

Submission to the Senate Education and Employment Committee

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The Issue of Increasing Disruption in Australian School Classrooms



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1. The Disability Discrimination Legal Service ('DDLS') is a community legal centre that specialises in disability discrimination legal matters. The DDLS provides free legal advice in several areas including: information, referral, advice, casework assistance, community legal education, and policy and law reform.
2. We address the following from the Committee's Terms of Reference:
 - (a) the declining ranking of Australia in the Organisation for Economic Co-operation and Development (OECD) disciplinary climate index, making Australian classrooms amongst the world's most disorderly;*
 - (c) teachers' views on whether or not they are sufficiently empowered and equipped to maintain order in the classroom and what can be done to assist them;*
 - (d) the robustness, quality and extent of initial teacher education to equip teachers with skills and strategies to manage classrooms;*
 - (j) any related matter*
3. In the last 15 years, the Victorian Department of Education and Training ("the Department") have been the most common single respondent to discrimination claims at DDLS.
4. Many of the complaints we receive in relation to education, involve students with disabilities who exhibits behaviours of concern, such behaviours being seen as "disrupting" the classroom.
5. Therefore we write this submission on the premise that many of the behaviours of concern that are displayed in classrooms are the result of disabilities that if not supported competently, can result in such behaviours.
6. Disabilities such as ADHD, Autism Spectrum Disorder, Conduct Disorder, Oppositional Defiant Disorder, Pathological Demand Avoidance are disabilities which are commonly understood to include behaviours of concern when the environment is unsupportive¹.
7. However, even disabilities such as severe language disorders, mild intellectual disability and learning difficulties and disorders, can result in

¹ Previous research has focused on school-age children with disabilities, in which inaccessible physical environments, negative societal attitudes, and lack of supports, assistance and resources were frequently identified barriers to participation.

Lin-Ju Kang, M.-C. H. H.-F. L. A.-W. H., 2017. Environmental Barriers to Participation of Preschool Children with and without Physical Disabilities. *International Journal of Environmental Research and Public Health*, 14(5), p. 518.

behaviours of concern when such students are not adequately resourced. Students with these disabilities routinely fall behind and can display behaviours emanating from poor self-esteem, avoidance of tasks that are too difficult, bullying and overcompensating in socially unacceptable ways in response to poor academic progress.

8. Most would agree, that it would be in the best interest of teachers and students if behaviours of concern did not arise in the first place, as opposed to having to concentrate on responding to such behaviours once they have arisen.
9. The support of students with disabilities in Victorian and Australian schools has been found to be inadequate for many years. We refer to the findings of the following inquiries, reviews and investigations.
 - a. Victoria
 - i. *Held Back-the Experiences of Students with Disabilities in Victorian Schools*, Victorian Equal Opportunity and Human Rights Commission 2012
 - ii. *Programs for Students with Special Learning Needs* Victorian Auditor General 2012
 - iii. Parliamentary Report on the Abuse of People with Disabilities in Institutional Settings 2015
 - iv. Parliamentary Report On Educational Attainment for Students with Disabilities 2016
 - v. *Review of Program for Students with Disabilities*, Department of Education and Training 2016
 - vi. *Report on Students with Disabilities in Victorian Schools Analysis Paper* , Victorian Equal Opportunity and Human Rights Commission 2017
 - vii. Parliamentary Report on Services for People with Autism Spectrum Disorder 2017
 - viii. Victorian Ombudsman's Investigation into Victorian Government School Expulsion 2017
 - ix. *Improving Educational Outcomes for Children with Disability in Victoria*, Castan Centre for Human Rights Law 2018
 - x. School Compliance with Victoria's Child Safety Standards, Victorian Auditor General's Office 2019
 - b. Federal/other states
 - i. Parliamentary Report on the Abuse of People with Disabilities in Institutional Settings 2015
 - ii. Parliamentary Report On Educational Attainment for Students with Disabilities 2016
 - iii. Time for change: The state of play for inclusion of students with disability, Children and Young People with Disabilities Australia 2019
 - iv. New South Wales Ombudsman Inquiry into Behaviour Management in Schools 2017

