



EDUCATION: SYSTEMIC NEGLECT OF STUDENTS WITH DISABILITY

Submission No.2 of Advocacy for Disability Access and
Inclusion Inc. SA to the Royal Commission into
violence, abuse, neglect, and exploitation of people
with disability

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ABOUT ADAI

Advocacy for Disability Access and Inclusion (ADAI) are an advocacy organisation based in North Adelaide, South Australia.

ADAI was born as Parent Advocacy in 1986 after a group of parents acted as advisors to the then State Government in establishing new and different disability services and the *Intellectually Disabled Persons' Services Act, 1986*. At that time funds were provided by both the State and Federal Governments to establish Parent Advocacy. In 2006 Parent Advocacy changed its name to Family Advocacy Incorporated (FAI) and to Advocacy for Disability Access and Inclusion in 2015.

Today, ADAI is funded by the Department of Social Services (DSS) primarily through the National Disability Advocacy Program to provide independent advocacy to any person living with disability and or the family that supports them. ADAI has also been funded by DSS to provide advocacy and support to persons participating in the Royal Commission. ADAI has assisted over 170 people to gather information about the Royal Commission, make a submission or assist someone to make a submission. ADAI is also funded to provided advocacy to people making an appeal to a NDIS decision through the NDIS AAT Appeals Program. The South Australian State Government does not currently provide funding for ADAI to provide advocacy.

ADAI welcomes the opportunity to make a submission to the Royal Commission into violence, abuse, neglect, and exploitation of people with disability.

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PART 1: OUTLINE

KEY POINTS

- Advocacy for Disability Access and Inclusion (ADAI) have a long history of advocating for families and children in the education system.
- Students with disabilities are often denied an equitable access to education.
- There are clear limitations of professional knowledge or understanding of a wide range of disabilities and challenging behaviours that can present in a classroom setting.
- Many legislative and policy documents outline the requirement for schools to ensure that students with disability can access and participate in education on the same basis as students without disability but these are often not adhered to.
- ADAI have identified the following areas of concern across South Australian schools:
 - Poor management of student behaviours with the overuse of suspensions and exclusions.
 - Minimal or no learning supports in place over the suspension or exclusion period.
 - Suspensions and exclusions leading to unnecessary expulsion and student disengagement from the education sector.
 - Poorly managed exclusions, suspension and expulsions leading to children being neglected, isolated, without purpose, and even being involved in criminal activity.
 - Significant time delays in the implementations of a One Plans leaving students without appropriate resources, learning and behaviour strategies.
 - Schools disallowing external therapists on site.
 - A lack of understanding of medical exemptions for students.
 - A lack of responsibility for school students enrolled at a school but who attend a Flexible Learning program – out of sight out of mind.
 - Economic participation denied for parents as they are constantly requested to collect their child from school, or monitor them at home during suspensions.
 - Long term impacts on student learning, community engagement, interactions with peers and employment pathways because of overuse of suspensions and exclusions.

- Long application processes to apply for Inclusive Education Support program supports.
- Department for Education not appropriately investigating complaints.
- Internal investigations – schools investigating themselves and finding no wrongdoing.
- No accountability for Principals and schools when the Department refers to the principal for resolutions.
- Funded supports from single students being spread across multiple students.

INTRODUCTION: THE RIGHT TO AN EDUCATION

All students have a right to an education. In South Australia this is supported by legislative and regulatory frameworks such as the *Disability Standards for Education 2005* (Cth) (the Standards), the *Disability Discrimination Act 1992* (Cth), the South Australian Department for Education's *Children and Students with Disability Policy*.

Australia is also a signatory to the United Nations, Convention on the Rights of Persons with Disabilities 2006 (UNCRPD) which prohibits discrimination against people with disability and describes the rights of persons with disabilities and the expectations to achieve and maintain these rights.¹

By ratifying the UNCRPD Australia has an obligation to protect, ensure and promote these rights.

The structure of the education system does not support the right to access, and the balance of power is held strongly by the schools and the Department for Education (the Department). This can lead to the individual needs of students being missed or ignored.

From 1 July 2019 – 30 June 2020 ADAI had 62 clients seeking advocacy assistance for an issue regarding education. This was our third most common reason for people seeking assistance, after questions about NDIS Internal Reviews (101 files) and general NDIS Access/Planning queries (63 files).

In the period from 1 July 2020 – 30 June 2021 education was the main concern for 54 clients, the fourth most common query after requests for assistance to access the NDIS (86 files), assistance with a NDIS Internal Review (57 files) and queries about Government Payments (55 files requesting support with Disability Support Pension, Carers Payments etc.).

In the period from 1 July 2021 – 30 June 2022, out of 381 clients, 58 of those were seeking assistance with an education issue, again the third most common request for assistance after NDIS Access/Planning advice (79 files), and assistance with an issue with a Government Payment (73 files).

Education is an area of advocacy that has a high rate of positive outcomes with only a small to medium amount of advocacy assistance. Often schools are willing to work with advocates and families to address any concerns they have and work through issues. Education issues may occur because of a lack of knowledge from the school about their obligations, or because inadequate planning has occurred. With some support and advice the student, their family and the school

¹ UN General Assembly, *Convention on the Rights of Persons with Disabilities*: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, Article 1.

are regularly 'back on track'. The concerns discussed in this submission are around acute concerns that lead to significant risk of harm to students, or frequent emerging issues that could be easily addressed and rectified.

In the period from 1 July 2021 – 30 June 2022 43 clients who listed Autism Spectrum Disorder as their primary disability contacted ADAI for assistance with an education issue. This means approximately 75% of all clients seeking assistance for an issue around schooling in this year were autistic. This is a common theme that schools are limited in their professional knowledge and understanding of autism.

The term 'Aboriginal' is used respectfully in this submission to refer to all people of Aboriginal and Torres Strait Islander descent who are living in South Australia. ADAI acknowledges and respects Aboriginal peoples as the state's First Peoples and nations and recognises Aboriginal peoples as Traditional Owners and occupants of lands and waters in South Australia.

The report uses the terminology 'people with disabilities' to refer to the disability community. ADAI acknowledges and respects that there is a range of views about language and celebrates the right of all people to identify as they see fit.

Note: all persons and identifiers referred to in this submission have been de-identified.

