



2020 Review of the Disability Standards for Education 2005

Submission by
Independent Schools Australia

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About ISA

Independent Schools Australia (ISA) is the national peak body representing the Independent school sector. It comprises the eight state and territory Associations of Independent Schools (AISs). Through these Associations, ISA represents a sector with 1,148 schools and almost 632,000 students, accounting for approximately 16 per cent of Australian school enrolments. ISA's major role is to bring the unique needs of Independent schools to the attention of the Australian Government and to represent the sector on national issues.

Independent schools are a diverse group of non-government schools serving a range of different communities. Many Independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education.

Independent schools include:

- Schools affiliated with Christian denominations for example, Anglican, Catholic, Greek Orthodox, Lutheran, Uniting Church, Seventh Day Adventist and Presbyterian schools
- Non-denominational Christian schools
- Islamic schools
- Jewish schools
- Montessori schools
- Rudolf Steiner schools
- Schools constituted under specific Acts of Parliament, such as grammar schools in some states
- Community schools
- Indigenous community schools
- Schools that specialise in meeting the needs of students with disabilities
- Schools that cater for students at severe educational risk due to a range of social/emotional/behavioural and other risk factors.

Many Independent schools have been established by community groups seeking to meet particular needs. Examples include the Independent community schools for Indigenous students in remote areas, Special schools for students with disability and boarding schools to educate children from regional and remote areas. There are also schools that seek to reflect the religious values of a particular community or that seek to practise an internationally recognised educational philosophy such as Rudolf Steiner or Montessori schools. Independent Catholic schools are a significant part of the sector, accounting for eight per cent of the Independent sector's enrolments.

Most Independent schools are set up and governed independently on an individual school basis. However, some Independent schools with common aims and educational philosophies are governed and administered as systems, for example the Lutheran systems. Systemic schools account for 18 per cent of schools in the Independent sector. Four out of five schools in the sector are autonomous non-systemic schools.

Introduction

Independent Schools Australia (ISA) welcomes the opportunity to provide a submission to the 2020 Review of the *Disability Standards for Education 2005*.

Independent schools serve a broad range of students and communities, reflecting the diversity of Australian society, and have a long-standing commitment to supporting quality education for all students across Australia, including students with disability.

The autonomy of Independent schools enables them to respond flexibly, effectively, and creatively as professional educational organisations to meet the needs of their school community and to continuously develop, innovate and improve to enhance outcomes for students.

There has been significant, sustained growth in enrolments of students with disability in Independent schools and Special schools over the past twenty-five years. The rate of growth of students with disability enrolling in Independent schools has been four times that of the sector's overall enrolment growth.

ISA previously made submissions to both the 2010 and 2015 Reviews of the Standards. Some of the Independent sector's concerns and issues raised during these previous Reviews will again be raised in this submission.

This submission will provide a background to the nature of the Independent school sector, with a particular focus on the provision of educational services by Independent schools for students with disability, either in mainstream schools or through special education provision, and address a range of issues highlighted in the Review's Discussion Paper.

Background Information about the Independent Sector

The Role of State and Territory Associations of Independent Schools

Independent schools in each state and territory are directly represented and supported by the Association of Independent Schools (AIS) in their jurisdiction.

Neither ISA nor the eight state and territory AISs are "education providers" as defined by the *Disability Standards for Education 2005* (the Standards). While almost all Independent schools choose to become members of their State or Territory Association of Independent Schools, the AIS does not act as a 'system authority' for member schools.

AISs provide a range of professional services directly to schools, as well as providing educational support such as learning opportunities, advice, and information. Many AISs also offer industrial relations services, policy and compliance support, professional learning services, and implement government programs, for example the Australian Government Capital Grants Program. In addition, AISs represent the views of the Independent school sector at the state and territory level.

As the Independent sector is not a system, and therefore does not develop systemic policies or programs, the introduction of the Standards in 2005 was significant in outlining the rights and responsibilities of students, their families, and schools in relation to equal access and opportunities for people with a disability under the *Disability Discrimination Act 1992*. The Standards provide a much needed framework and consistent language to enable schools to be compliant with the legislation, and for state and territory AISs to support schools in understanding their rights and obligations in order to ensure that students with disability are able to access and participate in education on the same basis as students without disability.

Types of Independent school

There is a common perception, encouraged by media portrayal, that Independent schools are large, urban schools which only cater to high income families. In fact, ninety percent of Independent schools are low to medium fee schools which cater to the full spectrum of Australian society.

Independent schools also cater to specific groups of disadvantaged students including: high needs students with disability attending Special schools, Aboriginal and Torres Strait Islander* students attending remote 100 per cent Indigenous schools in Queensland, Western Australia and the Northern Territory; and highly disadvantaged youth who have been excluded from both government and non-government schools and who are now attending Independent special assistance schools.