- v. Review of education for students with disability in Queensland state schools - Department of Education and Training 2017
 - vi. An overview of restrictive practices, and the key issues for consideration in relation to the establishment of an Office of the Senior Practitioner 2017
10. The reports are conclusive and consistent.
11. As can be seen, in many cases, behaviours of concern (otherwise known as “disorderly conduct” for the purposes of this inquiry) is often less of a “maintaining order” issue, but rather, a disability discrimination issue. Therefore it stands to reason that ensuring the appropriate support for students with disabilities will significantly and positively affect the negative issues that arise as a result of a lack of support.
12. DDLs question whether there should be an expectation that teachers should be “equipped” in initial teacher education to deal with behaviours of concern that emanate from students with disabilities. While there is no doubt that increased training in inclusive education and educating students with disabilities in general is desirable, there is a point at which teachers ought not be expected to resolve issues that arise from complex disabilities.
13. Indeed in our experience, it is the expectation that teachers respond to such behaviours, rather than schools/departments of education encouraging the engagement of external experts to do so, that gives rise to the continuation of behaviours of concern. The expectation that teachers should be able to analyse behaviours, conclude their function and then devise appropriate behaviour plans is inappropriate when the proper response to behaviours of concern exhibited by students of disabilities may lie with Board Certified Behaviour Analysts, paediatricians, psychologists and other allied health practitioners.
14. Indeed Speech Pathologists may have a significant role to play given the relationship between the inability to communicate and the demonstration of behaviours of concern². This is where the high number of discrimination complaints against schools in response to the failure to provide reasonable adjustments is highly relevant to the subject matter at hand. For example the

² **Citation 1:** Bowring and colleagues (2017) found that being nonverbal or having limited understanding of communication were significantly associated with self-injurious behaviour, overall rate of challenging behaviour, aggressive-destructive behaviour, and stereotyped behaviour. Bharati Limbu, G. U. S. D., 2021. Comprehensive Assessment of Triggers for Behaviours of Concern Scale (CATS): Initial Development. *International Journal of Environmental Research and Public Health*, 18(20), p. 10674.

Citation 2:

Increased severity of [intellectual disabilities] and the presence of communication difficulties have typically been found to be associated with more frequent or severe [challenging behaviour]. Darren Bowring, V. T. R. H. S. T. G. G., 2017. Challenging Behaviours in Adults with an Intellectual Disability: A total population study and exploration of risk indices. *British Journal of Clinical Psychology*, 56(1), pp. 16-32.

failure to provide an adequate communication method to a child who is non-verbal is without doubt going to lead to behaviours of concern due to frustration.

15. The high rates of illiteracy³ and disability in jails around Australia also reflects prior behaviours in the classroom and is linked with a failure to put in supports that would address the disabilities that cause the student not to become literate.
16. In Victoria, there is no requirement by the Department of Education and Training for any particular response by schools to students with dyslexia, learning difficulties or learning disorders. Schools may use programs that there is no evidence for whatsoever, or that have a strong evidentiary base. It is completely up to them. Last year, for example, the Department of Education and Training mandated a particular phonics test for students at the beginning of their schooling, but failed to mandate what should be done if the test indicated that the student was at risk due to a lack of phonics knowledge.
17. These practices raise the likelihood that students with difficulties and disabilities leave school with little literacy and numeracy skills and enter the Juvenile Justice System. However while this is a significant burden on our justice system, while the students are at school, they will no doubt be amongst those who exhibit 'disorderly conduct'.
18. As can be seen, when one takes a holistic look at the problem, it is not simply a matter of "behaviour management". We submit that there needs to be a much more sophisticated lens through which these problems are viewed, and the role of schools and their inadequate support for students with disabilities ought to be front and centre of the inquiry.
19. In addition, the salient question is also why there have been so many reports, and such little action on the recommendations.
20. While the issues we raise may not address all facets of disorderly conduct, there is no question in our view that they address a significant proportion. In this sense, the work has been done in terms of an explanation as to what some of the problems are, and what needs to be done is for government to positively respond.

³ A Study of Factors Affecting Juvenile Delinquency MAZINANI NOUROLLAH1 , MAZINANI FATEMEH2 and JAFARI FARHAD 2015