THE ROYAL COMMISSION OBJECTIVES

ADAI understands that the Royal Commission is investigating how to:

- Prevent and better protect people with disability from experiencing violence, abuse, neglect, and exploitation; and
- Achieve best practice in reporting, investigating, and responding to violence, abuse, neglect, and exploitation of people with disability; and
- Promote a more inclusive society that supports people with disability to be independent and live free from violence, abuse, neglect, and exploitation.²

This submission will outline and explore how to achieve best practice in investigating and responding to complaints of violence and abuse of children with disabilities by acknowledging them, believing them, and listening to them. This submission also aims to ensure that such complaints are cross-checked and reported to the Department for Education to ensure that

² Commonwealth Letters Patent Constituting the Disability Royal Commission, issued on 4 April 2019.

expulsions and suspensions do not remain “the norm” in schools and don’t further damage the educational experiences for children living with disabilities.

The Standards outline the requirement for schools to ensure that students with disability can access and participate in education on the same basis as students without disability. Sadly, this is often not the case, and many families have approached Advocacy for Disability Access and Inclusion Inc. SA (ADAI) with appalling stories about students being excluded, suspended, bullied, harassed, and abused by teachers and principals. Students living with disabilities are too often denied an inclusive education. This has a long-term impact on their learning, inhibits the development of important life skills, and hinders socialisation with peers.

Teachers and school staff lack the training and knowledge to effectively support students in the classroom. Many teachers use suspensions and exclusions as behaviour management, which significantly impacts students’ sense of belonging as they can miss weeks or even months of their education. In one of ADAI’s case studies, one student was suspended for the maximum of 5 days for reacting to bullying on the playground. He was 7.

The struggles families face from these outcomes are many-fold, including undue stress on the child and their parents or guardians. It also increases the students’ potential for isolation and disengagement. Struggles also include difficulties in finding suitable schools with individualised support, which can result in a less-than-ideal part-time education schedule. Families may also be forced to resort to homeschooling. ADAI have also experienced families who have been pressured to homeschool their children and give up their own employment as the school is unwilling to accommodate the needs of their child.

This is even more critical in rural and remote areas where choice of school is limited. Parents and guardians often must settle for less than ideal as they have no other school option.

One key area identified by ADAI is the impacts of poor transition planning for students. This is often where relationships and partnerships experience breakdowns, which are difficult to reinstate. These breakdowns then impact on the economic growth for parents and carers, for example parents giving up employment to care for children who would otherwise be in school.

This submission will provide examples of effective advocacy and provide further recommendations to improve equitable access to education. This submission will outline and explore how to achieve best practice in investigating and responding to complaints of violence and abuse of children with disabilities by acknowledging them, believing them, and listening to them. This submission also aims to ensure that such complaints are cross-checked and reported to the Department of Education to ensure that expulsions and suspensions do not remain “the norm” in schools and don’t further damage the educational experiences for children living with disabilities.

ADAI RECOMMENDATIONS - EDUCATION

1. Increase professional development for all school staff to gain more awareness and understanding of disability.
2. Develop best practice strategies to deal with behavioural complexities that can present in students with disability, especially autism.
3. All universities must take responsibility for relevant and appropriate training to enable newly qualified teachers to be able to provide a good understanding of the diverse levels of abilities in the classroom.
4. Abolish external suspensions and expulsions.
5. Require schools to provide meaningful and appropriate learning supports and education whilst a student is on suspension or exclusion from school.
6. The Department for Education appropriately investigate complaints made by guardians, parents and students regarding suspensions, exclusions and exemptions in a serious manner and must not revert to the school investigating themselves.
7. One Plans to be implemented within the first four weeks of a new school year and reviewed each term.
8. All One Plans must be created using the partnership approach.
9. Increase the use of Transition Plans and include teacher change overs, new school years, primary to high school and new school transfers.
10. Improved collaboration and accountability of the school when a child is enrolled at the school and is participating in Flexible Learning Options (FLO).
11. Department for Education oversight when a school is using suspensions and expulsions to manage the behaviors of students with disabilities.

12. Inclusive Education Support program (IESP) (disability funding for students and children) applications to take less time to process. For example, the IESP Panel meeting more often.
13. Advocate services are made known to parents and carers for advocacy support when a child is suspended or excluded from school.
14. Capture data regarding students with disabilities and the number of suspensions, expulsions, and school withdrawals.
15. Enable all schools to value the contribution and diversity that students with disability bring.
16. Capture and consider data with common themes, for example where multiple complaints have been made about a single school/member of staff.
17. Listen to and value the voice of the child.

Acronyms and education department terminology used in the submission

ADAI: Advocacy for Disability Access and Inclusion Inc. SA

ESO: Education Support Officer

FLO: Flexible Learning Options - a Department for Education student enrollment strategy to assist schools to support young people living with disabilities who have disengaged from school

IEP: Individualised Education Plan (IEP) — meant to describe the adjustments, goals and strategies designed to meet his educational needs to enable him to reach his potential

NEP: Negotiated Education Plan – a written plan intended to enable teachers, parents, and support officers to determine the need and learning priorities of the student, and jointly develop appropriate curriculum based on the South Australian Curriculum Standards and Accountability (SACSA) Framework

Personalised Learning Plan, or One Plan: A written plan with strategies to best manage the behaviours and needs of school and preschool students living with disabilities

RAAP: Resource Allocation Adjustment Panel – provides an avenue for schools to apply for additional staffing above entitlement due to special circumstances

SSO: Student Support Officer

PART 2: THE LEGISLATIVE AND REGULATORY FRAMEWORK

Australia is a signatory to the United Nations, Convention on the Rights of Persons with Disabilities 2006 (UNCRPD), which prohibits discrimination against people with disability and describes the rights of persons with disabilities and the expectations to achieve and maintain these rights. Specifically, Article 16 of the UNCRPD, requires Australia as a signatory to ‘take all appropriate measures to prevent all forms of exploitation, violence and abuse’ against people with disability. Australia must implement these obligations through legislation, policy and programs.³

Australia has also ratified the United Nations Convention on the Rights of the Child (UNCRC). This Convention has four core principles of non-discrimination; the right to life; survival and development; respect for the views of the child and devotion to the best interest of the child.⁴

The *Disability Discrimination Act 1992* (DDA) outlines the legal requirements for educational authorities to abide by to ensure students with disability are not discriminated against. ADAI finds that schools often breach their requirements under the law by directly and indirectly discriminating against students. One of the aims of the DDA is to eliminate, as far as possible, discrimination against persons on the grounds of education.⁵ This discrimination can occur both directly and indirectly and unfortunately ADAI sees many examples of both in South Australia.

Some examples of ADAI’s client experiences are provided in Part 4 of this submission.