This diversity has long been considered a major strength of the Australian schooling system, serving well the needs of a geographically dispersed, socially mixed, multicultural, and multi-faith population with a variety of learning needs and adjustments.

Families and communities are the foundation of all Independent schools and their broader communities whatever their situation, but especially so for Independent schools which meet the needs of students with disability. It is the partnerships which are developed between the school, parents, students, families, and the wider community that enable Independent schools to create learning environments in which education can happen in innovative and diverse ways in order to meet the needs of the school community.

While the Australian Government is the main provider of public funding to Independent schools, it should be recognised that parents, families, and school communities are the primary funders of schools in the Independent sector.

The range of tuition fees paid varies greatly from school to school reflecting the diversity of the sector. The spectrum of fees ranges from schools serving highly disadvantaged communities which charge no fees, through to schools which charge in excess of \$20,000 per year. It should be noted that schools charging in excess of \$20,000 per year only represent eleven per cent of

* For brevity, the word "Indigenous" may be used.

Independent schools. The median fees charged per student in Independent schools are \$5,423 per year.

While students with disability in Independent schools are eligible for funding from the Australian Government and states and territory governments, students with disability enrolled in Independent schools do not receive the same level of additional funding as their counterparts in government schools.

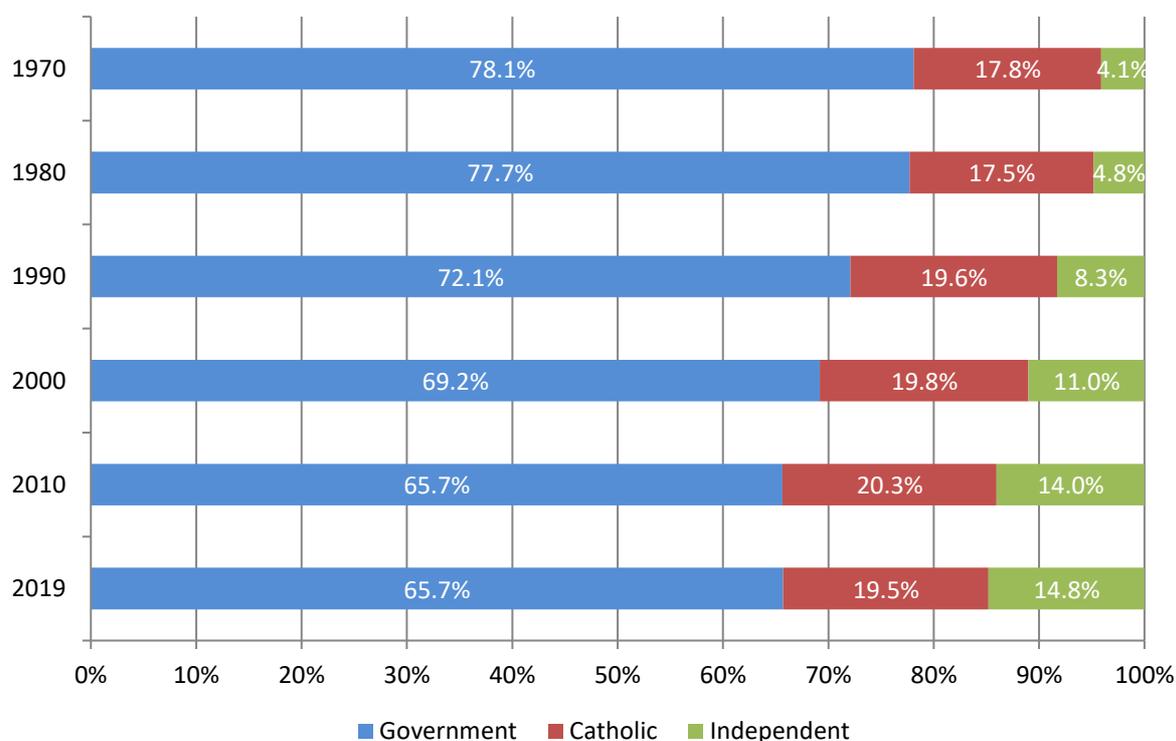
The funding differential for students with disability between school sectors can be substantial. For students with high-level needs, the sector estimates that the gap in funding can be over \$40,000 per student per year. In Independent schools, the cost of this funding gap is borne directly by parents, families, and the school community.

Independent School Enrolments and Trends

The Independent school sector is the third largest school education provider in Australia (after the New South Wales Government and the Catholic education systems) and at secondary level is the largest provider of schooling services.

Enrolments in Independent schools have grown steadily since the 1970s. According to ABS data, in 2019 Independent schools accounted for 14.8 per cent of total student enrolments (19.0 per cent of secondary enrolments) compared to 4 per cent in 1970. Full time enrolments have increased from around 124,000 in 1970 to over 584,000 in 2019. Including Independent Catholic school enrolments, the sector enrolment is almost 632,000 students.

