

Changes to Disability Standards Education (2005) submission.

Children and Young People with Disability Australia's (CYDA's) submission to the Federal Department of Education's Consultation on Changes to the Disability Standards of Education to include early childhood education and care services and outside school hours care services.

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Children and Young People
with Disability Australia



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A note on terminology:

Throughout this submission, Children and Young People with Disability Australia (CYDA) uses person-first language, e.g., person with disability. However, CYDA recognises many people with disability choose to use identity-first language, e.g., disabled person.

Acknowledgements:

Children and Young People with Disability Australia would like to acknowledge the traditional custodians of the Lands on which this report has been written, reviewed and produced, whose cultures and customs have nurtured and continue to nurture this Land since the Dreamtime. We pay our respects to their Elders past and present. This is, was, and always will be Aboriginal Land.



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Summary of recommendations

Recommendation 1: Broaden and clarify the scope of definitions for ECEC services covered under the Standards.

CYDA recommends that the scope of ECEC services covered under the *Disability Standards for Education* be expanded and explained to ensure clarity and consistency in their application. This should include:

- Services that provide direct support to ECEC providers to enable the full inclusion of children with disability, such as Inclusion Support Program (ISP) providers.
- A clearer definition of “other non-NQF service types approved under state or territory law”, supported by specific examples to improve understanding and application (*Consultation Paper*, p. 5, dot point 2, sub-point 2)

Recommendation 2: Expand the type of services to be included in the Standards

We recommend including the following additional services under the Disability Standards for Education:

- Inclusion Support Agencies responsible for delivering the Inclusion Support Program (ISP)

Recommendation 3: Ensure future amendments to the *Disability Discrimination Act 1992 (Cth)* consider services that provide instruction in a particular activity.

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 extensive national networks of young people with disability, families and caregivers of children with disability, and advocacy and community organisations.

Our vision is that children and young people with disability in Australia will fully exercise their rights, realise their aspirations and thrive in all communities. We do this by:

- Raising community attitudes and expectations
- Championing initiatives that promote the best start in the early years for children with disability, and their families and caregivers
- Leading social change to transform education systems to be inclusive at all points across life stages
- Advocating for systems that facilitate successful life transitions to adulthood
- Leading innovative initiatives to ensure the sustainability and impact of the organisation and the broader sector

CYDA welcomes the opportunity to respond to the Department of Education's consultation on changes to the Disability Standards of Education (the Standards) to include early childhood education and care services.

We commend the government for listening to the disability community and for implementing Recommendation 2.1 from the Productivity Commission Early Childhood Education and Care Inquiry¹ to amend the Disability Standards for Education 2005 (Cth) to cover the whole Early Childhood Education and Care (ECEC) sector, as soon as possible.

This submission draws on evidence from our submissions and the lived experiences of our community. Refer to Appendix 1 for a list of CYDA submissions relating to Early Childhood Education and Care and Appendix 2 for a list of position statements related to ECEC that CYDA supports. Additionally, CYDA endorses the submission by ACIE to this consultation.

Submission structure: The submission is structured in two parts, each leading with a recommendation followed by a more detailed response to the DSE Consultation Paper questions.

Part 1 responds to question one of the consultation paper relating to ECEC services most suited to be included in the Standards. **Part 2** responds to question two, relating to other types of ECEC services that should be included in the Standards.

¹ [A path to universal early childhood education and care Inquiry report](#), Productivity Commission (2023)



Part 1 - ECEC services most suited to be included in the Standards

Recommendation 1: Broaden and clarify the scope of definitions for ECEC services covered under the Standards

CYDA recommends that the scope of ECEC services covered under the *Disability Standards for Education* be expanded and further explained to ensure clarity and consistency in their application. This should include:

- Services that provide direct support to ECEC providers to enable the full inclusion of children with disability, such as Inclusion Support Program (ISP) providers.
- A clearer definition of “other non-NQF service types approved under state or territory law”, supported by specific examples to improve understanding and application (*Consultation Paper*, p. 5, dot point 2, sub-point 2)

Rationale

Expanding definitions to strengthen inclusion

- Services that support inclusion in ECEC

Services such as Inclusion Support Program (ISP) providers play a crucial role in building the capacity of ECEC services to deliver inclusive education. These providers assist educators in creating accessible learning environments, implementing inclusive strategies, and adapting teaching approaches to meet the needs of children with disability. While these services are not direct providers of education, they are essential to ensuring equitable participation in ECEC and should therefore be explicitly included in the Standards.

Defining “other non-NQF service types”

The consultation paper acknowledges that some non-NQF services, approved under state or territory law, may warrant inclusion under the Standards. However, the absence of a clear definition creates uncertainty for providers and families. CYDA recommends that the revised Standards explicitly define this category and provide examples to ensure consistency in application.



Part 2 - Other types of ECEC services that should be included in the Standards

Recommendation 2: Expand the type of services to be included in the Standards

We recommend including the following additional services under the Disability Standards for Education:

- **Inclusion Support Agencies** responsible for delivering the **Inclusion Support Program (ISP)**

Recommendation 3: Ensure future amendments to the *Disability Discrimination Act 1992 (Cth)* consider services that provide instruction in a particular activity

In response to the question raised in the DSE Consultation Paper relating to the types of services to be covered in the Standards, CYDA raises the following suggestions of services to be included; to enable the quality and full inclusion of children with disability.

Inclusion Support Agencies

Rationale:

Inclusion Support Agencies play a vital role in delivering the ISP, the primary Federal Government initiative aimed at promoting inclusive access and participation for children with disability in ECEC. The program focuses on building the capacity and capability of ECEC services to ensure inclusion.

