Submission:

Review of the Impact of COVID-19 on School Students with Disability

The Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to provide a submission to the review of the impact of COVID-19 on school students with disability for consideration by the Department of Education.

The Centre is the peak body for child and family services in Victoria, representing more than 150 community service organisations, students and individuals. The Centre advocates for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community and culture. Our vision is to see a community that is fair, equitable and creates opportunities for children and their families to live happy and healthy lives. We work closely with community service organisations, government, other peaks, philanthropy, and business to make sure vulnerable children are seen and heard and supported to thrive.

Introduction

The COVID-19 pandemic and resulting lockdown measures generated an enormous change in the way children and young people with disability were able to engage in education across Australia, causing many school students to fall behind due to a lack of supports and resulting social isolation. The pandemic exposed how fraught the education system already was for children with disability, and how important it is to build an inclusive system that can adequately respond to emergencies and provide support for all students in equal capacity. This submission focuses on the issues exposed by the pandemic and the resulting experiences of children with disability in the education system and makes recommendations for a more inclusive future for students with disability.

Existing issues in the education system

There is a strong interconnection between education and health, with disability being one of the variables that can affect a child's school attendance and education outcomes.[1] Nationally, around 86 per cent of students with disability attend a mainstream school while 14 per cent – often children with severe or profound disability – go to a special school.[2] While school systems, like other areas of Australian society, have needed to change to become more inclusive of children with disability, there is no clear and consistent definition of what inclusive education is and children and young people with disability continue to face a variety of challenges in accessing education. The Australian Human Rights Commissioner reports that 'a significant majority' of the complaints received in relation

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[1] Australian Institute of Health and Welfare 2020, Australia's children, Cat. no. CWS 69. Canberra: AIHW, p.30.

[2] Australian Institute of Health and Welfare 2019, People with disability in Australia: In brief, Cat. no. DIS 74, Canberra: AIHW, p.16.

to children in the 2018-19 reporting year were about education.[3] Findings from a 2019 survey by Children and Young People with Disability Australia (CYDA) showed that students with disability are:

> routinely excluded in their education, with many being segregated from 'mainstream' schools and classrooms, not attending school full-time, refused enrolment and excluded from school activities. Suspensions and expulsions are also familiar practices, showing the lack of understanding and support for students with disability.[4]

Due to extensive advocacy by people with disability, their families, carers, friends and organisations who support them, there has been a shift toward the adoption of legislation surrounding inclusivity in education settings. This legislation includes the *Disability Discrimination Act 1992* (Cth) and the *Disabilities Standards for Education 2005* (reviewed 2020), Australia is also a signatory to the United Nations Convention on the Rights of People with Disabilities 2006 (CRPD).

Despite these legislative and policy frameworks to support inclusive education, there are still too many instances where children with disability are subject to discrimination in school settings, and to institutional practices that not only act as barriers to access but can be physically and psychologically harmful. Research and evidence show that limited progress had been made before the onset of the COVID-19 pandemic, although the shift to remote learning during the pandemic created some new issues for students with disability, it primarily exacerbated and made clear the longstanding issues that exists for students accessing education.[4] These issues include but are not limited to:

- a lack of available options for education, particularly in regional areas.
- a lack of information for families about possible options for education, support and funding avenues.
- inconsistency between education providers and sectors.
- a lack of adapted curriculum to meet needs.
- students having their disability unrecognised or unrealistically minimised.
- a lack of teacher training to support students with disability.[5]

In 2005, the Disability Standards for Education were adopted, which clarifies the obligations of education and training providers under the *Disability Discrimination Act 1992*.[6] The Standards seek to ensure that students with disability can access and participate in education on the same basis as students without disability.[7] Although the Standards have been in place for more than 18 years, there is still considerable change that needs to take place before students with disability are able to access education in equal measure to students without disability.

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[3] Australian Human Rights Commission (2019) Children's rights report, p.85.

[4] Dickinson, H., Smith, C., Yates, S., Bertuol, M. (2020) Not even remotely fair: Experiences of students with disability during COVID-19. Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne.