Chart 1: Enrolment Share by Sector 1970 to 2019

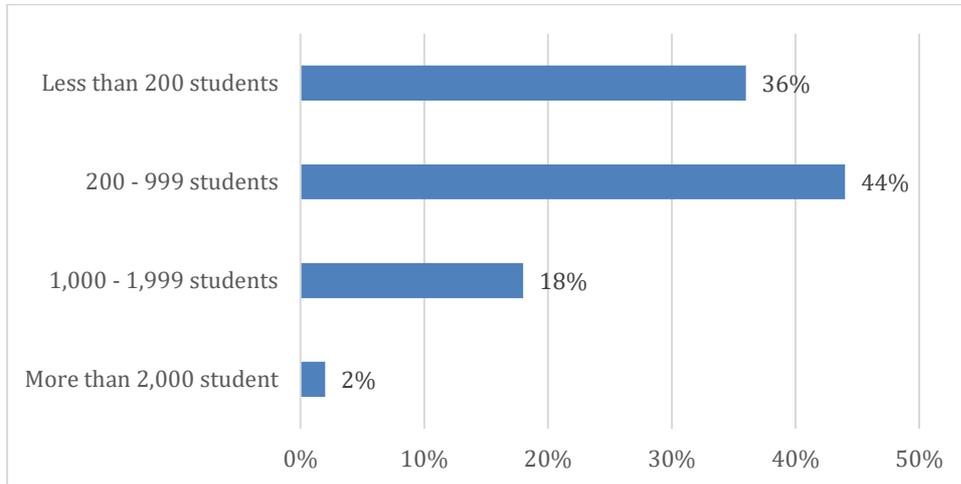


Source: ABS Schools Australia. Excludes Independent Catholic schools from Independent school share.

Independent School Size and Location

Independent schools vary greatly in size with the average Independent school size in 2019 being 537 students. This compares with an average of 389 students at government schools.

Chart 2: Independent School Size 2019

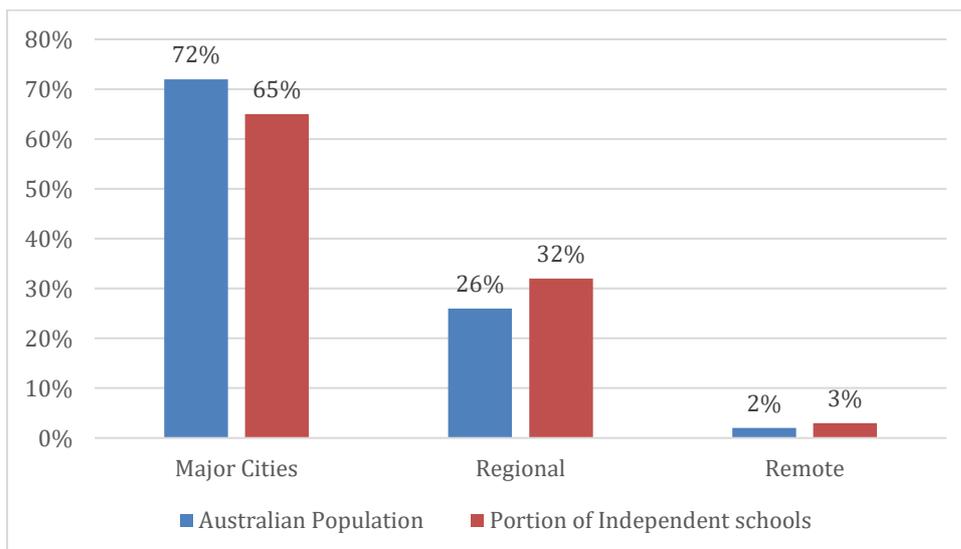


Source: DESE Non-Government Schools Census 2019.

Thirty-six per cent of Independent schools have fewer than 200 students; 11 per cent have fewer than 50 students.

The Independent school sector serves diverse communities and not exclusively those located in metropolitan areas. Independent schools make a significant contribution to educating students from Australia's regional and remote areas.

Chart 3: Independent School Location 2019



Source: ACARA My School Dataset and ABS Regional Population Growth, Australia (3218.0)