While not formally recognised as Child Care Subsidy providers under the Family Assistance Legislation or as approved providers under the National Quality Framework, these agencies are integral to fostering inclusive practices. Their responsibilities include conducting site visits, reviewing care environments, supporting reflective practice, and enhancing the capability of services to deliver inclusive education consistent with Approved Learning Frameworks.

Given their role in supporting curriculum-based learning and professional development, Inclusion Support Agencies align with the criteria outlined in the consultation paper (dot point 4):

Providers of services that develop or accredit curricula, educational programs based on approved learning frameworks, or training services used by any of the above services.

Benefits of Inclusion:

Incorporating Inclusion Support Agencies into the Standards will help address critical concerns identified in the Productivity Commission's report on ECEC² and the 2020 Review of the Inclusion Support Program³, including:

- Limited professional development opportunities for staff supporting children with complex needs.
- Low participation rates of children with disability due to perceived gaps in support.
- Inconsistent levels of assistance from ISP teams across services.
- Limited uptake of funding available to tailor supports for community-specific needs.
- Only half of educators feel equipped to support children with additional needs effectively.
- Restrictive eligibility requirements and subsidy design that hinder access to necessary supports.

Services conducted to provide instruction in a particular activity

Currently services principally conducted to provide instruction in a particular activity (for example dance and language lessons) do not meet the definition of an educational early childhood service. CYDA recommends future reforms to the *Disability Discrimination Act 1992 (Cth)* should explicitly consider how the legislative framework can be strengthened to ensure all children with disability are able to access these activities on an equal basis with all children.

Rationale:

Instruction in activities like dance and language should offer structured learning environments that contribute to a child's educational development. These programs often follow formal lesson plans, incorporate assessment practices and require trained instructors—paralleling the structure of other recognised educational services.

Participation in dance classes enhances physical fitness, balance, coordination, flexibility, and perceptual-motor skills in children with disability, contributing to better overall physical health and motor development. Furthermore, dance fosters social interactions, communication skills, and self-expression, leading to increased self-

² [A path to universal early childhood education and care Inquiry report](#), Productivity Commission (2023)

³ <https://www.education.gov.au/early-childhood/resources/inclusion-support-program-review-final-report>

esteem and emotional well-being. A systematic review highlighted that dance interventions positively impact physical, cognitive, psychological, and social aspects of children with disability⁴.

Similarly, language classes play a crucial role in cognitive development and communication proficiency. Engaging in structured language learning activities improves vocabulary, comprehension, and expressive abilities, which are essential for academic success and social integration. The 2022 National Arts Participation Survey revealed that 84% of Australians acknowledge the significant positive impact of the arts on child development, underscoring the importance of creative activities in early education⁵.

Future amendments to the *Disability Discrimination Act 1992 (Cth)* must ensure that children with disability have equitable access to a broad range of educational opportunities. This would place a clear obligation on providers to offer reasonable adjustments that accommodate the needs of children with disability, aligning their practices with national expectations for inclusive education and will clarify services' obligations both for the sector and for families.

Benefits:

Improved Accessibility: Ensures that activity providers proactively address barriers to participation for children with disability, including physical accessibility, communication supports and adaptive instruction methods.

Enhanced Professional Development: Encourages providers to undertake training in inclusive teaching practices, fostering an environment where instructors are better equipped to meet diverse learning needs.

Promotion of Equal Participation: Reinforces the right of children with disability to access the same learning and development opportunities as their peers.

By strengthening the *Disability Discrimination Act 1992 (Cth)*, the government would ensure that all educational services—whether formal or informal—uphold the principles of equity, inclusion and accessibility for children with disability.

⁴ May, T., Chan, E. S., Lindor, E., McGinley, J., Skouteris, H., Austin, D., ... Rinehart, N. J. (2019). Physical, cognitive, psychological and social effects of dance in children with disabilities: systematic review and meta-analysis. *Disability and Rehabilitation*, 43(1), 13–26. <https://doi.org/10.1080/09638288.2019.1615139>

⁵ [Creating Our Future: Results of the National Arts Participation Survey, Creative Australia, 2020](#)



Appendices

Appendix 1: CYDA's work on Early Childhood

1. South Australian Royal Commission into Early Childhood Education and Care [submission](#)
2. Productivity Commission into Early Childhood Education and Care [submission](#)
3. National Framework for Protecting Australia's Children 2009-2020, [CYDA Submission](#)
4. Australian Government's Early Years Strategy Discussion Paper [response](#)
5. Education Department's National vision for early childhood education and care [submission](#)
6. National Strategy to Prevent Child Sexual Abuse Final Development Consultation Paper [Response](#)
7. NDS & NDIS Outcomes Framework Introductory Paper, [CYDA Submission](#)
8. [Pre-Budget submission](#): Invest in children and young people with disability: their voices and their future 2023-24
9. Senate Select Committee on Autism inquiry, [CYDA Submission](#)
10. [Submission](#) to the National Disability Strategy beyond 2020
11. [Response](#) to the DRC's Rights and Attitudes issues paper
12. [Submission](#) to the Supporting young children and their families early, to reach their full potential consultation paper

Appendix 2: ECEC related Position statements endorsed by CYDA

[Position Paper](#) on Segregation

The Australian Coalition for Inclusive Education's ['Driving change: A roadmap for achieving inclusive education in Australia'](#)

Australian Research Alliance for Children and Youth (ARACY)'s [The Nest](#) child wellbeing framework

Early Childhood Australia's [Statement on the inclusion of every child in early childhood education and care](#) and draft [Statement on Play](#)

Early Childhood Australia and Early Childhood Intervention Australia's [Position statement on the inclusion of children with a disability in early childhood education and care](#)

Thrive by Five & The Minderoo Foundation's [Time to Act: Investing in our children and our future](#)

Play Group Australia's National Advisory Group's [Playgroup Statement 2022](#)

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