

2024



SECTION 2

THE CHOICE BETWEEN BEING 'SUPPORTED' AND 'INCLUDED'

S A 4 I S U B M I S S I O N

School Education Act 1999 (WA)

Section 2: The Choice Between Being ‘Supported’ and ‘Included’

Many students who participated in this submission described experiences of feeling that they had to choose between being supported and included in the WA education system – and for some of them, neither of the two were accessible.

Many students who participated were homeschooled, simply because their experiences in the education system had left them feeling and believing that they could not access an education without a traumatising experience. Some students even described their local government schools essentially turning them away, by suggesting that they did not have the capability to educate them. Other students described being taken out of the classroom incredibly regularly for disciplinary measures. Unfortunately, this is a reality for many disabled students. This constitutes **exclusion** under General Comment No. 4 on Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD).

Source: United Nations General Comment No. 4 on Article 24 of the CRPD

Exclusion occurs when students are directly or indirectly prevented from or denied access to education in any form.

Below are some stories from students we interviewed about their experiences of exclusion in Western Australia. The following two stories describe students being excluded from their classes and their education for long periods of time due to being failed by the disciplinary system.

“In Year 2, there was this ladder system where at the bottom it said, ‘principal’s office and at the top it said ‘superstar’ and I was always at ‘principal’s office’ and I always got blamed for things I didn’t do. I felt very very upset because I was always in the principal’s office, and I hardly learnt anything because I was there all the time, and I didn’t know what I did wrong. But then, when I was in class, which wasn’t very often, I watched all the kids go up to ‘superstar’, and I was never there, so I felt a little bit upset that the teachers were just like... it felt like they were targeting me. Because I missed out on so much school because I was in the principal’s office in Year 2, I started tutoring because of how much schoolwork I missed from Year 2, I really struggled.”

- **student, age 8**

“A lot of the time, I’ll be suspended so many times because I’ve gotten overwhelmed and overreacted, apparently – because I’m not good enough for the school, so that’s caused me to be suspended so many times, and that’s equalled me to be close to having to be expelled, so I’ve had to move to lots of different schools because of my disability and my needs not being met. I’m always being told that I have to be suspended, or losing my good standing or almost being expelled, because I’m different and my needs aren’t being met.”

- **student, age 11**

The two statements below come from two students who were denied access to an inclusive education and excluded from their schools. The first student was ‘turned away’ by his local schools, and the second student was not included or supported while attending a WA school, so his family turned to homeschooling. Multiple participants in this submission are now homeschooled due to their needs not being supported or recognised by their schools, including by their local government schools.

“My local school told my mum I would be a ‘small fish in a big pond’ and I would ‘drown’ unless I had a diagnosis for funding to provide support. 12 schools said I was not suitable for their school because of my disability.”

- **student, age 16**

I don’t remember a time when I felt included at school.

- **student, age 10**

The stories of these students highlight the necessity of this SE Act review and highlight the dire need to change Western Australian schools to become places where students with disability are not actively turned away or traumatised by their schooling, to the point where their only option is to be educated by a parent at home.

Students should not be forced to choose between an education where they feel socially and academically included in the classroom, or an education where they are supported. Many students described that they had the option of being 'supported' in segregated classroom settings, but then couldn't access any form of true inclusion, constantly being isolated with the same groups of only disabled students. Often the 'support' provided in these settings was also not catered towards the students, and the staff also lacked training in inclusion and properly listening to students about their needs, and how to make their education accessible.

Some students spoke about being forced to change schools regularly because their schools were not supporting them, and they were often facing disciplinary actions which made it very difficult to participate in school. Many students also spoke about being separated from non-disabled students and being socially isolated in their education. This constitutes **segregation** under General Comment No. 4.

Segregation occurs when the education of students with disabilities is provided in separate environments designed or used to respond to a particular or various impairments, in isolation from students without disabilities.

