

Strategic Policy Branch
ACT Education Directorate
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Dear Review team,

Advocacy for Inclusion (AFI) provides brief comments on the proposed amendments to the *Education Act 2004* (The Act).

AFI is an independent not-for-profit advocating for the rights of all people with disability. We are a Disabled Peoples Organisation which means most of our board, members and staff are people with disabilities. The role of AFI is to support the voice of people with disabilities, their rights, will and preferences both at the individual, self, and systemic advocacy levels.

Education and people with disability

Access to quality education is universally recognised as a key pathway to the achievement of social, economic, political and human rights, especially for children. Education is intrinsically linked to key developmental indicators and milestones from child development to employment.

Children with disability experience educational disadvantage. From the Shut Out Report in 2010 to the hearings of the Disability Royal Commission to the Shaddock review in the ACT, we know that too many students with disability experience barriers to education, poor completion, poor attainment and harm within education settings.

Around 1 in 3 (34% or 1.2 million) people with disability aged 20 and over, and 1 in 4 (27% or 261,000) with severe or profound disability have completed year 12 or equivalent. This was much lower than the 2 in 3 (66% or 9.7 million) people without disability in this age range.

In the last decade, the highest level of educational attainment for people with disability has improved but is generally lower than for people without disability. Too many students with disabilities remain in segregated settings despite there being no evidence that these settings lead to improved life outcomes, attainment or employment for people with disability.

Broadly speaking we have the following priorities for education which centre on ensuring that people with disability can access a quality education within mainstream schools.

1. Implement the Australian Coalition for Inclusive Education's Roadmap for achieving inclusive education in Australia (2021).
2. Implement universal design principles across all aspects of ACT public schools and create incentives for non-government schools to implement universal design principles.
3. Increase the disability loading funding for students in mainstream schools to ensure they have access to all necessary support, including one-on-one academic, social and behavioural supports. As part of this, provide funding for one full-time position per school to coordinate the administrative workload of data collection and disability support funding applications.
4. Clarify roles and responsibilities with the National Disability Insurance Agency (NDIA) for in school supports, to ensure that students with disability are not going without necessary supports.

Distance education and attendance issues

We have limited commentary on the specific amendments, but we do raise issues to be considered in implementation.

AFI supports the thrust of the amendments which, as we understand them, aim to introduce some flexibility around definitions of attendance and outline requirements for distance educations. AFI believes that distance education should be sparingly used to deliver education for people with disability as an alternative to providing access in a mainstream classroom. However, we also specifically support flexibility around attendance and the use of distance education in the current circumstances of the pandemic.

The principles we apply to distance education for people with a disability are:

- It should not become a default option or a replacement for face-to-face learning in a mainstream classroom;
- No one with a disability who is at risk of severe disease or death from COVID should be forced to attend a face-to-face classroom while there is uncontrolled transmission of COVID in the community;
- Further work should be undertaken to ensure that schools are safe and accessible including physical infrastructure, universally designed curricula and clean air.

AFI considers distance education to play a role in allowing students to learn from home while community transmission of COVID-19 continues. Students with disability, and those with family members with disability, face ongoing risk of severe illness, additional disability, or death from COVID-19. Schools are a known spreading site of respiratory infections, due to the high occupant density, high level of social interaction and high level of environmentally mediated contact with abiotic surfaces. On distance education generally we recommend more work be done to create accessible remote learning platforms, teaching techniques and packages that work for people with a range of disabilities including sensory, cognitive and ASD. Attention should also be paid to ensuring distance education materials are accessible and well designed for people with disability.

AFI commends the education directorate for its work to develop an Inclusive Education strategy and encourages the directorate to continue its work towards developing a fully inclusive education system, to ensure all students have access to quality, inclusive, education, free from violence abuse and neglect. Our Budget submission seeks specific funding to implement the strategy.

For more on inclusive education, please read [AFI's Inclusive Education White Paper](#)

To discuss this submission please contact Isabel Moss on Isabel@advocacyforinclusion.org

Regards,

A handwritten signature in black ink that reads "Nicolas". The signature is written in a cursive style and is underlined with a single horizontal line.

Nicolas Lawler
Chief Executive Officer