The DDA is supported by the *Disability Standards for Education 2005*, which sits under the DDA and aims to clarify the obligations of education and training providers under the Act and ensure that students with disability can access and participate in education on the same basis as students without disability.⁶ The Disability Standards are a national set of standards maintained by the Department of Education (Cth).

The Disability Standards aim:

- (a) *to eliminate, as far as possible, discrimination against persons on the ground of disability in the area of education and training; and*

³ UN General Assembly, *Convention on the Rights of Persons with Disabilities*: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, Article 16.

⁴ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577.

⁵ *Disability Discrimination Act 1992* (Cth) s3.

⁶ *The Disability Standards for Education 2005* (Cth).

(b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law in the area of education and training as the rest of the community; and

(c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.⁷

The Disability Standards are also joined by a set of Guidance Notes⁸ to assist schools to interpret and apply the standards.

The Guidance Notes set out explicit steps the schools should take to ensure students are supported at school, for example through the making of reasonable adjustments.

The Guidance notes state that ‘the need for an adjustment and the nature of an adjustment should be determined in consultation with the student or their associate’.⁹ ADAI rarely see this consultation occur. Often if a school is willing to make adjustments this will be done through a One Plan, which a teacher or principal will often complete on their own without input. Some examples of how reasonable adjustments are refused is set out below in ‘Examples of breaches of the *Disability Discrimination Act 1992 (Cth)*’.

Alongside the Guidance Notes schools should also look to the *Children and Students with Disability Policy (SA)*.

In South Australia, schools should also work in line with the Children and Students with Disability Policy, which aims:

- To ensure that the Department for Education preschools, children’s centres, schools, programs and services are inclusive of children and students with disability.
- To ensure that all children and students with disability who are attending a program or service are provided with a personalised learning and support program that meets the functional needs of the child/student and the requirements of the Early Years Learning Framework, the Australian Curriculum, South Australian Certificate of Education (SACE) and/or modified SACE.
- To clearly set out the legal responsibilities of the department’s personnel in providing inclusive learning programs and/or services to children and students with disability.¹⁰

⁷ *Disability Standards for Education 2005 (Cth)* s1.3 Objects.

⁸ *Disability Standards for Education 2005* Guidance Notes.

⁹ Ibid

¹⁰ Department for Education, *Children and Students with Disability Policy (SA)*.

The purpose of this policy is to ensure that education settings are inclusive and that students are provided with individualised learning that meets their needs and the standards of the Australian curriculum. It outlines that where necessary, curriculum and different teaching approaches will be adjusted or modified to ensure that students with disability can access and participate effectively in their education.

The Department for Education encourages schools to employ a partnership approach in which they work collaboratively with parents and health professionals involved in the students' lives. The partnership approach has shown to be effective in helping to increase attendance, improve management of challenging behaviours, and results in fewer suspensions.

ADAI clients report that often the partnership approach is not utilised. As such, a student's behaviour does not get managed effectively, often triggering the student to act out further because their specific needs are not met with support and understanding.

The Federal Government also funds a program called the National Disability Coordination Officer Program (NDCO). The NDCO's work 'strategically through stakeholder collaboration to drive systemic change for people living with disability accessing and participating in tertiary education and subsequent employment.'¹¹

NDCO advises that:

*"all education and training providers are advised to have a Disability Action Plan lodged with the Australian Human Rights Commission and should have policies and procedures in place for supporting students with a disability."*¹²

South Australia's Department for Education also has a 'Department for Education Disability Access and Inclusion Plan 2020-2023' (DAIP).¹³ The Inclusion Plan states that it has been developed 'within the context of Commonwealth and state legislation, state government priorities and objectives, and departmental policy to ensure that it complies with the *Commonwealth Disability Discrimination Act 1992*, *Disability Standards for Education 2005*, *Equal Opportunity Act 1984 (SA)* and *Disability Inclusion Act 2018 (SA)*.'

Of the 27 measurable Actions within the Inclusion Plan, six are directed at outcomes for children, and none of these are about outcomes related to increasing the number of children who remain engaged in school, reducing the number of children with disability who are suspended or expelled, or measuring improved outcomes for children and young people.

¹¹ Department for Education, 'National Disability Coordination Officer Program' (Information Guide, 27 November 2020) <<https://www.ndcosa.com.au/connect-the-dots.html>>.

¹² Ibid.

¹³ Government of South Australia Department for Education, *Disability Access and Inclusion Plan 2020-2023*.

South Australia has many legislation and policy documents that aim to regulate and improve outcomes for children with disability, but ADAI still see schools and education facilities breaching aspects of the DDA almost weekly.

While there are many resources available to schools ADAI find that it is dependent on the school culture or the direction provided by the principal that determines whether they are utilized and adhered to.

Examples of breaches of the Disability Discrimination act 1992 (Cth)

Unfortunately, ADAI regularly see schools and education facilities discriminating against students by breaching the DDA.

ADAI believes that it can be difficult to overcome the 'reasonable and necessary' hurdle. We recommend that the Act should be changed to make it more inclusive and remove the high 'reasonable and necessary' barrier. ADAI find that if schools say 'what is being asked of us is beyond what is reasonable because we don't have the resources', they consider that they are not required to make any accommodations for the student.

The examples provided below are possible breaches of the Act, either as direct or indirect form of discrimination, as identified by ADAI. None of these examples were investigated by the Australian Human Rights Commission. Most often, after a complaint has been resolved or withdrawn the family no longer has the energy to make any further complaint to the Commission.

Failing to accept an application for a student

It is unlawful for an educational authority to discriminate against a person on the ground of the person's disability by refusing or failing to accept the person's application for admission as a student.¹⁴

Schools have discouraged families from enrolling at their school by telling them the child's needs might be best met elsewhere. Other schools may decline to provide an application form or expression of interest form to a family of a child with disability.

Often families of children with disabilities will feel that when they meet with the school the school will focus on the child's disability and how the school is not best placed to meet their needs.

CASE STUDY: 'Ethan and his Family'

Ethan and his parents Jill and Mike met with their local primary school while Ethan was still in kindergarten. Ethan had recently been diagnosed with Autism Spectrum Disorder and had delayed speech. During the meeting the principal focused on the 'negative's of Ethan's disability and didn't ask about his interests or strengths. The principal told Jill and Mike that this primary school 'didn't have the resources to manage his disability' and thought that Ethan's needs 'might

¹⁴ Disability Discrimination Act 1992 (Cth) s22(1).

be best met elsewhere'. Their family was not provided with an enrolment form or an expression of interest form at the end of their meeting.