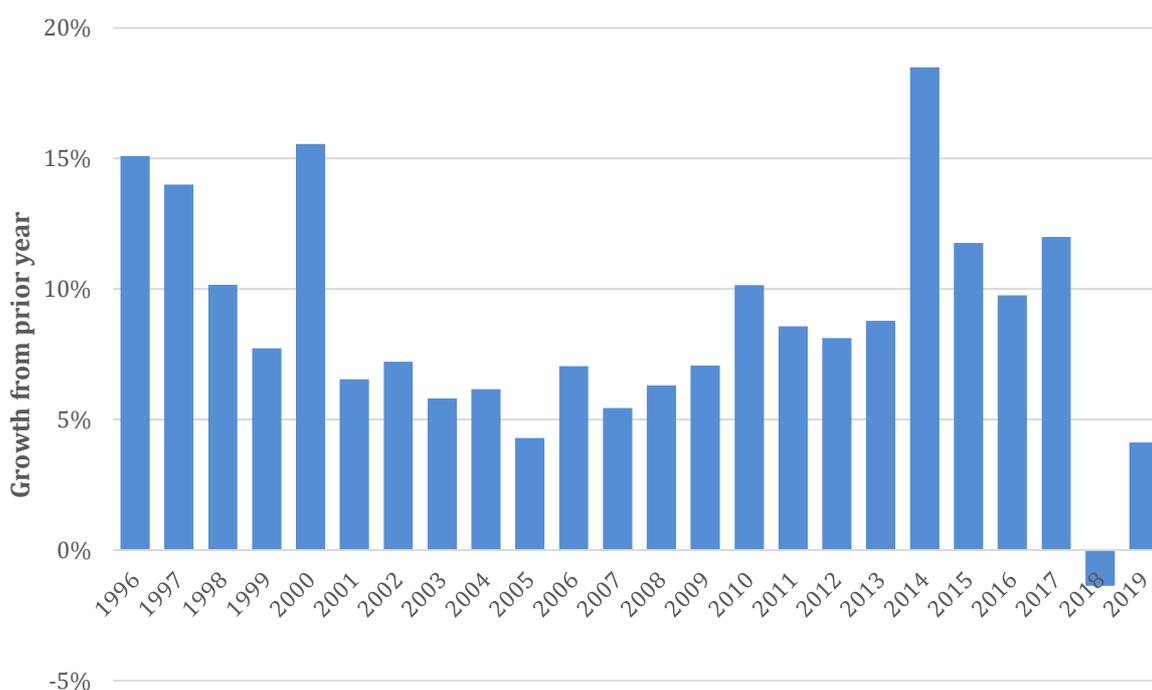
As demonstrated in Chart 3 above, the distribution of Independent schools is reflective of the distribution of the Australian population as a whole. While 65 per cent of Independent schools are located in metropolitan areas, 32 per cent are in regional areas, and three per cent of Independent schools are located in remote areas.

Students with Disability Enrolled in Independent Schools

There were 120,533 students with disability enrolled in Independent schools in 2019, representing 19 per cent of the Independent school student population. Most of these students attend mainstream Independent schools although more than 8,900 attend one of the 119 Special schools* in the sector.

The number of students with disability in the sector has grown substantially over the past two and a half decades, although the growth rate varies from year to year. The rate of growth of students with disability enrolling in Independent schools is four times that of the sector's overall enrolment growth.

Chart 4: Growth Rate of Student with Disability in Independent Schools 1996-2019



Source: DESE Non-Government Schools Census

The introduction of the Nationally Consistent Collection of Data (NCCD) on School Students with Disability in 2018 has resulted in a considerable difference in the way students with disability are counted. While this means that data collected from 2018 on is not directly comparable with previous years' data, Chart 4 above shows that significant growth of enrolments of students

* includes Special Assistance Schools.

with disability in the Independent sector began before the introduction of the NCCD or, indeed, the Standards in 2005.

According to the NCCD, currently 15% of students with disability receiving an adjustment were in Independent schools, which is in line with the sector's overall total enrolment share. * 1

As noted above, most students with disability in the Independent sector attend mainstream schools although more than 8,900 – about 7 per cent of the total – attend one of the 119 Special schools in the sector. This is consistent with the trend over recent decades to include students with disability into mainstream classrooms or special needs units in mainstream schools.

However, parents should be able to choose a non-mainstream educational environment if a Special school is the best option for their child, and the Independent sector is a major provider of Special schools.

Special Education Provision

Special schools, including Special Assistance Schools, provide alternative educational settings for students with high-level needs and cater for students with disability, as well as students who are at risk, have behavioural difficulties, or whose needs are better met by flexible learning structures that may not be available in all mainstream schools.

According to ABS data, over the decade 2010-2019, the number of Special schools in the Independent sector doubled from 55 schools to 119 schools. The average size of an Independent Special school in 2019 was 94 students.

Special Assistance Schools make an important contribution to addressing educational disadvantage by catering for students with severe social, emotional, and behavioural issues. These schools generally serve young people who are disengaged from education and whose needs are not met by mainstream education. The role of Special Assistance Schools does vary somewhat from state to state however most Special Assistance Schools will have a number, if not all, their students who are counted in the NCCD.

Students are often referred from community services, juvenile justice, and other schools, both government and non-government. Special Assistance Schools have developed specially adapted programs and structures designed to re-engage students in education and prepare them for further training and employment.

Some mainstream Independent schools incorporate a unit on campus to cater for students with special needs because of profound hearing loss, severe language disorders, social and emotional disorders, or intellectual disability.

* Includes students from those receiving an adjustment through Quality Differentiated Teaching practice (QDTP) through to high-needs students requiring substantial adjustments.

