

Minister Boyer
Minister for Education, Training and Skills
GPO Box 1563
Adelaide SA 5001

13th June 2025

SA Inclusive education: Implementing recommendations of the Disability Royal Commission

Attention: Ms Joanna Blake, Manager - Legislation Reform, Department for Education

Please accept this letter as Children and Young People with Disability Australia's (CYDA) formal submission in response to proposed legislative changes to implement recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability for the;

Education and Children's Services (Inclusive Education) Amendment Bill 2025 and

Education and Children's Services (Exclusionary Discipline) Amendment Regulations 2025.

CYDA's submission is also endorsed by [JFA Purple Orange](#), an independent, social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families.

Meeting with CYDA and SA Education Department on 27 May

CYDA's Policy and Research Manager, Dr Liz Hudson and Inclusive Education Project Co-ordinator, Lauren Riessen were pleased to have the opportunity to attend a virtual meeting with Department of Education staff on 27 May regarding the proposed Amendment Bills. This letter further builds upon the suggestions we outlined in the meeting.

Children and Young People with Disability Australia (CYDA)

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.

CYDA's feedback to the proposed Education and Children's Services Amendments

CYDA welcomes the cross-sector response, proposed amendments, and agreement for annual reporting on how often students with disability are suspended, excluded or refused enrolment. These changes address the recommendations 7.1 and 7.2 of Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

The updated definition of disability is aligned with the Disability Discrimination Act (DDA). Whilst CYDA does not support deficit language inherent in the medical model of disability,

the DDA definition is nationally consistent, and aligns with the education sector's understanding of disability through the Nationally Consistent Collection of Data (NCCD) for students with disability. Consistency is further strengthened with the DDA definition of 'unjustifiable hardship' when referring to reasonable adjustments and enrolment. The proposed change to Clause 5 of the amendment bill, and its alignment with wording from Article 24 from the Convention on the Rights of Persons with Disabilities (CRPD) is welcomed.

The amendments present encouraging change and development to the Education and Children's Services Act and Regulation. However, in this submission we argue that the amendments could be further strengthened.

Evidence to support further action

In the Missing Out Report (2025)¹, the South Australian Commissioner for Children and Young People reported:

- In 2023, students with disability who received funding through the Inclusive Education Support Program (IESP) made up 7.5% of total primary school enrolments but accounted for 30.6% of all primary students who received a take-home, suspension, or exclusion.
- Students with disability counted in the Nationally Consistent Collection of Data (NCCD), (which includes IESP funded students) made up 33.1% of total primary school enrolments in 2023 but accounted for 75.6% of the total number of primary school students who received a take-home, suspension and/or exclusion.

CYDA regularly collects data about the experiences of students with disability in schools via surveys to both parents/caregivers and young people with disability. In CYDA's Education Survey 2024², we are continuing to hear from our community that students with disability are experiencing enrolment gatekeeping and exclusionary practices throughout their schooling journey. Concerningly, many of the exclusionary practices are 'informal' and will not be captured under the amended bill and regulation reporting requirements. We are also hearing from our community that there are considerable inconsistencies in implementation of exclusion policies at a school level. The quote below exemplifies their experiences.

"It wasn't official, but he was not allowed to attend school for a week whilst they put strategies in place. These were the strategies they were meant to put in place before he started school". (SA Parent Respondent – CYDA Survey 2024)

Given the evidence, outlined above, we call for further action as outlined in the **five** recommendations below.

Recommendations:

1. Close loopholes available to schools to avoid reporting enrolment discrimination and gatekeeping.

- We have reports of students' families being told that the school would not be 'best placed' to meet their child's needs. This suggestion, that another school would be better placed to support their child, is a form of discrimination and gatekeeping that will not currently be reported through the amended bill and regulations.
- Schools are known to use 'Conditional Part-Time Exemptions' made at the Principal's Discretion to reduce attendance. We are aware of situations where this is 'suggested' by the school that a student have reduced hours to support a lack of capacity at the school to adequately support the student. The exemption

¹ <https://www.cyp.com.au/publications/missing-out/>

² <https://cyda.org.au/three-in-four-disabled-students-are-bullied-or-excluded-at-school-and-its-getting-worse-new-survey-reveals/>

then appears as a 'family decision', even though the family often are not given a choice. Families often seek alternative school enrolment as it is untenable to continue at their current school.

- These forms of gatekeeping, forcing families to change enrolment due to impossible circumstances presented by their current school will not be captured and reported on under the current amendments to the bill and regulations, as the below quote from a parent demonstrates.

"Was put on a limited programme of half days or if 'behaved' could stayed for full days but never more than 2 days a week. All excursions I had to attend and he had to travel with me in our car and not on the school bus with his classmates". (SA Parent Respondent – CYDA Survey 2024)

2. Strengthen changes to current amendments to outline exclusionary practices are to be utilised only as a 'last possible resort'

The Commissioner for Children and Young People, Helen Connolly, stated in *The Blame Game* (2020)³:

"I recommend that the Department for Education ensure decisions to exclude children from education really are only used as a measure of 'last possible resort'. Before any decision regarding a school exclusion is made the process must be able to demonstrate how it has afforded paramount consideration as to whether it is in the best interests of each individual child, and have taken into account the child or young person's background and circumstances, as well as their individual developmental, social, mental and physical needs."