Conditional Admittance

In the terms or conditions on which it is prepared to admit the person as a student.¹⁵

Families report to ADAI that they feel that in the initial meeting the teacher is enthusiastic and positive about the accommodations they will make, and then when the child starts the family finds that none of these accommodations have been put in place and the school has no plan to initiate them.

For example, a school may be willing to admit a student but:

- will not allow them to have any accommodations at the school; or
- the parents must be with the child at all times; or
- the student cannot bring any therapy devices into the classroom; or
- the family is asked to provide their own support worker before the student can attend class.

Limiting Access to Educational Experiences

(2) It is unlawful for an educational authority to discriminate against a student on the ground of the student's disability:

(a) by denying the student access, or limiting the student's access, to any benefit provided by the educational authority¹⁶

CASE STUDY: Joel and Marina – No invite to school camp

Joel was excited to go on year 12 camp with the rest of his classmates. Marina knew it was soon but wasn't sure what date the camp was. She was waiting to receive the forms so she could approve the camp. She had spoken to Joel's homeroom teacher about it and was told she would receive them by email soon. One day Joel came home from school and said everyone was going on camp next week. Marina rang the school and asked why she never received an invite for Joel for camp and the Principal told her they didn't think Joel would be well suited to camp. Marina

¹⁵ *Disability Discrimination Act 1992 (Cth) s22(1b).*

¹⁶ *Disability Discrimination Act 1992 (Cth) s22(2a).*

wanted an appointment with the principal to discuss this but she wasn't sure if they were within their rights to exclude Joel. She spoke to an ADAI advocate before the meeting who gave her some information about pointed her in the direction of the Standards which she could take into the meeting. She felt more confident advocating for Joel's inclusion

Expelling a student on the grounds of their disability

(2) It is unlawful for an educational authority to discriminate against a student on the ground of the student's disability:

(b) by expelling the student¹⁷

CASE STUDY: 'Jayden' – Expelled after multiple suspensions

Jayden has a behaviour plan supplied by his occupational therapist. The school doesn't follow his behaviour plan. When Jayden gets tired and frustrated his behaviour starts to change. The teacher raises her voice at him rather than speaking to him gently and giving him some time to rest (as is set out in his behaviour plan). Jayden reacts poorly, throwing his chair to the ground with force. The school suspends Jayden. This is repeated monthly until the school expels Jayden. The school never follows his behaviour plan.

Detriment

(c) by subjecting the student to any other detriment.¹⁸

Families have reported to ADAI the school has taken a 'sink or swim' approach to teaching their child, providing no accommodations for their disability and expecting them to keep up or leave.

Excluding a student from participating

(2A) It is unlawful for an education provider to discriminate against a person on the ground of the person's disability:

¹⁷ Disability Discrimination Act 1992 (Cth) s22(2b).

¹⁸ Disability Discrimination Act 1992 (Cth) s22(2c).

(a) by developing curricula or training courses having a content that will either exclude the person from participation, or subject the person to any other detriment.¹⁹

Families report their child requiring accommodations to participate and achieve in their classes, but once the child reaches their final year the school has told them they will no longer get any accommodations. The school considers that they need to learn how to work without 'special help' and there is an expectation that all their students do the same work. This is despite the student receiving accommodations for all other school levels.

CASE STUDY: TATIANA – see Case study #6 below

Tatiana has a disability that requires her to take more time in the morning to get ready. Her family was told that if she couldn't attend every morning lesson she would be failed.

¹⁹ *Disability Discrimination Act 1992 (Cth) s22(2Aa).*

PART 3: SYSTEMIC FAILURES

ADAI have focused on providing a commentary on five acute issues that we commonly see clients' experience. These are the poor management of student behaviours, the increased use of suspensions and expulsions, the failure to provide individual supports and adjustments, a lack of workforce capability and a lack of centralized complaints coordination.

A. POOR MANAGEMENT OF STUDENT BEHAVIOURS

Some students with disabilities struggle to communicate their needs and, as a result, may at times display challenging behaviours. When supporting students, parents find that teachers do not always follow recommendations by health professionals or advice from children or parents, who are often the experts on their own child. ADAI believes teachers also do not have adequate support in the classroom to support the child with a disability as well as manage the other students.

EXAMPLE: Sending the teacher a copy of the child's most recent OT report – only for the parent to ask how the report's suggestions will be implemented and for the teacher to say they haven't read it.

Parents also find that teachers and principals do not follow students' Personalised Learning Plans, known as 'One Plans', which are strategies to best manage the behaviours and needs of school and preschool students living with disabilities. A One Plan is designed to support childrens' inclusion and achievement and help them reach their learning potential. It is developed with input from the student, their teachers, and their family. It may include recommendations on how to assist during transition periods or how to manage behaviours such as running away. They are meant to be working documents which can be updated as required, but oftentimes, they are not. Parents report that they must follow up with their child's school to find out whether they have been completed and when they are completed.

ADAI assist many families at meetings with schools to discuss either the need for a One Plan, or the implementation of a One Plan. A One Plan can be a very useful document, if implemented.

Sometimes schools will have restrictive behaviour policies that conflict with the needs of the student as set out in their One Plan.

Some teachers appear to see some of their students as 'naughty' and in need of 'punishment'. To have any form of equitable access to education this theory must be stamped out.

B. INCREASED USE OF SUSPENSION AND EXPULSION

ADAI are seeing children, often very young children suspended usually multiple times, because there has been a lack of communication and collaboration to best support their needs and effectively manage behaviours. Suspending them, however, is not effective in changing their behaviour. Oftentimes, the child believes the suspension is a punishment for not being able to manage or regulate their disability, which further impacts on their sense of belonging and identity.

As a result, the child's education and social interactions with their peers are compromised. Families become frustrated and overwhelmed with the school and often feel as though the child is suspended because they are too difficult to manage. Parents then face the struggle of having to change schools, where they are met with similar issues. For some children who are struggling socially and are working hard to practice social behaviours, suspending them can limit their ability to learn and practice these skills.

C. FAILURE TO PROVIDE NECESSARY AND REASONABLE SUPPORTS OR ADJUSTMENTS

One of the most common issues that families come to ADAI for assistance with is the failure of a school to provide the necessary and reasonable supports for a student. As discussed above, schools are required under the DDA to ensure that they provide reasonable adjustments for a student with disability.