Many Independent schools employ specialist teachers to work with class teachers and parents to develop individual learning programs for students with special needs and to assist class teachers develop strategies and materials to meet the needs of these students. Some schools employ teacher aides to work with students in class or withdraw students from class to work with specialist teachers.

Rights and Obligations of the Standards

As noted above, the introduction of the Standards in 2005 was significant in providing a framework and support for schools to understand and implement their rights and obligations under the *Disability Discrimination Act 1992* (DDA).

The DDA, and the associated Standards, make clear the right of students with disability to access and participate in education on the same basis as students without disability, and the obligation of education providers to make reasonable adjustments to assist the students with access and participation.

The growth of students with disability enrolled in the Independent sector illustrates the readiness of Independent schools to meet their social and legal obligations to assist students with disability to access and participate in education. Many Independent schools report that, in recent years, the nature of student needs has changed, with greater support needed for more students presenting with mental health difficulties or exhibiting problematic or challenging behaviour.

Many Independent schools access the expertise of specialist assistance provided through the AISs to assist them to meet their obligations through effectively implementing the Standards. This support may range from the provision of professional learning through the tailored consultancy support and advice regarding individual student matters.

Clarity of Terminology and Concepts in the Standards

In a number of places, the Standards lack the required clarity to ensure that all providers are able to clearly interpret and successfully implement the Standards.

The Discussion Paper for the 2020 Review of the Standards notes that one of the “broad themes identified in the 2010 and 2015 Reviews of the Standards” includes “clarity, understanding and capability – varying interpretation and application of terms such as ‘reasonable adjustment’ and ‘unjustifiable hardship’, and the need for greater support and guidance on best practice for educators”. This identified theme accords with ISA’s submissions to both the 2010 and 2015 Reviews of the Standards.

It remains the case that there are issues and concerns of clarity regarding core concepts and terminology in the Standards, and a need for clearer, more comprehensive support materials such as de-identified case studies or hypothetical scenarios.

As identified by the Discussion paper, ‘reasonable adjustment’ and ‘unjustifiable hardship’ are two significant concepts in the Standards for which further clarification is required.

For example, Section 3.4 of the Standards define a ‘reasonable adjustment’ as one that ‘balances the interests of all parties affected’. Section 3.4.1 notes that ‘judgements about what is reasonable for a particular student, or a group of students, with a particular disability may change over time’, and Section 3.4.2 outlines a range of circumstances and interests that should be taken into consideration when assessing whether an adjustment is reasonable in the circumstances.

However, many schools have identified that they would appreciate more advice on the extent to which the various elements should be ‘regarded’ in making any decisions about adjustments for students. In particular, schools have acknowledged difficulties in establishing a balance for Section 3.4.2(d) - the effect of the proposed adjustment on anyone else affected, including the education provider, staff, and other students.

There is an obvious potential tension between schools and parents, where parents are legitimately concerned about the needs of their child, while the school may have concerns about the impact of the child’s behavior on others. Schools and parents are unclear on where this balance lies (and should lie) in practice, and where there is a mismatch in expectations. It has been noted that that this may be creating legal issues for parents and schools.

While a more extensive and complete understanding of the terminology and concepts used in the Standards can be gained through referring to the Guidance Notes, the lack of clarity within the Standards themselves is compounded by the reported lack of wide-spread familiarity or regular use of the Guidance Notes by education providers.

Further development of the Standards to achieve greater clarity of terminology and concepts will significantly assist schools to strengthen their ability to interpret their obligations under the DDA and enable them to embed processes to ensure better implementation of the Standards.

Consistently effective implementation of the Standards would also be facilitated by greater reference to the Guidance notes within the Standards themselves. Reference directly within the Standards, rather than providing the Guidance Notes as an addendum to the Standards, would act as an educative prompt encouraging greater regular use and familiarity by education providers with the content of the Guidance Notes.

It may also be helpful to include reference to the need for staff to work alongside professionals with expertise in supporting students with disability. This will also ensure high quality outcomes for students and ensure staff are assisted in the identification of appropriate adjustments that are responsive to the student’s needs and to plan, design, and implement high-quality, evidence-based supports.

A further improvement in this area could be the development of a collection of de-identified case studies or hypothetical scenarios gathered from previous conciliations and case law. Provision of a range of examples, together with practical guidance notes and illustrations of evidence-based practice, would be extremely beneficial for schools, parents, and the

community. The case studies would need to be developed in order to acknowledge the complexities and grey areas in the practice of applying the Standards.

Differentiated versions of the guidance notes and illustrations of practice could be developed for specific audiences and directly targeted, for example, to school leaders, classroom teachers, and parents and families. Schools, sectors, and systems would also be able to reinforce the application of these resources through inclusion in professional learning opportunities.

Targeting different versions of the case studies and illustrations to varying audiences would ensure that information on the Standards is provided focused on the specific context of the reader, would work to avoid a situation where one person in the school community is considered the 'font of all knowledge' concerning students with disability, and encourage leadership for the education of students with disability across the whole school.

