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**Submission to Disability Royal Commission**  
**Education and Learning Issues paper**

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## About Down Syndrome Australia

Down Syndrome Australia was established in 2011 as the peak body for people with Down syndrome in Australia. Our purpose is to influence social and policy change and provide a national profile and voice for people living with Down syndrome. We work collaboratively with the state and territory Down syndrome associations to achieve our mission.

Our vision is an Australia where people living with Down syndrome are valued, reach their potential and enjoy social and economic inclusion.

Down syndrome is a genetic condition in which the person has an extra copy of some or all of chromosome 21. This additional chromosome results in a number of physical and developmental characteristics and some level of intellectual disability. There are more than 15,000 Australians who have Down syndrome and approximately 1 in every 1,100 babies in Australia are born with Down syndrome.<sup>1</sup>

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<sup>1</sup> [http://www.downsyndrome.org.au/down\\_syndrome\\_population\\_statistics.html](http://www.downsyndrome.org.au/down_syndrome_population_statistics.html)

## Submission to Disability Royal Commission Education and Learning Issues Paper

Down Syndrome Australia (DSA) welcomes the opportunity to provide a submission to the Royal Commission regarding Education and Learning. Our response focuses on issues relating to the experience of people with Down syndrome and responds to section 3.3 regarding education and inclusive societies.

### Access to Inclusive Education

DSA's position is that access to inclusive education is a fundamental human right for all Australian children, with or without disability. This right is outlined in The UN Convention on the Rights of Persons with Disabilities (UNCRPD) (of which Australia is a signatory) and reflected in Australian law. Inclusion involves welcoming all children as equal members of an educational community and supporting their full participation within the general education system.

The right to inclusive education is reflected in the Disability Discrimination Act 1992 and the Disability Standards for Education 2005 established under it, which make it clear that a school or other education authority is not permitted to discriminate on the grounds of disability.

In Australia, there is a range of settings where students with an intellectual disability receive their education, including:

- segregated special schools (schools where all students have a disability)
- segregated special units co-located with a mainstream school or segregated classrooms within mainstream schools (each a form of separate provision to children with disability)
- general classrooms within mainstream schools
- combinations of the above

Many Australian children with an intellectual disability are not accessing an inclusive education. The most recent ABS Survey of Disability and Carers (2018), found that a third of children with disabilities (aged 5 to 14) were attending either a special school or were receiving education within a segregated classroom<sup>2</sup>.

Amongst children with Down syndrome, the 2017 Down Syndrome Australia survey found:

- 46% of students were attending mainstream schools
- 46% were attending special schools or a special unit within mainstream school
- the remaining 8% were in other settings including mixes of mainstream school/special school.

25% of parents who responded to the survey and who have children in a segregated setting, indicated that this was not their preferred setting for their child and that they would prefer their child to be in a mainstream school environment.

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2 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, 2018

There is a clear trend amongst students with Down syndrome that participation in mainstream primary schools is higher compared to secondary schools. In the ACT, for example, it has been noted that there are no students with Down syndrome attending mainstream secondary Government schools.

### Impact of Education Setting on Life Outcomes for Students (Q12)

After more than 40 years of investigation, there is overwhelming evidence which finds that inclusive education leads to better academic and social outcomes for both students with and without a disability.

The most recent comprehensive review of the research was undertaken by the Alana Institute and released in 2017<sup>3</sup>. The research showed that all students learn more and achieve more in an inclusive education setting. The researchers found 'clear and consistent evidence that inclusive educational settings can confer substantial short and long-term benefits for students with and without disabilities'.

The research highlights that students with a disability in inclusive education show:

- greater academic gains including language and mathematics skills
- improved social skills
- greater involvement in school activities
- they are more likely to have mainstream employment later in life
- higher rates of independent living.

For children without a disability, the evidence suggests that there is no detrimental effect of inclusion and possibly a positive impact on their academic performance<sup>4</sup>. There is also some evidence that inclusion has a positive impact on students without a disability including they:

- are more accepting of diversity
- have a positive attitude towards disability
- have better social skills
- have more developed values and ethics.

A comprehensive analysis of the peer-reviewed literature on inclusion and segregation could not find a single study that supported better outcomes for students with a disability within a segregated setting.<sup>5</sup> Inclusive education has also been shown to be a predictor of future employment success for people with an intellectual disability or autism.<sup>6</sup>

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<sup>3</sup> Alana Institute (2016). A summary of inclusive education. Retrieved from [http://alana.org.br/wpcontent/uploads/2016/12/A\\_Summary\\_of\\_the\\_evidence\\_on\\_inclusive\\_education.pdf](http://alana.org.br/wpcontent/uploads/2016/12/A_Summary_of_the_evidence_on_inclusive_education.pdf)

<sup>4</sup> Szumski, G., Smogorzewska, J., Karwowski, M. (2017). Academic achievement of students without special educational needs in inclusive classrooms: A meta-analysis. *Educational Research Review* 21 33-54

<sup>5</sup> Jackson, R. (2008). Inclusion or Segregation for children with an Intellectual Impairment

<sup>6</sup> Chan, Wai, et al. "Factors associated with sustained community employment among adults with autism and co-occurring intellectual disability." *Autism* 22.7 (2018): 794-803.

