



26 February 2025

Disability Standards for Education Consultation  
Location C50MA8EDU  
Department of Education  
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CANBERRA ACT 2601

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Dear Disability Standards Consultation,

### **Changes to the Disability Standards for Education 2005 Consultation Paper**

Independent Schools Australia (ISA) welcomes this opportunity to provide a submission to the Australian Government Department of Education on the *Changes to the Disability Standards for Education 2005 Consultation Paper*.

ISA supports the proposed changes to the Disability Standards for Education 2005 (DSE) as outlined in the Consultation Paper and the *Draft Disability Standards for Education Amendment Standards 2025* to include Early Childhood Education and Care providers.

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### **ABOUT ISA AND INDEPENDENT SCHOOLS**

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ISA is the national peak body for Independent schooling in Australia. ISA represents the sector on national issues and engages with the Australian Government, national agencies, media, key stakeholders, and the wider Australian community.

Working with the eight state and territory Associations of Independent Schools (AISs), we represent 716,800 students, over 1,215 schools and a workforce of 122,000 people.

The Independent sector encompasses considerable diversity in size and location of schools, and the types of students enrolled. The latest available data shows that more than one in six Australian school students attends an Independent school. For secondary students, it is over one in five. Students at Independent schools reflect the full diversity of Australian society – including those who experience one or multiple forms of disadvantage.

Most Independent schools are set up and governed independently on an individual school basis. However, some schools with common aims and educational philosophies are governed and administered as systems, for example, Lutheran schools. Systemic schools account for 20 per cent of schools in the sector.

Many Independent schools enrol children in early childhood education and care services. They vary in scope from babies to school age with the majority of providers operating early learning services for three- to five-year-olds. Although early learning services vary between Independent schools, most schools that offer early childhood services provide a preschool program for the year before formal schooling.

Some Independent schools operate two services, both LDC and sessional kindergarten/preschool, or may have OSHC available for both preschool and school aged children.

## CONTEXT

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Data on students with disability in schools is collected nationally through the Nationally Consistent Collection of Data on School Students with Disability (the NCCD). The Independent school sector educates over 157,00 students with disability.

Since the NCCD does not apply to Early Childhood Education and Care (ECEC) providers, ISA does not have data on the number of children and students with disability in Independent school ECEC services, however it is estimated that at least 1 in 5 children experience disability.

## INCLUSION OF ECEC PROVIDERS IN THE DSE

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ISA supports the inclusion of ECEC services that deliver education programs in the DSE. This will mean that obligations for children and students with disability is consistent across the early childhood and school sector and to make it clear that the rights of children and students with disability in ECEC services that deliver education programs is the same as those in preschool or kindergarten.

The proposed changes to the DSE will further assist families and carers of children with disability in understanding the responsibilities of ECEC services that deliver education programs and to know their obligations under the DSE to implement educational program adjustments and maintain effective communication with families.

## DRAFT DEFINITION OF ECEC SERVICES TO BE INCLUDED IN THE DSE

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ISA agrees with the draft definition of ECEC services most suited to be included in the DSE:

- Child Care Subsidy approved providers under the national Family Assistance Law
- Other ECEC services approved under a law of a state or territory who are also required to deliver and education program based on an approved learning framework such as The Early Years Learning Framework and My Time, Our Place Framework for School Aged Care.

ISA also agrees with the examples provided in the Consultation Paper of ECEC services to be included:

- Centre Based Day Care
- Family Day Care
- Outside School Hours Care
- In Home Care

## POSSIBLE IMPACT ON ECEC SERVICES

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The Disability Discrimination Act 1992 (DDA) mandates that ECEC services must not discriminate against children or families due to disability and must make reasonable adjustments. Inclusion in the DSE will further clarify these obligations.

However, clarifying the requirements for reasonable adjustments with the proposed changes to the DSE may create financial challenges for small providers that may not have access to additional funding to provide the necessary adjustments.

As noted in the 2022 ISA Report, *Early Childhood Education and Care: Environmental Scan*,

“Funding availability for children with disability varies widely in each state and territory. Even for those states where inclusion funding is available, (Western Australia and Queensland) young children may not yet have a diagnosed disability or assessments to prove eligibility. The Nationally Consistent Collection of Data for students with disability, which informs the student with disability loading for schools, does not cover preschool programs, resulting in many Independent school sector preschools funding support for children with disability through other income sources.

Funding support for children with additional needs (disability, developmental delay, challenging behaviours, serious medical or health conditions and trauma) is available through the Commonwealth’s Inclusion Support Program for Long Day Care, outside hours school care, vacation care and family day care services but not preschool. Families must be eligible in order for a service to receive this funding.”<sup>1</sup>

The lack of consistent funding for children with disability in ECEC services across all sectors and jurisdictions is of significant concern to the Independent sector. ISA would support a review of the funding available for children and students in ECEC services that will be included in the DSE to ensure equity across sectors and guarantee that all children and students with disability receive the necessary adjustments to support their education.

ISA also recommends that training modules such as the DSE NCCD e-learning modules for Early Childhood<sup>2</sup> or similar are included in appropriate ECEC degrees, vocational training and certificate courses as part of the standard content so that new staff entering ECEC services have the necessary knowledge and understanding of their obligations under the DSE. Current staff in ECEC services should be made aware of these free modules.

## CONCLUSION

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Including ECEC services in the DSE will ensure quality inclusive environments and provide consistency throughout a child’s educational journey, especially at the important transition period from early childhood to school.

ISA will continue to work with the Australian Department of Education to support children with disability, their families, schools and educators, ensuring inclusive education that prepares each child for a successful start in life.

Yours sincerely



Graham Catt

**Chief Executive Officer**

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<sup>1</sup> <https://isa.edu.au/wp-content/uploads/2022/11/ISA-Early-Childhood-Report-WEB.pdf>

<sup>2</sup> [Disability Standards for Education for early childhood \(prior to school\) - Nationally Consistent Collection of Data](#)