It would be important that these illustrations and examples are updated regularly, perhaps yearly, as a supplement to the mandated five-yearly review of the Standards themselves.

Access to Education

As noted above, there has been significant, sustained growth in enrolments of students with disability in Independent schools and Special schools over the past two and a half decades. The rate of growth of students with disability enrolling in Independent schools has been four times that of the sector's overall enrolment growth.

While students with disability in Independent schools are eligible for funding from the Australian Government and states and territory governments, students with disability enrolled in Independent schools do not receive the same level of additional funding as their counterparts in government schools. Government funding for students with disability in Independent schools also does not take into account capital costs if infrastructure or specialised equipment is required. This is a cost that must be covered directly by the Independent school community.

Lack of equitable government support for students with disability in Independent schools remains a major constraint for schools seeking to provide access to education on the same basis for all students. For students with disability in government schools, the cost of their education is met by the Australian community as a whole. Students with disability in Independent schools still generally receive less government funding for their education needs than if they were educated in a government school.

As autonomous, stand-alone entities, most Independent schools cannot rely on support from a systemic school authority to provide additional resources to meet the needs of students with disability. Education providers operating within a system have the opportunity to provide a reasonable alternative education location in another part of that system. Schools systems are also able to move funds across education providers in order to support students with disability. Independent schools do not have the same capacity as system authorities to respond flexibly and target funding to needs as they arise within the sector.

In Independent schools, the gap in funding required to assist students with disability to access education on the same basis as students without disability is borne directly by the individual Independent school community. This means that enrolling a student with disability, particularly in the middle and low-fee schools which comprise ninety percent of Independent schools, can place a significant impost on the school community.

The Independent sector strongly believes that students with disability must be appropriately and equitably funded by government regardless of the type of school they attend, in order to ensure access to education and training opportunities for students with disability.

Professional Learning to Support the Standards

While education providers have specific obligations under the DDA, school communities may find it difficult to maintain ongoing corporate knowledge of their obligations due to the mobile and complex nature of the school workforce.

It is critical that all early career educators undertake preparation, as part of Initial Teacher Education, to teach students with disability. Currently there appears to be limited pre-service training to prepare classroom teachers for educating students with disability, let alone interpretation or implementation of their obligations under the DDA and Standards. This situation is compounded by a continued lack of available, appropriately qualified, post-graduate special education teachers who can provide specialised advice and support to students, teachers, and school communities.

The lack of wide-spread suitable preparation for educating students with disability as part of Initial Teacher Education means that professional learning for registered teachers is required to support the interpretation and implementation of the Standards. It is imperative that targeted, ongoing professional learning is undertaken by all school staff, including teachers, specialist staff, and school leaders to ensure they are well equipped to respond to the full range of students' learning needs. It is critical that this professional learning is provided by appropriately trained and qualified professionals.

It is also vital that schools be provided with the resources to enable school-based learning that can be translated in action in order to support students who may often have complex and/or multiple needs. Available resources would need to ensure that classroom teachers are able to be provided with an adequate allocation of time to undertake the required professional learning.

The suggested collection of case studies and illustrations of practice targeted to varying audiences, such as classroom teachers and school leaders, mentioned above may be useful to support the strengthening and deepening of professional learning of the Standards by providing educators with personal experience of practical issues. Sectors and systems can reinforce this messaging through directing schools to these support materials.

The Experience of Aboriginal and Torres Strait Islander Students with Disability

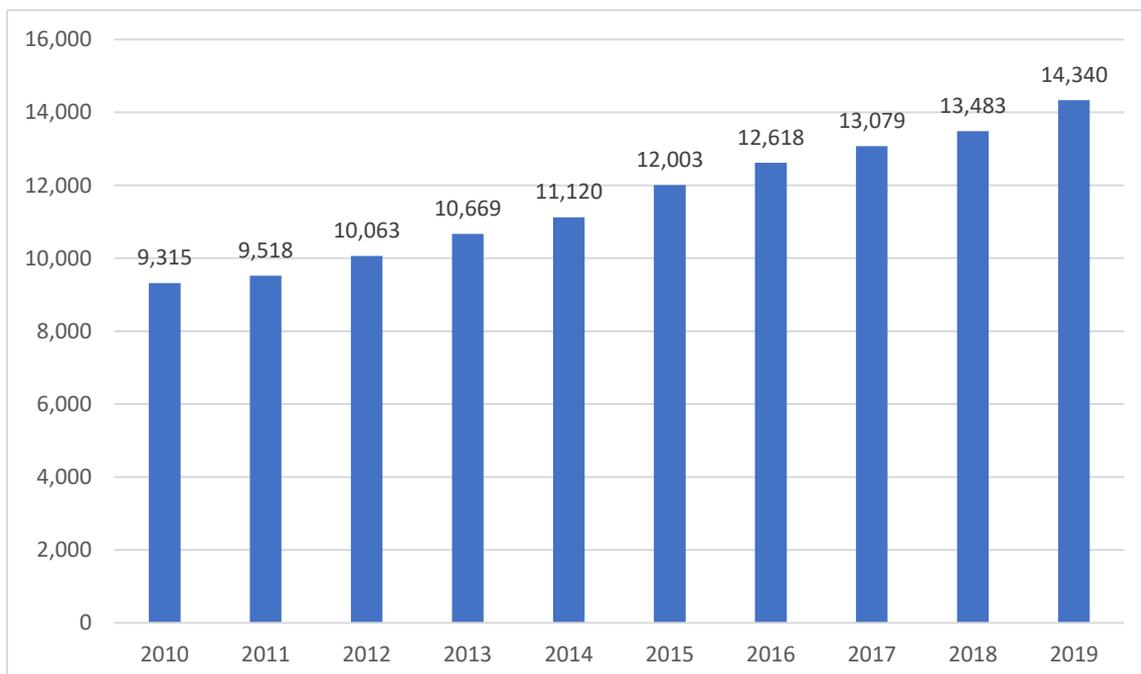
As a group, Indigenous students face significant barriers to educational achievement and many Indigenous parents choose to enrol their children in Independent schools.