- Considering the known negative impact of exclusionary practices on students' self-perceptions, and the lack of impact of these practices on behavioural change – it is strongly recommended that the amendments to the bill and regulations note that all exclusionary practices should be considered as a 'last possible' resort.
- Whilst it is acknowledged that the Department for Education 'Suspension, Exclusion and Expulsion of Student's Procedure' notes that exclusion should not be used as a form of punishment, it is evident that in practice this is not the case, research⁴ has established that:

"Suspensions and expulsions have been the mainstay of schools' behaviour management practices for decades, regardless of research finding that they are ineffective for disciplining bad behaviours," Prof Sullivan (UniSA, 2024)⁵

3. Consider reporting structures for informal exclusions and conditional part-time exemptions

- Exclusionary practices policy within Department for Education includes 'Take Homes', through which a family will be contacted to collect their child during the school day due to behavioural incidents.
- 'Take Homes' are not mentioned within the amendments. We are aware that 'take homes' negatively impact students with disability and their support networks.

³ <https://www.cyp.com.au/publications/the-blame-game-2020/>

⁴ Down, B., Sullivan, A., Tippet, N., Johnson, B., Manolev, J., & Robinson, J. (2024). What is missing in policy discourses about school exclusions? *Critical Studies in Education*, 65(5), 494–512. <https://doi.org/10.1080/17508487.2024.2312878>

⁵ [School suspensions and exclusions put vulnerable children at risk - News and events - University of South Australia](#)

- There are schools that proudly ‘do not suspend students’, however students are subjected to ‘internal suspensions’, and being removed from their classrooms and peers for periods of time.
- We are hearing from families who have been told that the school is unable to support their child due to funding constraints, and therefore a conditional part-time exemption is put in place by the school, as the following quotes from research demonstrate.

“Made to go into a room off the main classroom to do his work, the room can see the main classroom and hear what is going on but they are in there by themselves”. (SA Parent Respondent – CYDA Survey 2024)

“These ad-hoc exclusionary practices, which remove a child from the classroom but not from the school campus, make it difficult to identify the true extent of exclusions”. Helen Connolly, The Blame Game (2020).

4. Reporting of school adjustments and supports provided for children and young people with disability be a key focus policy implementation.

- Greater training and support is required to enable schools and educators to develop the understanding and trauma informed skills to successfully support students with behavioural support needs.
- Schools should be required to provide evidence of a minimum time dedicated to developing positive connections with students and implementing adjustments and intervention prior to the consideration of any exclusionary practices.
- Students within a primary school setting should never be excluded to an alternative location (eg. Better Behaviour Centre) without significant evidence of extensive support and consideration.

5. Consult with Disability Representative Organisations to ensure lived experience and student voice is engaged to influence policy implementation.

- Embed student voice throughout the implementation of policies related to the amended Bill and regulations.
- Strengthen departmental and non-government sector policies and procedures to help schools understand their obligations under the Disability Discrimination Act (DDA), Disability Standards for Education (DSE), and the amended legislation.
- Use policy implementation to promote greater consistency in behavioural expectations and reduce exclusionary practices across the state.

These actions are critical to addressing the kinds of systemic issues still faced by students with disability, as illustrated by a parent in CYDA’s 2024 survey:

The school would suspend my daughter for what they call 'non compliance' not wanting to do work. As the school did not want to try and modify the curriculum for my child so she could engage in learning. (SA Parent Respondent – CYDA Survey 2024)

CYDA welcomes the reforms and commitment from the South Australian education sector to implement recommendations from the Disability Royal Commission. Further engagement and implementation strategies will be essential in ensuring that policies are understood and adhered to by individual schools. The increase in transparency of data is welcomed,

however this may require some further policy development to ensure schools report accurately.

Failure to take decisive action through policy implementation to support meaningful change will deepen the barriers children and young people with disability face and perpetuate inequality for generations to come. We urge the South Australian government to continue to amend and develop policy that will support a truly inclusive education system.

The time for meaningful change is now.

In support of this submission, we detail CYDA's previous work in Education as outlined in the Appendix.

If you would like to know more about this submission, CYDA's work or the recommendations in this letter, please contact Dr Liz Hudson, Policy and Research Manager
lizhudson@cyda.org.au

Kind regards,

A handwritten signature in black ink, appearing to be 'SKY' with a large loop at the end.

Skye Kakoschke-Moore
Chief Executive Officer

Appendix: Further details of evidence and CYDA's previous work

CYDA's work is rights-based and led by the direct experiences and diverse voices and visions of children and young people with disability across Australia. CYDA grounds its work in evidence and a human rights approach. Below is a list of resources and reports that provide further detail related to this submission.

CYDA supports the following positions in conjunction with this submission

- [Starting together, staying together](#): CYDA's position statement on ensuring inclusive education and phasing out segregated education, December 2023.
- Disability sector's [Position Paper](#) on Segregation In 2020, CYDA and other disability rights and advocacy organisations endorsed a position paper¹ titled '*Segregation of people with disability is discrimination and must end*', calling for action toward the goal of ending the segregation of people with disability in schools, housing, and workplaces.
- The Australian Coalition for Inclusive Education's '[Driving change: A roadmap for achieving inclusive education in Australia](#)'.

CYDA's work on school education

- [Submission](#) to the Review to Inform a Better and Fairer Education System
- [Submission](#) to the Disability Royal Commission, Education of children and young people with disability
- [Submission](#) to the Senate Inquiry into the national trend of school refusal
- [Submission](#) to the Senate Inquiry into school disruption
- [Submission](#) to the 2020 Review of the Disability Standards for Education 2005
- [Report](#): Disappointment and discrimination: CYDA's surveys of the learning experiences of children and young people with disability in 2022 and 2023
- [Report](#): How deep does it go? Australian students with disability and their experience of entrenched inequity in education
- [Report](#): "I think the teachers need more help" – Voices of experience from students with disability in Australia
- [Report](#): Not even remotely fair: Experiences of students with disability during COVID-19
- [Report](#): Time for change: The state of play for inclusion of students with disability

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