ADAI see many schools failing to provide the necessary and reasonable supports because they are unaware of their obligations, have limited resources, or are unwilling to accommodate the needs of individual children as they believe this conflicts with the needs of the class.

The lack of communication between the NDIS and the Education system is problematic.

Parents often rely on NDIS funding to help support their child through their schooling or Flexible Learning Options (FLO) program, a Department for Education student enrolment strategy to assist schools to support young people living with disabilities who have disengaged from school. These children may be experiencing anxiety, depression, and/or bullying.

Funding from the school is often not sufficient. In South Australia, Support Officer (SSO) support and availability can be difficult to secure and changes in support people can often be unsettling for a child. A common issue involves supporting a child during transition periods throughout the school day, transitions from primary school to high school, and transitions between different schools. Parents often need considerable time away from work or other family commitments to be able to support their child at school. They may also need to take time to be home to support their child because of continued suspensions, or due to the decision to homeschool their child.

A child may only have sufficient support or capacity to attend school part time. Parents are told that adjustments will be made to help support their child — such as physical changes to the child's environment such as fencing — or, building a safer space for a child who exhibits absconding behaviours — only to find that these adjustments take months longer to be put in place or are not completed at all. Recommendations from health professionals around tools and supports to help students self-regulate are also often ignored or refused by the school, even when families are happy to provide these tools themselves.

Schools will often receive funding from the Department for an SSO, but ADAI often sees this funding being shared between students because the school has the authority to choose how the funds are dispersed. There needs to be greater regulation to ensure the funding is used by the student in need, and schools are supported to apply for other flexible funding for students who are also in need.

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D. A LACK OF WORKFORCE CAPABILITY

Teachers and other school staff — including SSOs, principals, and departmental staff — are unable to provide effective support to children with disabilities in the classroom because they are often not trained to understand specific disabilities. Parents often report that teachers have revealed that they do not understand their child’s disability. Parents have been told their child will not succeed in a mainstream school or does not have the capacity, often before they have been given the opportunity.

ADAI’s advocacy work in the education system has revealed a common lack of understanding that each child’s disability is unique to that child and that what may work for one child might not work for another. Also, what may work for one child one day may not work the next. Therefore, taking on a partnership approach and following recommendations from health professionals, or actions agreed to in the One Plan, are especially important when helping to support a student with a disability. Following through with precision the first time can help to reduce the impact and challenges this may have on the demands of teachers managing multiple students and any impact this may have on the learning of other students as well as the student with a disability.

The case studies below include examples from both primary and secondary education settings as well as public and private education settings.

E. A LACK OF CENTRALISED COMPLAINTS COORDINATION

ADAI have experienced several incidents at a single school in South Australia and were concerned about the unsatisfactory way the complaints were managed. Over a four-year period multiple families from a single school came to ADAI independently for assistance. They all shared similar stories of bullying, abuse, and continued disregard for their children’s needs by the school and its principal.

These families made complaints to the Department for Education which were handled in an unsatisfactory manner, all separately. If there had been any coordination staff within the Department for Education they would have been able to identify that the complaints followed a similar pattern and outlined a similar type of behaviour. Individually the complaints were dismissed as not having enough evidence, or were never pursued. Many of the students felt that they were not believed.

ADAI were also aware of a number of families with children with disabilities who left the school during this period. If the Department for Education had kept data on school withdrawals they would have noticed another pattern and addressed the issue.

Unfortunately, there was no central coordination of complaints and no tracking of school leaver data in regard to students with disabilities by the Education Department. This allowed poor behaviour by a principal and discrimination and abuse of children with disabilities to continue.

PART 4: CASE STUDIES

All names have been changed.

CASE STUDY #1: JESSICA - “She used to try, but now states, ‘what is the point?’”

Exclusion as Punishment for Students with Disabilities

When Jessica*²⁰ and her mother Aya* first approached ADAI for advocacy help, Jessica, who has ASD, had been excluded from her primary school for three months and had attended school for a total of only eight to nine weeks that year. Jessica struggles with emotional regulation resulting in "behaviour issues".

Aya had been using NDIS funding to support Jessica’s education at home for the remainder of her primary school education. Some of the funding was allocated for short term support; some to assist Jessica with emotional regulation. Aya, who has tertiary qualifications, was able to assist with Jessica’s homeschooling; however, Aya felt Jessica was then not emotionally prepared for the transition to high school.

Aya applied for Jessica to attend a special education school, but they refused to accept Jessica without a support letter from her psychologist. The psychologist, however, was unwilling to prescribe the medication that may have helped with Jessica’s behaviour and thus her experience at school. Other psychologists have refused to see Jessica because she “won’t engage with them.”

Jessica enrolled in a mainstream high school. She was looking forward to learning music and French, but instead, felt anxious and left out. She had no friends or peers she could engage with, she then became aggressive and started shutting down. When she returned after long absences from school, she found it hard to concentrate and teachers perceived her as disruptive. She had a 1:1 support teacher who was there in a teaching capacity but did not have the skills to help Jessica regulate her emotions.

Failure to Plan for Transition and Refusal of Accommodations

Jessica had not had been given the opportunity to see her classroom before the school advised her mother that they believed Jessica would not be able to withstand school pressures due to

²⁰ All names have been changed to protect the identify of clients

her ASD and sensory overload. Aya said that her daughter “can get agitated and throw things” but that the school would not allow Jessica to use a headset to listen to music even though her mother had recommended this method of self-regulation.

When Jessica started a One Plan was not completed for Jessica; and the school suggested that it would be better for her to attend a Flexible Learning Options (FLO) program off school grounds instead. This meant that her Resource Allocation Adjustment Panel (RAAP) funding was removed, and Aya had to use NDIS funding to be able to provide support workers for Jessica at the FLO program.

By the middle of the first school year, a One Plan had still not been completed. When a meeting was finally organised to complete one the school focused the meeting on a FLO review. The assistant principal then argued that too many people were involved with Jessica’s education. At this point, an ADAI advocate and Jessica’s mother were asking only to

1. Get Jessica back on to school grounds; and
2. Engaged in mainstream education again, with the structure of a written One Plan.

The school continued to push back against this, arguing that mainstream schooling was not for everyone and that Jessica “doesn’t fit the criteria” for funded supports.

So far there had been no focus on Jessica’s strengths and interests and her mother was concerned about her social interactions and her limited opportunities to develop relationships with her peers.