Indigenous student enrolments are dispersed broadly across the Independent sector and in 2019 there were over 14,300 Indigenous students enrolled in 897 Independent schools. Seventy-eight per cent of Independent schools in Australia enrolled Indigenous students in 2019.

Enrolments of Indigenous students in Independent schools have grown at an average rate of almost 6 per cent per year over the last two decades. ABS data released in February 2020 confirmed the Independent sector as experiencing the largest growth of Aboriginal and Torres Strait Islander enrolments, exceeding the national average growth of 3.7 per cent.

Indigenous students are educated across a range of settings and in different types of schools in the Independent sector. There are some Independent schools that provide education to significant populations of Indigenous students and some schools are entirely Indigenous. Forty schools in the Independent sector have an Indigenous enrolment of more than 50 per cent. A significant number of these schools are located in regional or remote areas.

Chart 5: Growth in Indigenous Student Enrolments at Independent Schools 2010 to 2019



Source: DESE Non-Government Schools Census 2010 to 2019

Many Indigenous students, particularly those from regional and remote communities face considerable educational challenges including that their educational levels are often behind those of their non-Indigenous peers, many students have significant social and health issues, and many have traumatic backgrounds and disrupted educational journeys. The context and

educational setting means that the needs of Indigenous students, and thus of the schools, teachers, and support staff, vary according their educational circumstances.

Currently neither Australian Government nor state and territory government funding arrangements for non-government schools adequately address the very substantial cost differential in school provision for Indigenous students in and from remote locations. Indigenous students attending Independent schools in remote communities should be supported to the same level as Indigenous students in similar government schools.

Remote Indigenous students face significant issues and particular health conditions that affect their ability to learn and will require adjustments in the classroom.

Discussing the challenges facing Aboriginal and Torres Strait Islander participants, the 2019 report by the University of Melbourne School of Population and Health Centre for Health Policy for the Lowitja Institute, *Understanding disability through the lens of Aboriginal and Torres Strait Islander people – challenges and opportunities*, notes the extensive literature highlighting that for

many Aboriginal and Torres Strait Islander language groups, there is no equivalent word for 'disability' or for specific disabilities, and many Aboriginal and Torres Strait Islander people living with disabilities do not self-identify as having a disability ... The language of disability and under-identification of disability can therefore serve as a barrier by contributing to under-reporting and under-utilisation of disability services ... it is likely that the number of Aboriginal and Torres Strait Islander peoples living with a disability is significantly under-represented, and they are therefore not receiving the support services that they need.

Many Independent schools serving communities of Indigenous students with disability have anecdotal evidence verifying the occurrence of under reporting of disability in Indigenous communities.

ISA notes that similar anecdotal examples of under reporting of disability have also been identified in other culturally and linguistically diverse communities, including religious communities, that are represented within the Independent sector.

Children with Disability in Early Childhood Education and Care

ISA notes that, subsequent to the initial Discussion Paper, the 2020 Review of the *Disability Standards for Education 2005* published a second Discussion Paper focusing on children with disability in early childhood education and care. This second Discussion Paper states that

(p)revious reviews ... found the distinction made in the Standards between preschools/kindergartens and child care providers does not reflect the complex arrangements in place in the early childhood education and care sector.

The Discussion Paper also identifies that previous Reviews found that ‘the sector had undergone significant reforms which increasingly emphasised the educational purpose of early childhood education and care services.’