Source: United Nations General Comment No. 4 on Article 24 of the CRPD

Many students expressed that they had the option of being in a classroom with other students with and without disability and feeling included, but when in that classroom setting, their schools were not academically supporting them, or their schools were not adequately trained or prepared for disabled students, so their educational outcomes would often be hindered by lack of supports, and lack of knowledge around the student's needs – often resulting in arbitrary disciplinary measures being taken against a student when they tried to communicate that they weren't being supported. This falls under the definition of **integration** under General Comment No. 4.

Integration is a process of placing persons with disabilities in existing mainstream educational institutions, as long as the former can adjust to the standardized requirements of such institutions.

Source: United Nations General Comment No. 4 on Article 24 of the CRPD

Disabled students essentially described that they either had to choose between being supported to learn in the classroom and access education and being a part of their community and included socially. This is a choice no student should have to

make, and directly breaches Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD).

Article 24.1 of the CRPD provides:

“State Parties [including Australia] recognise the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, State Parties shall ensure an inclusive education system at all levels”

Article 24.2 of the CRPD provides:

“In realizing this right, State Parties shall ensure that:

1. Persons with disabilities are not excluded from the general education system on the basis of disability, ...;
2. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
3. Reasonable accommodation of the individual’s requirements is provided;
4. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
5. Effective individualised support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.”

Source: The United Nations Convention on the Rights of Persons with Disabilities

The **inclusion** guaranteed to people with disability in the above article is defined, again in General Comment No. 4, as:

Inclusion involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences. Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organisation, curriculum and teaching and learning strategies, does not constitute inclusion. Furthermore, integration does not automatically guarantee the transition from segregation to inclusion.

Source: United Nations General Comment No. 4 on Article 24 of the CRPD

"Inclusion is a priority. There is no room for segregation. There is no room for having kids put in special wards where they are viewed differently. It doesn't matter if they use the same play equipment, it's important to have kids in the classroom with their non-disabled peers from age kindy to year 12. That's essential. And then, above that, not just including the kids and having them be in the room, but having them feel seen in the room, making the room safe for them."

- **student, age 16**

Benefits of Inclusive Education

Inclusive education has extensive benefits, not just for students with disability, but for students without disability as well. Inclusive education ensures that every student becomes valued and respected members of their local communities. When students learn with other students from diverse backgrounds with diverse disabilities, students become much more understanding (i.e. empathetic) and accepting of difference in general (i.e. tolerant) and learn how to participate in and foster a culture of inclusivity that welcomes difference (i.e. welcoming). This has large scale effects, not only for people with disability, but for other vulnerable groups in society who are able to feel safer and more welcome in communities where difference is understood and accepted.

"It is easier to have a variety of different people in the classrooms, every classroom, disability, no disability, people from different cultures and stuff like that. At younger ages it is really important that they grow up and then are like 'yep, that's okay, that's just how people are, everyone's different, that's how I grew up', instead of going like 'ah this is what people are' and later on in life, meeting someone who is different and saying 'this doesn't make sense, who are they and do I have to treat them differently?'"

- **student, age 11**

Inclusive education fosters meaningful connections between students, both with and without disability. This culture of inclusivity and acceptance extends further than just non-disabled students knowing of disability, but rather is about students with disabilities, and students of diverse backgrounds, being valued for themselves, being accepted and acknowledged as community members in their own right, and it's about relationships of mutual respect. Inclusion is connection.

"I like having my needs met at a mainstream school where I don't feel as socially isolated. As an older disabled student, I've taken on a leadership-like position, in a lot of environments, where I like to help kids who I look at and go 'that kid is just like me' and a lot of the time I have actually helped them and got the help I wish I would have gotten. Mentorship between students is really important."

- ***student, age 16***

Having both disabled and non-disabled students also allows for increased opportunities for mentorship and peer tutoring, which has beneficial outcomes for the disabled students who are often the receivers of the mentoring from other students, but also for non-disabled students, who have more opportunities to improve their ability to communicate and their empathy. There is even more mentoring opportunities for students with disability, typically older students who have the opportunity to show leadership in supporting younger students with and without disability within the school.