Jessica faced a high turnover of staff at her FLO program. Case managers continually changed or had their hours reduced. This created dissonance and staff did not understand Jessica’s specific needs to best support her in her education program. There was a lack of communication about the constant staff changes and her mother had difficulties in securing a support worker for her. As a result, Jessica did not know who would be supporting her on any given day. Jessica became frustrated and teachers considered her behaviour increasingly challenging. As a result Jessica was asked on several occasions not to return to FLO. Once she did return, she was only able to do so for two hours on her allocated days. Aya felt that both the high school and FLO program did not understand ASD and did not support her daughter appropriately.

After a year of missed education, Aya sent a letter of complaint to their local MP and the Minister for Education regarding the ongoing issues. Aya wrote to the Minister for Education outlining that she truly believes that what the Education Department is doing to these children, is to *“take away most if not all the support that they need whilst ignoring the advice of all the relevant professionals.”*

The Department, Aya wrote, then

"punishes the children for their inability to cope. Then they systematically withdraw most meaningful social interactions, any specialised requirements, cut funding and school hours, and use this as a reward/punishment type scenario to try and make these children 'behave like normal people'. So, they are deliberately overlooking the fact that these children have a disability and taking away any support that would let them grow and thrive."

Outcome due to Advocate Involvement

As a result of Aya's email, and advocacy support from ADAI, the high school agreed to have her onsite commencing in 2021. She was told she would have two teachers supporting her, she would be included in the classroom, and be able to continue her external activities (music and Labs for Life) on Tuesdays. RAAP funding was to be reinstated.

CASE STUDY #2: HARRY - “The teacher admitted she did not know anything about dyslexia.”

School Failed to follow the Individualised Plans – Student Punished

A family came to ADAI for assistance with their son's education after multiple issues with his school. Harry was a primary school-aged student diagnosed with ADHD as well as anxiety, dyslexia, and dysgraphia.

Harry’s Individualised Education Plan (IEP) clearly stated that Harry required support during transition periods. It was agreed that an Education Support Officer (ESO) was to support him during these times. This was rarely the case.

Harry was involved in an incident which resulted in him being suspended for two days. He was asked to pack away the tablet he was using. When he refused the teacher snatched it out of his hands causing Harry to have a “meltdown.” Harry was not with an ESO at pack-up time like his IEP states, as the ESO was with another student.

During the “meltdown,” Harry threw a brick towards school staff, which other children witnessed. The school responded to the behaviour by going into a lockdown. Other students had reacted to his behaviours, and the behaviours continued to escalate. Harry was then suspended for the following two days.

Harry had also told his mother Bec that the principal had picked him up, carried him over his shoulder, and locked him in an office. The principal acknowledged that Harry’s IEP plan was not followed, and that the incident “could have been better managed.” Regardless, the suspension was to move forward.

The teacher had also thrown Harry’s workbooks in the bin because his work was “untidy.” When Bec spoke with the teacher about his literacy, the teacher admitted she did not know anything about dyslexia.

Following the incident, the family went through the complaints process to report the incident. They removed their child from the school. ADAI are not aware of any external investigation.

CASE STUDY #3: MITCHELL - The student's mother said she couldn't manage another 10 weeks at home because her son was excluded from school.

School Exclusions – No Support for the Student

Mitchell* and his mother Bridie* came to ADAI in 2018 after ongoing issues with Mitchell's School. Mitchell is a primary school-aged student with Attention Deficit Hyperactive Disorder (ADHD).

At the time Mitchell and Bridie came to ADAI, Mitchell had been involved in a fight and suspended, pending exclusion. Prior to that, Mitchell had been excluded twice. The first time, he spent 10 weeks at a different school; the second time, he spent 10 weeks at home. Bridie said that she did not feel she could manage 10 weeks at home again.

Mitchell's RAAP funding was also due for review. The school identified that they would struggle to provide adequate support for Mitchell without the funding. The school had been advised that they would need to resubmit the application for the RAAP funding. However, the principal told the family that this would take 40 hours of work and that they would not be doing this and the department should just roll over the current application.

At another review meeting a few weeks later, the principal advised Bridie that the RAAP funding would "run out in 5 weeks' time" but again said they would not be reapplying because the Department should roll over the funding. The parents were left to discuss this with the Department with no support from the school.

It was decided that Mitchell would transition to another school, where he could remain for high school. His exclusion was reduced so that he could attend a 4-week trial. The department agreed to arrange transport for Mitchell to enable him to attend the new school and it was confirmed that the RAAP funding would be rolled over to term 3 and likely term 4.

Mitchell was suspended every week of the 4-week trial. The trial was extended, however, and over a period of 6 weeks Mitchell was suspended for a total of 12 days. It had still not been decided if Mitchell would be accepted due to his ongoing behaviours; however, the school continued to try different strategies, while suggesting that Bridie consider home-schooling. Bridie knew she would not be able to accommodate this.

After continued suspensions, the school was able to create a focused plan around how to best support Mitchell's needs. Bridie reported the following school year that schooling was going well with this plan in place.

CASE STUDY #4: ZAC - “The student did not understand the purpose of a suspension; therefore, it was not an effective method of managing his behaviour.”

An advocate spent over three years helping Zac and his mother Julie with their ongoing issues with Zac's school. Zac is a primary school aged student with ASD.

When the family first sought support from ADAI in 2017 the mother felt as though the principal was invested in her child not continuing at the school. The need for a Negotiated Education Plan (NEP) had been raised but the principal had delayed it for another term. There had been no engagement with Julie about her son's strengths, preferences, sensory issues/needs or any strategies to support his engagement, help him self-manage and/or improve communication. Autism SA had recommended sensory tools for Zac at school. Zac trialed them in the classroom but then took these away as the decided they were “too distracting.” Another student had a tent Zac could use, but the school would not provide one for Zac or allow his parents to provide one.

Zac told his mother that he had been violently grabbed by the principal when he had been having a “meltdown,”. This resulted in Zac being terrified about being grabbed again and did not want to attend school.

After a further year of ongoing issues, in 2018 Zac's mother made a complaint to the Department for Education. Zac had continued to receive suspensions as a response to his behaviours. Zac's Behavioural Specialist investigated and identified that the school had not been following the recommendations that Zac's parents or Autism SA had provided the school. The Behavioural Specialist also recommended Zac needed one on one support; however, the school said they did not have the funding and could not guarantee his safety anyway.

At the beginning of the following year in 2019, a risk assessment guide was completed for the new school year. Three days later Zac was suspended for 5 days because he had thrown items in the classroom and was swearing at the teachers. The risk assessment guide had not been followed. Zac's mother questioned the school as to why the risk assessment had not been followed and highlighted that during the incident no one was hurt and there was no property damage. Julie was told that it was not being put in place until the new funding started. Julie told the school that Zac did not understand the purpose of a suspension; therefore, it was not an effective method of managing his behaviour.