Interestingly many families cite concerns about potential 'bullying' as a reason for accessing a segregated school experience for their child. Students with a disability are at higher risk of being bullied or isolated by their peers. However, the research indicates that these issues occur in both mainstream settings and segregated schools. There is some evidence that bullying is actually more common within segregated schools.<sup>7</sup>

## What needs to change to ensure access to Inclusive Education (Response to Q10 & 11)

Children with Down syndrome and their families face significant barriers to accessing inclusive education. These barriers have already been highlighted by the Royal Commission in the discussion paper (pg 4-5). Some of the key barriers experienced by our members include gatekeeping, lack of teacher training about disabilities, students not having access to supports, schools expressing concern about safety issues, and a lack of inclusive culture within the mainstream schools. Attending a school, where appropriate supports are not put in place, or there is discrimination occurring, is not real inclusion.

A few examples of these issues raised by our members are provided below.

*My child attended mainstream full time from Prep to Grade 4. In Grade 5, she began dual schooling with mainstream and special school. At the end of Year 7, I withdrew her from mainstream and enrolled her in the special school full-time. It just became too frustrating to keep fighting for her rights in mainstream, we had many wasted years with little education. In Year 7, she was more or less being babysat on the days she was there. Her school unfortunately wasn't as inclusive as I thought it would be when I initially enrolled her. From Grade 4 onwards, they encouraged me to move her to a special school. She is a bright, social, inquisitive young lady and it was very sad that she was pushed out slowly over the years.*

- **Parent response to DSA survey 2017**

*My daughter went through mainstream primary school which was wonderful. When it came to transitioning her to high school the Department of Education and Training was not supportive of mainstream high school and very much encouraged, and recommended, her going into a unit setting. She is able to access mainstream involvement through dance and drama, and is integrated into some other mainstream classes. I find she continues to benefit a lot more from her involvement in her mainstream classes than she does from her involvement in the unit.*

- **Parent response to DSA survey 2017**

Some school communities have been very successful in supporting access to inclusion. A great example of inclusion for a young student with Down syndrome is provided here as a case study:

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<sup>7</sup> Rose, C. A., Monda-Amaya, L. E., & Espelage, D. L. (2011). Bullying perpetration and victimization in special education: A review of the literature. *Remedial and special education, 32*(2), 114-130.

[https://www.downsyndrome.org.au/documents/community\\_inclusion\\_toolkit/education/DSA-inclusion-in-mainstream-school-case-study-Final.pdf](https://www.downsyndrome.org.au/documents/community_inclusion_toolkit/education/DSA-inclusion-in-mainstream-school-case-study-Final.pdf) . In this example some of the key factors of success included:

- Supporting time to observe and work as a team
- Adapting the curriculum creatively
- Supporting communication
- Demonstrating equality and respect
- Involvement of therapists
- Approaching safety as a school issue rather than an individual issue
- Supporting professional development for teaching staff.

At a systemic level there is a clear need for changes to policy and legislation to improve access to inclusion. In our Education Position Statement on Inclusive Education<sup>8</sup>, Down Syndrome Australia recommends that the Australian and state governments commit to transition from a dual system of special schools and mainstream schools to a single universally accessible and inclusive education system, in accordance with its UNCRPD obligations. This is to ensure progressive realisation of Article 24 and best evidence practice for educating students with disability. Our recommendations are also consistent with the recently released report from Children and Young People with a Disability Australia (CYDA)<sup>9</sup>

Governments must move as expeditiously and effectively as possible towards the goal of ensuring a universally accessible and fully inclusive education system and adopt clear targets and timetables. This includes:

### **1. Legal and policy reform**

DSA recommends that a consistent definition of inclusive education, reflecting the UNCRPD and General Comment No. 4, should be adopted by all governments and that the right to inclusive education should be more clearly enshrined in legislation and policy, together with a system of sanctions against decisions and measures that infringe on this right.

### **2. Support for teachers**

Supporting teachers to be able to teach in an inclusive environment is essential. This must start during teacher training, with a focus on meeting learning support needs in inclusive classrooms, not in special schools, units or classes. It will also include access to ongoing

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[https://www.downsyndrome.org.au/documents/position\\_statements/Position\\_Statement\\_DSA\\_Education\\_Final.pdf](https://www.downsyndrome.org.au/documents/position_statements/Position_Statement_DSA_Education_Final.pdf)

<sup>9</sup> <https://www.cyda.org.au/LiteratureRetrieve.aspx?ID=217220>



professional learning as required, in particular, 'in-time' support for when a student with Down syndrome is preparing to enter their class.

### **3. Adjusted curriculum**

Access to adjusted curriculum for all students. DSA asserts the right of learners to be taught the curriculum set for their year level of schooling as specified in the Australian Curriculum and reflected in the *Disability Discrimination Act 1992*. Adjustments of the year level curriculum should be made and students assessed on the adjusted curriculum. Regular reviews of adjustments (at least every six months) must be undertaken.

### **4. Complaints process**

All those involved in the education of learners with disability need a system of reporting breaches of rights to an inclusive education, that is easily accessed (including by children), free and without discrimination. We envisage a place of mediation and conversation. The current option of complaints to the Australian Human Rights Commissioner should remain but be an avenue when other options have been exhausted.

### **5. Support for parents**

Parents often need support in seeking inclusive education for their children and in maximising their child's development. Support should include access to quality information about legal rights and the benefits of inclusive education as well as parent training and advocacy services.

### **6. Funding and resources**

Schools must be appropriately funded to support access to inclusive education. Resources should be transitioned from specialist schools to the general education setting, with specialist teachers available to provide expert advice to general classroom teachers. Expert bodies, such as Down Syndrome Australia, should be funded to provide 'in-time' professional development support to teaching teams.