[5] Australian Human Rights Commission, *Access to education for students with a disability: barriers and difficulties,* <https://humanrights.gov.au/our-work/access-education-students-disability-barriers-and-difficulties>

[6] Australian Government Department of Education, *Disability Standards for Education 2005,* <https://www.education.gov.au/disability-standards-education-2005>

[7] Australian Government Department of Education, Skills and Employment (2020) *Disability Standards for Education 2005, 2020 Review Final Report,* Canberra ACT.

The 2020 review of the standards found that the onus primarily rests on students with disability and their parents or carers to navigate, understand and advocate for reasonable adjustments in the education system, rather than being proactively offered by education providers.[8] The review also found a significant power imbalance exists between education providers and students with disability, with parents and carers reluctant to raise issues due to fear of negative consequences, and education providers being subject to few consequences for non-compliance with the standards.[9]

These issues were exacerbated by the pandemic, which placed a heavy burden on parents and carers to advocate for their children and make adjustments to their learning materials, while being expected to continue to engage in regular activities such as paid employment and caring for other children.

Impact of the COVID-19 pandemic

During the COVID-19 pandemic, students with disability experienced significant barriers to inclusivity, with remote and flexible learning having a largely negative impact on students and their families. In Victoria, we experienced one of the longest lockdowns in the world, facing more than 170 days of remote and flexible learning across 2020 and 2021, which provided unprecedented challenges for students with disability and their families/carers.[10]

Our members reported their clients received little or no support for their children with disability during times of remote learning. Even students who had previously enjoyed significant support reportedly received very limited contact from school staff during the pandemic, did not have learning tasks adapted to their needs, falling far behind their peers. This resulted in a significant increase in demand for advocacy support, with a particular focus on helping families to navigate the exclusion of their children with disability from online learning. Between 2019 and 2022, the Association for Children with Disability (ACD) reported a 350 per cent increase in calls about children being excluded from early childhood education due to disability, a 360 per cent increase in calls about expulsion, a 175 per cent increase in calls about informal exclusion from school and a 116 per cent increase in calls about suspensions.[11]

Research by CYDA highlights the significant reductions in provision of usual supports for students with disability from education facilities, the most significant being supervision, social supports and individual support workers.[12] Similarly, the education standards review found that during the

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[8] Ibid.

[9] Ibid.

[10] Learning First (2020) *The experience of remote and flexible learning in Victoria,*
<https://www.education.vic.gov.au/Documents/about/department/covid-19/experience-of-remote-and-flexible-learning-report.pdf>

[11] ACD Submission.

[12] Children and Young People with Disability Australia (2020) *Submission to the Inquiry into the Victorian Government's Response to the COVID-19 Pandemic,*
<https://new.parliament.vic.gov.au/492f5c/contentassets/12aceaa2f82f4ec6b4d71eab05a94e67/submission-documents/2c.-children-and-young-people-with-disability-australia.pdf>

pandemic and lockdown 'families reported a loss of support and connection which adversely impacted on their children's educational progress and connection with their educational providers.'[13]

Our members have indicated that students who disengaged from learning had almost no social connections, with many being suspended when returning to school due to behavioural difficulties.[14] These findings coincide with research from the Royal Children's Hospital in Melbourne which found that remote learning had a significantly negative effect on children in Victoria, who experienced loneliness and social isolation during lockdowns.[15] Remote learning affected friendships and connectedness for more than half of the children surveyed, and one in four children were somewhat, very, or extremely anxious about attending onsite school over a two-week period in December 2021.[16] The research highlighted that in December 2021, '50 per cent of children were still experiencing negative effects of remote learning on their mental health, 53 per cent had negative impacts on friendships and connectedness and 52 per cent required extra help with their learning because of a lack of face-to-face learning in throughout the pandemic'.[17]