Following this Zac was transferred to another school; however, the issues around his behaviour management continued. Zac was locked out of the classroom as a response to his behaviours. Julie was concerned that this school would not be suitable for Zac as he had other complexities and recently received a new diagnosis. Zac then started voicing suicidal idealization thoughts and

was saying he did not want to live anymore. His mother was now considering home-schooling due to the continuing difficulties.

Zac was diagnosed with an intellectual disability which resulted in a placement offer for another school which could offer him a special options placement, however the issues continued. In March 2020 there was an incident with his mother in the classroom. Zac became unsettled and pushed Julie in front of the teacher. His teacher asked Julie about this, and she advised he sometimes did this when he became dysregulated. The teacher told them if he continued to hurt his mother and police were called, he would be taken away from Julie. Both Zac and Julie were traumatised by this. In response Julie then took him out of school for a week and was considering another complaint to the Department.

When Zac was offered the new school placement, the family was told that a fence would be installed to help support Zac with his absconding behaviours. It was almost the end of term 1 and the fence had still not been put in. Julie was then advised that instead of the fencing a gate would be installed in the alleyway. There was also mixed information around whether the teachers could leave school grounds if Zac did run away. Documentation indicated that teachers could not leave, however his mother had been verbally told if Zac left school grounds he would be followed.

Throughout the 2020 school year the issues continued. By the second half of the year Zac was only attending school one hour, one day a week and his mother had to stay for that hour to be able to provide support if required. This was to help build up the relationships Zac had with the teachers and school staff. It had been identified that Zac felt unsafe at school and the advocate was working with the family and school to help them to get an effective One Plan in place to best support Zac's needs and simply focus building up trusting relationships with the school before they set expectations for Zac.

CASE STUDY #5: SAM “The impact of Sam being isolated– I thought it was quite severe for what occurred.”

Seven-year-old Sam who has autism, was suspended a for the maximum of five days for hitting boys who were bullying him on the playground at his primary school. “Kids provoked Sam and he reacted,” notes the ADAI advocate, who worked with Sam’s mother Andrea* and the school, to put a One Plan in place to help prevent isolation due to excessive suspensions and expulsions in the future. Andrea approached ADAI in September 2021.

“He got all the blame,” notes Sam’s advocate. “There were no supports in place during the suspension, which is hard on the kid as well as the parents.”

The advocate explained that change can begin when teachers are properly educated. “The learning curriculum in university -- when people are studying education -- needs to be looked at and re-thought,” she says, referring to teachers’ haste in suspending and expelling students living with disability.

She also notes that complaints to the Department of Education must not be glossed over. “They need to be investigated,” she adds.

Sam’s One Plan included an outline for regulating Sam’s behaviour to result in a better experience at school. Specific suggestions included a plan for teachers and SSOs to encourage Sam to take a break from games if he becomes agitated; use issues that Sam might encounter to create a social story on what to do next time; a plan for the SSO to provide reminders of strategies, and more.

Because of effective and timely advocacy, the outcome of Sam’s case was a positive one. The ADAI advocate and the authorities at Sam’s school had a debriefing about the 5-day suspension that had been imposed and what could had been done better. The One Plan meeting took place in November 2021 and was adhered to.

“Once the one plan is done,” the ADAI advocate noted, “it can work really, really well. But if you let it go, that’s when you start seeing everything else go as well. If everyone’s on board, they speak the same language and I’ve seen a lot of reductions in suspensions because of that.”

CASE STUDY #6: TATIANA - “The principal did not understand [my daughter’s] medical condition and special needs and was not listening to anything I said.”

Tatiana’s* mother, Alexis*, approached ADAI when Tatiana was 9 years old. At that time, Tatiana had been late to school 51 days and absent 54 because of her medical condition, this included time off for multiple surgeries. The school made absolutely no allowances for Tatiana’s conditions and instead penalised her for them. This caused her isolation, exclusion from school and her peers, and bullying by other students and teachers. *Such treatment caused Tatiana to consider suicide.*

In fact, the Principal of Tatiana's school bullied Tatiana *and* Alexis including making fun of Tatiana's condition, minimizing her pain, refusing to "believe in" Alexis’s disability and telling other teachers that Tatiana and Alexis are liars.

The bullying, and the school’s unwillingness to offer flexibility when it came to providing Tatiana with an appropriate education plan with a medical exemption, culminated in multiple complaints and follow-up complaints to the Department of Education by Alexis as well as the ADAI advocate.

The school, the ADAI advocate noted, was more interested in Tatiana adapting to their program rather than adapting their program to fit the needs of Tatiana. Eventually the Advocate was able to negotiate an exemption for Tatiana to attend school later.

The ADAI advocate noted that the school did nothing to support Tatiana’s core areas of learning, as her core subjects were offered in the morning lessons, when it was difficult for Tatiana to arrive to school on time because of her chronic fatigue and other physical limitations. Instead of supporting Tatiana, she was given fail grades for “not completing” a year’s worth of work – for which she had medical exemptions. “Gaps in Tatiana’s learning will continue to increase if she is not present during explicit teaching time,” the school informed Tatiana’s mother.

Even with the exemption, the school was not working with the family to meet Tatiana's needs, and were punishing her with a fail grade due to the classes she had missed.

The School's Response to the Medical Accommodations

Alexis: “I was told by the Principal that if Tatiana could not attend school 100% of the time that I was to home school her because she did not want part time children at her school,” Alexis complained. “We were told to keep vulnerable children home during Covid-19 in 2020, but the school did nothing to support this.” Tatiana had medical certificates for each of her late attendances and absences, but the school sought out a Truancy Officer from the Department

instead of working with the family to meet their needs. Alexis felt like she was in trouble for Tatiana being ill.

The ADAI advocate noted that the exemption was put in place so such a thing did *NOT* happen. Alexis wrote, “I am extremely disappointed in the school with the treatment of my child with chronic medical conditions. I am very dissatisfied with the lack of inclusion and support for my child.”

“An Education Department Medical Exemption is higher than the school. It allows Tatiana to be late without it affecting her education,” the advocate noted, adding that the school was discriminating against Tatiana. The advocate noted that when the medical exemption was put in place and the school worked with not against Tatiana to provide Tatiana with a fair education around her attendance, her attendance “flourished” and she was able to rest when required, therefore her attendance improved.