Early Childhood Education and Care has been a significant area of growth in Independent schools driven by parent and community demand. The Independent sector estimates that Independent school communities educate and care for over 25,000 children aged from 3 months to five years of age and employs over 8,000 early childhood educators across Australia

In general, Independent school communities offer two different forms of early childhood education and care: long day care and kindergarten services for three and four-year-old children. These educational services are often provided in the same Early Learning Centre.

Many of the same issues and complexities identified above for Independent schools also exist for providers of early childhood education and care in the Independent sector. This is particularly the case regarding access to appropriate funding, specialised staff training to support students with disability, including complex and multiple needs, and access and involvement in meaningful, ongoing professional learning opportunities for staff, teachers, and school leaders.

In addition, many early childhood education and care providers face similar challenges to those already highlighted in this submission which are heightened by transition processes (including enrolment, adjustments, and consultations) as students enter the formal education system. It is also the case that often early childhood education and care providers deliver initial supports for families who are accessing services or diagnosis, and this demands a specific skill set and competencies on the part of early childhood education and care educators and directors.

The Impact of COVID-19

The COVID-19 pandemic has created a unique and unprecedented set of challenges for all aspects of life for all Australians, including schooling.

The autonomy of Independent schools enabled them to respond flexibly, effectively, and creatively as professional educational organisations to meet the needs of their school community and to develop, innovate, and improve the school to enhance outcomes for students.

However, the adverse effects of the pandemic are likely to be experienced most acutely by vulnerable students such as students with disability, particularly, in the case of schooling, through the challenges of rapid adaptation to home and online teaching and learning.

While the length and extent of online learning differed greatly from state to state, the move to online learning across Australia had wide-ranging impacts and implications for all Independent schools.

At this early stage ISA has not been able to undertake a systematic, sector-wide appraisal of the impact of the pandemic on students with disability with reference to the Standards.

However, ISA notes that evidence to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability has considered challenges, but also some of the advances, for students with disability during the pandemic.²

Similar evidence is also discussed in the results of a survey commissioned by Children and Young People with Disability Australia on the impact of COVID-19 on children and young people and their families.³ The survey found

(u)ncertainty about education was a prominent theme, including school closures and challenges with learning from home, and that progress gained by children and young people with disability would be lost during this period.

In general, the survey found that COVID-19 exacerbated the experiences and challenges that children and young people with disability and their families faced prior to the pandemic.

Independent schools have been managing this widely varied set of issues and concerns without systemic support, such as that available to government schools. It is likely that students with disability enrolled in Independent schools have experienced similar concerns to those in the broader Children and Young People with Disability community as reported by the CYDA survey.

Conclusion

Independent Schools Australia is pleased to have the opportunity to provide a submission to the 2020 Review of the *Disability Standards for Education 2005*.

The introduction of the Standards in 2005 was significant in outlining the rights and obligations under the *Disability Discrimination Act 1992*.

In the fifteen years since their introduction the Standards have contributed to supporting schools in understanding their rights and obligations in order to ensure that students with disability are able to access and participate in education on the same basis as students without disability.

It remains the case that there are issues and concerns of clarity regarding core concepts and terminology in the Standards, and a need for clearer, more comprehensive support materials.

² <https://www.educationreview.com.au/2020/08/disability-education-lacking-amid-pandemic>

³ Dickinson, H., Yates, S. (2020) *More than isolated: The experience of children and young people with disability and their families during the COVID-19 pandemic*. Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne.

Further development of the Standards to achieve greater clarity of terminology and concepts will significantly assist schools to strengthen their ability to interpret their obligations under the *Disability Discrimination Act 1992*.

There has been significant, sustained growth in enrolments of students with disability in Independent schools and Special schools over the past twenty-five years. The rate of growth of students with disability enrolling in Independent schools has been four times that of the sector's overall enrolment growth.

Lack of equitable government support for students with disability in Independent schools remains a major constraint for schools seeking to provide access to education on the same basis for all students.

The Independent sector strongly believes that students with disability must be appropriately and equitably funded by government regardless of the type of school they attend, in order to ensure access to education and training opportunities for students with disability.

Development of a collection of de-identified case studies or hypothetical scenarios gathered from previous conciliations and case law would be a further improvement.

It is imperative that Initial Teacher Education and ongoing professional learning is undertaken by all teachers and school leaders to ensure they are well equipped to respond to the full range of students' learning needs.

While remote Indigenous students face significant issues and particular health conditions that affect their ability to learn and will require adjustments in the classroom, many Independent schools serving communities of Indigenous students with disability have anecdotal evidence verifying the occurrence of under reporting of disability in Indigenous communities.

Similar anecdotal examples of under reporting of disability have also been identified in other culturally and linguistically diverse communities, including religious communities, that are represented within the Independent sector.

The adverse effects of COVID-19 are likely to be experienced most acutely by vulnerable students such as students with disability, particularly through the challenges of rapid adaptation to home and online teaching and learning.

The Independent sector welcomes the focus on the education of students with disability and looks forward to working with students and their families to ensure they are able to access and participate in education on the same basis as students without disability.