Effect on families and carers of students with disability

We would like to touch on the experiences of families and carers of students with disability during COVID-19 pandemic who, although not included in these terms of reference, were significantly impacted by remote learning and lockdown orders. Our members describe how many families had to reduce paid hours of employment and subsequently lose income to assist their children with disability to engage with remote learning, and often faced challenges returning to former work hours. In many cases, parents and carers had to cope with their own deteriorating mental health and that of their children, resulting in an increase in parents seeking support from services to help them advocate for their children's needs. Similarly, research by the University of Melbourne found that the increased caring responsibility was primarily placed on mothers, which resulted in an enormous emotional toll, financial hardship, the deterioration of relationships, a feeling of being trapped, a loss of work life balance and a decrease in overall wellbeing.[18]

Children in out of home care

Where children with disability are in the OOHC system, practices of exclusion are perhaps even more evident. Carers working with our member organisations have reported instances where their children have been informally encouraged not to attend school, often related to behaviours of concern. For children in OOHC, attending school provides a vital opportunity for routine, stability, and social

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[13] Ibid.

[14] Association for Children with a Disability (2021) *Not Just Five Days, Impact of the Snap Lockdown on Children with Disability and their Families,* <https://www.acd.org.au/wp-content/uploads/2021/02/Not-just-five-days-ACD-response-to-snap-lockdown_accessible.pdf>

[15] Royal Children's Hospital National Child Health Poll (2022) Mental health of children and parents in Victoria during the COVID-19 pandemic, The Royal Children's Hospital Melbourne, Parkville, Victoria.

[16] Ibid.

[17] Ibid.

[18] The University of Melbourne (2021) *The impact of transitions to remote learning due to the COVID-19 Pandemic response on Victorian school students with disability,* <https://disability.unimelb.edu.au/home/projects/the-impact-of-transitions-to-remote-learning-due-to-the-covid-19-pandemic-response-on-victorian-school-students-with-disability>

activity. During the pandemic and resulting lockdowns, carers of students with disability in OOHC faced increased difficulty providing education for already vulnerable children in their care and may not have had the educational resources to support children with their learning.[19] Our members have highlighted the increased financial and emotional stress experienced by foster carers during the pandemic, with the additional support required causing them to suffer burnout and disengage from foster caring. This is similar to a study in the United States, which found that during the pandemic foster carers had fewer financial resources, poorer mental health and experienced heightened parenting stress.[20] We believe that the effect of the pandemic on the OOHC system warrants further research, as well as a strategy to support children and their carers in future emergencies.

Directives from Government

Within Victoria and across the nation, lockdowns and resulting restrictions were ever changing, making them difficult to understand and navigate. The CYDA identified that Australia 'lacked a coherent national response for children and young people with disability during the COVID-19 pandemic' and although swift responses were instigated in response to some vulnerable groups, such as aged care, there was a large gap in relation to responding to children and young people and their families.[21]

Victoria experienced several 'snap lockdowns' which consisted sometimes of only five days of lockdown across the State. These lockdowns were announced and usually enforced within a matter of hours, being extremely disruptive for students with disability and their families. The lockdowns resulted in the immediate shutdown of schools, and ACD describes how this severely distressed students with disability and their families.[22] This abrupt change in routine resulted in changes in behaviour for children with disability, which did not suddenly reduce when lockdown ended.[23] Some families reported difficulty in navigating these lockdowns when their children did not understand the reasons, and the profound affects this disruption had on their entire family, including siblings.[24]

Students with disability were not always recognised as 'vulnerable' students, which affected their ability to access education during remote learning. In Victoria during March 2020 and November 2021, there were more than 25 different settings around who could and couldn't go to school during lockdowns. Our members described how these ever-changing categorisations were confusing to families and resulted in repeated disruptions to routines for students and their parents and carers.

[19] Townsend, M.L., Robinson, L., Lewis, K., Wright, I., Cashmore, J. & Grenyer, B. (2020) *Educational outcomes of children and young people in out-of-home Care in NSW* (Research Report Number 14), <https://www.facs.nsw.gov.au/__data/assets/pdf_file/0007/808081/>

[20] Miller, J.J., Cooley, M.E. & Mihalec-Adkins, B.P. (2020) Examining the impact of COVID-19 on parental stress: a study of foster parents. *Child and Adolescent Social Work Journal*, 39, 147-56, <https://doi.org/10.1007/s10560-020-00725-w>

[21] Dickinson, above n 4.