“The school [has been] inconsistent with their support and was making up their own rules as they go along,” the ADAI advocate said.

The ADAI advocate added that there was absolutely no thought about how the school can support Tatiana around missing core classes. “The child had to work around *THEIR* timetables, not the other way around,” the advocate said. “Every child has a right to receive an education. The Principal had no understanding of medical conditions and how they impact the child as well as the parent.” Instead, she added, Tatiana was pressured to get to school in the morning and the school offered no flexibility.

Tatiana would arrive late to class (as she was allowed to be) and the teacher would exclaim “late AGAIN Tatiana”.

Eventually, the Department sent a brief response to the incredibly detailed complaint from Alexis:

“You have said Tatiana is missing school experiences while she is at school. Can you please provide some examples of this so we can fully follow up your concerns with the school? I look forward to hearing from you soon...”

In a follow-up complaint to the DECD, Alexis detailed the school’s non-grading and D grade of her daughter with her ED medical exemption. The reply, which concluded with, “*I wish Tatiana all the best for the rest of her education,*” was not received well by Alexis or the Advocate.

Around this time the ADAI advocate received a phone call from the Principal, saying there was an incident in which Alexis approached a school tour and “carried on negatively about the school”. The advocate described the Principal as very angry and that she said words to the effect

of 'I won't have her on school grounds anymore.'" She told the advocate that she would be issuing Alexis a notice of prohibition from the site. The advocate believed the Principal sought to discredit Alexis to the advocate. The advocate noted that she was "very uncomfortable" with the phone call. The Department also brought up this incident, using it to discredit Alexis's complaint as they raised that it could be retaliation for her 'ban' from school grounds. The Principal's plan to discredit Alexis was essentially effective.

Complaints to the Department of Education

Complaint 1:

Alexis made a complaint to the DECD about the unwillingness of the school to accommodate Tatiana's needs and the poor behavior of the Principal.

Alexis had not heard a response and eventually she contacted the contacted Department who informed her that *the school* had withdrawn Alexis's complaint and told the Department, 'she (Alexis) had not intended to make it (the complaint)'.

The complaints team did not communicate with Alexis regarding the complaint, which she did not want withdrawn. The Principal told Alexis she was not happy that Alexis lodged a complaint about her.

Complaint 2:

After this complaint was made and improperly withdrawn Tatiana and Alexis's experience with the school worsened and Alexis made another complaint. Alexis explicitly detailed many of the complaints including that the Principal criticised her parenting; spoke to her in a rude and disparaging way; tried to undermine Alexis in the eyes of Tatiana's advocate; mocked her when she opened up about her own disability; and restricted Alexis's communication with the school unnecessarily.

Outcome

The Advocate was successfully able to negotiate for a practical exemption for Tatiana to attend school later most days of the week, without repercussions. With this support Tatiana was able to more efficiently manage her health conditions and had less absences. There was no investigation by the Department into the Principal or the discrimination of Tatiana. The Principal ultimately left her post and moved on to become Principal at another public Primary School.

CASE STUDY #7: WILLIAM – No one believed him

William's mother approached ADAI because his principal put an open pair of scissors against his neck. William was 9 years old and has a diagnosis of ASD.

William's mother said he pointed a pair of scissors at another student in his class in response to being bullied. William was taken to the principal office, where William's mother said the principal took an open pair of scissors, put it on his neck, and asked him, "How do you like it?" William said the principal told him that she wanted to "show [him] an example" and "show him how it feels". William's mother said the principal offered no apology or remorse; rather, offered a different recollection of the incident: "I demonstrated to him the correct way of handling and passing a pair of scissors," she said.

On another occasion, William came home from school one day and revealed to his mother that the principal had looked at his handwriting and said to him, "What's this gibberish?" The principal then threw the paper at William.

As a result of these incidents, William said he felt "too scared to go to school" and was afraid of being alone with the principal.

The principal's bullying went even further. She became aggressive with William's mother when she started raising concerns that William was being bullied by older students.

Following an incident in the school yard during which William was observed being "teased and pushed around" by older boys, William's mother complained to the principal about how the older students were interacting with William. William's mother said DI then phoned her and yelled at her.

The principal went on to criticise children with disabilities and said they have undiagnosed autism or undiagnosed psychiatric problems, suggesting there is something wrong with them. She referred to them as 'psycho kids.'

When William's parent complained about the abuse to the Department for Education and then to the Minister for Education, William's mother said the details of the incident were misreported by the principal, and the satisfactory outcome she was hoping for was not achieved. No one in the Department believed William about the principal's behaviour. At this point in time ADAI were managing multiple files with similar complaints about that same principal. All had come to ADAI independently of each other for assistance. If ADAI could see a clear pattern of abusive behaviour by this principal, the Department of Education should have seen it as well. No further action was taken by the Department and Williams's mother eventually removed him from the school.

CASE STUDY #8: PETE – “Most of my time (at school) was spent sitting outside classrooms and offices”

Pete is a 52 year old man who has come to ADAI to make his own submission to the Disability Royal Commission. He has allowed us to include this short extract from his submission to provide an example of an adult looking back at his time as a child with a disability at school. Pete left school at 15 essentially illiterate. He has never received a formal diagnosis of either a learning disability, intellectual disability or brain injury but his symptoms meet many of these criteria and he considers that he has a cognitive disability. When he was five he tripped and fell at school and this caused a severe concussion. Pete also experienced severe abuse and violence at home which was never addressed or acknowledged by the school. He feels that he was labelled as a naughty kid and none of the teachers ever cared.

“I believe that the damage to my frontal cortex resulted in a lifelong learning disability or intellectual disability that led to me being made an example of by school teachers before subsequently being chased down and bullied by my classmates regularly. I was never properly diagnosed though. In school I think I was labelled as a bully but I always fought back. In those days teachers would make an example of kids in the class and I was tall and blonde and my parents would never come in if the teacher was treating me badly so there was no risk for the teacher if they singled me out.

School to me was more a matter of survival than it was an educational experience. I left school illiterate at age 15.

Most of my time was spent sitting outside classrooms and offices. I felt like I was going backwards and felt further and further behind and felt like I couldn't catch up. When I left I felt like I was leaving this bad situation behind for other people to still deal with. I feel like there should be an outside body because the institution will always protect the institution, you can't rely on the institution to deal with internal issues. There should be an advocate for the kids to keep an eye on things. Someone independent.”

Pete hopes it's different now for kids who are like him.