"Not just having people learn about us, but us learn about them. People learn about each other and about how we're different, but also how we're the same, so it builds some kind of connection."

- ***student, age 16***

Inclusive education benefits every student. If a classroom is universally accessible, it is welcoming of every student. It acknowledges and respects the rights of every student, which has ramifications not only for more vulnerable students, whether that be students with disability, students with diverse cultural backgrounds, students of different socioeconomic backgrounds, or any other group membership, but a universally felt and recognised benefit for every student in Western Australia.

Students who respect each other and their differences are students who form meaningful social connections – which is something many students who participated in our submission described as lacking. Many students described social isolation, and its effect, and how being truly included could not only be beneficial for their mental health but is really important in creating a desire to come to school and to learn.

"Inclusion is important because everyone deserves friends and shouldn't be lonely. Being included at school feels like you're with someone and have at least one friend or a group of kids and you're not by yourself."

- **student, age 15**

Students believe that the following should be implemented to ensure that their right to an inclusive education is realised:

A Clear Right to an Inclusive Education

Students believe that there should be a clear, specific right to an inclusive education embedded within the SE Act, to ensure that they cannot be prevented from accessing it, and that there is clear responsibility placed on schools to provide an inclusive education to all students.

Schools need to be aware that they have the duty to, not only allow the student to access an education and enrol at the school, but also to actually make sure the education that student receives is an inclusive education and is in accordance with that student's rights under the CRPD, which Australia is a signatory to and has ratified.

To achieve this and have this implemented in the SE Act amendments, there does, however, first need to be the **basic, clear right for students with and without disability to enrol at their local government school** within the SE Act

[*referencing Question 4]. There needs to be a clear acknowledgment of this right, and it needs to be clear that schools cannot refuse a student with a disability, or any other student from enrolling at the school and should not attempt to politely or impolitely refuse the student either – their needs to be consequences for schools who attempt to breach the student's right to enrol.

This right to enrol at their local government school should apply to all students, regardless of disability. Many students who participated in this submission have membership in other communities, whether they are from diverse backgrounds or have gender and sexuality diversity, it must be acknowledged that local government schools must guarantee the right to enrol of every student, regardless of any difference or group membership, and this should be expressly stated in the SE Act.

As students with disability are the most at risk of being excluded, it would be beneficial if the section about this right read "the right of every student to enrol in their local government school (including students with disability)", to make sure everyone knows and understands the particular importance of this right to students with disabilities.

“Every child deserves a right to education. Why is someone with a neurological or physical disability any different? Some kids might start to wonder ‘why am I so different?’, ‘why isn’t the world treating me for who I am?’ or ‘am I the problem?’ I don’t think that’s a mindset that anyone should have, because you’re never the problem, no child is ever the problem – it’s always something else. It’s so important that the School Education Act gets revised, because there is an entire demographic not getting the education they need, because they’re being forced to conform to a school system that was made 200 years ago.”

- **student, age 14**

Training for Educators on Inclusive Education

Currently, there is no legislated requirement for educators to have any knowledge surrounding inclusive education practices, and how to support students with disability. There is no requirement for educators to even have any knowledge or training around disability at all.

Educators should have mandatory training on inclusive education practices, and this training should be undertaken regularly to ensure that their knowledge and skills align with current standards and human rights principles.

The SE Act should be amended to specifically require that all school staff (including principals and deputy principals) involved in providing education to students complete training in inclusive education practices as part of their university education courses and on a regular basis afterwards. Inclusive education, to be successful depends on principals and deputy principals showing leadership and support for an inclusive school culture, and that is why it is important that they also undertake inclusive education training.

“Inclusion is important because everyone deserves an education. Being included at school feels good. It’s when your teacher knows how your brain works.”

- **student, age 11**