[22] Ibid.

[23] Association for Children with a Disability, above n 14.

[24] Ibid.

Response from schools

Due to the fragmented nature of lockdowns and resulting restrictions, it was difficult for schools to form a coherent response to students with disability. The same structural issues which already existed within the education system were exacerbated by lockdowns, including varying levels of support offered at different schools, a lack of planning for students with disability and their families and increased social isolation for students with disability. For example, CYDA research found that some students reported receiving the exact same learning materials as those provided to students without disability, with the responsibility falling to parents to make adjustments.[25] This was increasingly taxing for families who had to support multiple children to learn from home during the pandemic; when their child with disability required increased attention and support it meant limited support for their other children with school work. CYDA reported that during remote learning in 2020 individual support workers reduced by 44 per cent, supervision 38 per cent, curriculum modification 18 per cent, specific aids and equipment 30 per cent and access to behavioural support 27 per cent compared to pre pandemic levels.[26]

Research shows that during lockdowns, the responsibility for managing routine, learning and support primarily fell to the parent rather than the teachers, due to the limited resources available to teachers.[27] Teachers were expected to go above and beyond their usual role to assist students and their parents. During the first wave of lockdowns and remote learning, teachers worked significant overtime to support students and communicate with their parents and carers, resulting in severe burnout as the pandemic continued. It was challenging for teachers to meet the individual and social needs of students even before the pandemic, with large class sizes and a lack of assistance from specialist staff hindering these efforts.[28]

Future planning

In summary, the pandemic further exposed the shortcomings of the mainstream education system for students with disability, and the importance of building a system where all students are able to thrive and feel supported. CYDA describes inclusivity in the education system as:

Everyone learning, growing and flourishing together in all our diversity. Inclusive education recognises the right of every child and young person, without exception, to be included in general education settings. It involves adapting the environment and teaching approaches to ensure genuine and valued full participation of all children and young people. It embraces human diversity and welcomes all as equal members of an educational community.[29]

In order to work toward a more inclusive environment, the school system requires a number of reforms. These includes amending the weaknesses of the disability standards, providing further

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[25] Dickinson, above n 4.

[26] Ibid.

[27] Ibid.

[28] Longmuir, Fiona (2023) *Australia's teacher shortage is a generational crisis in the making, how can we turn things around?* ABC News https://www.abc.net.au/news/2023-01-30/pandemic-exposed-australia-teacher-shortage-students-schools/101886452#:~:text=Australia%20is%20on%20a%20precipice,a%20more%20manageable%20way%20forward

[29] Dickinson, above n 4.

training and support for education staff, and creating a national framework to respond to emergencies. It is urgent the Government undertakes research on the impact of emergencies on children with disability and the most effective interventions to restore routine, stability, and safety in their lives. The significant impact of lockdowns and school closures on this particular cohort of children and young people should arguably have been foreseen, given all we know about the diverse needs of children with disabilities, but went largely unrecognised other than by the children's own families and advocates. The experiences of children with disability during COVID lockdowns and school closures, when opportunities for social interactions and face-to-face assisted learning were significantly reduced, and when reasonable adjustments to prevent discrimination were not always being made by schools, needs to be better understood so that school systems can develop appropriate policies and interventions to make sure no child with disability is left worse off in relation to their social development and learning potential.

Recommendations

The Centre recommends that:

1. The Federal Government amends the Disability Standards to ensure they adhere to the United Nations Convention on the Rights of Persons with Disability and the Rights of the Child.

2. The Federal Government strengthens the Disability Standards by putting in place safeguarding that ensures all schools have the same requirements for implementation and consequences for non-compliance.

3. The Federal Government provides child-centred guidance based on the best available evidence to support coordinated and effective responses to children with disability during emergency situations.

4. The State Government provides a strategy for children in out of home care during emergency situations, with a particular focus on additional supports for children with disability.

5. The State Government considers strategies to further support teachers and school support staff though the provision of higher wages and system reform.