

What is insidious is micro-exclusion that occurs in mainstream schools, where students are not valued members of the school community or included along with their peers.¹⁰ There is strong evidence that students are routinely being denied opportunities to fully participate in the curriculum and school life, with almost half of students being excluded from participating in camps, sports, excursions, events and school activities. The survey results show one in ten students with disability has been suspended and many on multiple occasions.

Families report they were not included in the development of personalised learning plans for their child and that they and the student are not made to feel welcome at school. One in three say that teachers and support staff do not have high expectations of the student and their learning.

Despite many students receiving additional support at school and additional funding, half of the survey respondents believe the student doesn't receive adequate support in their education and that teachers and support staff do not have the training required to provide a supportive and enriching

⁵ 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)

⁶ United Nations Convention on the Rights of Persons with Disabilities, General comment No. 4 (2016) Article 24: Right to inclusive education

⁷ Australian Institute of Health and Welfare (2017) [Disability in Australia: changes over time in inclusion and participation in education](#). AIHW, Canberra.

⁸ Cologon, K. (2019)

⁹ Ibid

¹⁰ Ibid

education environment. Families are also using their child's NDIS supports and are paying personally to ensure the participation and access of the child or young person with disability.

The micro-exclusion described above is equally concerning as the macro-exclusion, where "...segregation on the basis of 'disability' is, arguably, the last remaining 'respectable' form of segregation in schooling."¹¹

Micro-exclusion, which the survey results highlight, reflects a deep systemic and cultural problem that needs to be urgently addressed in Australia's educational system. These problematic attitudes, behaviours and ableism are not going to be solved without whole-of-system educational reform and investment in inclusive education.

The violence against and abuse of students with disability is widespread. Almost half of students with disability have been bullied by either their peers or by teachers and school staff, and one in three students with disability has been subject to the restrictive practices of restraint and seclusion. In the Australian Civil Society Shadow Report to the UN Committee on the Rights of Persons with Disability we highlighted under *Article 15, Freedom from torture and cruel, inhuman or degrading treatment or punishment* that Australia has no regulatory protective framework to protect children with disability from being subjected to behaviour modification and restrictive practices in schools. We called for "a nationally consistent legislative and administrative framework for the protection of people with disability from behaviour modification and the elimination of restrictive practices across a broad range of settings"¹².

CYDA has made Freedom of Information (FOI) requests to all Australian state and territory education jurisdictions about abuse and restrictive practice in schools. To date, some jurisdictions have provided some information, but there is no consistent way the data is recorded nationally or in each state and territory.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability is a once-in-a-generation opportunity to highlight the systemic violence, abuse, neglect and exploitation of children and young people in their education and we look forward to making multiple submissions to inform the Commission's work.

Looking to the future, the terms of reference of the Royal Commission to examine neglect and exploitation, along with violence and abuse, is very helpful, as a lack of inclusive education is a form of neglect and a denial of human rights.

*Towards inclusive education: A necessary process of transformation*¹³ outlines a roadmap to inclusive education with the following recommendations:

- Develop and implement a national action plan for inclusive education to ensure a successful transition from parallel systems of education to one inclusive system of education
- Ensure that no new segregated settings (schools, pre-schools, centres, units or classrooms) are created
- Ensure the full recognition of human rights
- Foster a culture of inclusion
- Introduce compulsory, comprehensive and ongoing teacher education for inclusion
- Build the foundations for successful collaboration for inclusion
- Ensure flexible and responsive curriculum and assessment approaches

¹¹ Ibid, p. 18

¹² *Disability Rights Now*, 2019 Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities: UN CRPD Review 2019, p.23

¹³ Cologon, K. (2019)

- Listen to students
- Prioritise disability equity education.

Additionally, significant legislative and practice change is required to prevent violence and abuse at school – this requires urgent attention.

While the 2019 Education Survey looks at school education, there is further work required to examine violence, abuse, neglect and exploitation of children and young people in education in other areas, including early childhood education, post-school transition and further education.