Gatekeeping and restrictive practices with students with disability: results of an Australian survey

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Paper delivered at the Inclusive Education Summit

Adelaide, October 2017

The 2016 report of the *Senate Education and Employment References Committee* on access to learning for students with disability received several submissions on gatekeeping practices used to minimise the enrolment and participation of students with disability into mainstream classrooms, as well as several reports of restrictive practices. As Australia has a commitment to the *UN Sustainable Development Goals* to provide inclusive, safe and effective learning environments, and has ratified the United Nations *Convention on the Rights of the Child* and the *Convention on the Rights of Persons with Disabilities,* these practices constitute a breach of law and policy and are of serious concern. As part of an Australia–wide survey of families and school staff around the *Disability Standards for Education 2005*, data were collected on a range of gatekeeping and restrictive practices. In this presentation, data from 745 families, students and advocates on these practices will be presented, with over 70% reporting experiencing one or more examples of gatekeeping or restrictive practices. Comparisons across education jurisdictions, sectors, and school size and type will be discussed, along with a thematic analysis of participants' qualitative concerns, the majority of which indicated strong dissatisfaction with the current treatment of students with disability in Australian mainstream education settings.

Keywords: gateways, gatekeeping, inclusive education, enrolment, restrictive practices

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Introduction

In 2015, world leaders congregated at the United Nations to adopt the *Sustainable Development Goals* which aim, over a period of 15 years, to address global issues of poverty, climate change, and inequity. One challenge posed to member countries is to ensure that, by 2030, students at all levels of education are provided with equal access to an inclusive, safe and effective learning environment (United Nations, 2015). This commitment builds on the extensive research that supports the inclusion of students with disability in their local education setting, with genuine and valued participation within the mainstream classroom creating the optimal learning environment (Cologon, 2013a; Forlin, Chambers, Loreman, Deppeler, & Sharma, 2013; Hehir, et al., 2016; Mitchell, 2014; Nahmias, Kase, & Mandell, 2014).

However, having ratified the United Nations *Convention on the Rights of Persons with Disabilities (CRPD)* in 2008, Australia was already committed to ensuring students with disability had access to an inclusive education from the early years onwards (United Nations, 2006, Article 24 [2b]). This commitment was also enshrined in the *Disability Standards for Education 2005* (ComLaw, 2015), that require students with disability to be able to enrol and participate in education on the same basis as their peers. Compliance with the Standards requires schools to ensure that enrolment processes and education and practices do not discriminate against students with disability, that enrolment and participation can occur without undue hardship, and that parents and students are consulted as part of these processes (Government of South Australia [Department of Education and Children's Services], 2007; University of Canberra, 2014).

Yet, despite legislative requirements that require schools to act as gateways, there are still some schools that act as gatekeepers (Razer & Friedman, 2017). Forbes (2007) places the blame with education authorities, suggesting they have failed to appropriately plan for inclusion. Bourke (2010) found that Queensland schools continued to "label, isolate and segregate students within schools" (p. 1). At the point of enrolment, research suggests New South Wales primary schools continue to stigmatise and exclude children with autism (Lilley, 2013, 2014, 2015). In Tasmania, parent satisfaction with education for children with disability is at a five-year low, due to perceived inadequate levels of support, exclusionary enrolment and participation practices, and bullying (Desmond, 2017). Boyle, Topping, Jindal-Snape, and Norwich (2012) proposed these gatekeeping failures stem from a lack of understanding of the term *inclusive education,* and an uncertainty as to who is entitled to inclusion.

However, any confusion over who is entitled to inclusion has now been resolved with the publication of *General Comment No. 4* on the *CRPD* by the *United Nations Committee on the Rights of Persons with Disability* (United Nations, 2016), which clearly defines inclusion. Inclusion is stated as a *fundamental human right of all learners* (Paragraph 10). Further, separate Special Schools and Special Units on the grounds of mainstream schools are classed as segregation, with direct attachment of a teacher aide classified as 'integration', not inclusion (paragraph 11).

For countries like Australia, where there has been a strong tradition of educating children with disability in segregated settings, meeting these commitments to an inclusive education system poses significant challenges (Mittler, 2015). Arduin (2015) suggests to meet these commitments will require "changes in attitudes, beliefs and assumptions about

disability, diversity and difference" (p. 105). So, how can we be sure that we have moved beyond the theoretical statements embedded in these commitments towards substantive change in inclusive practices (Broderick, 2015; Brown, Packer, & Passmore, 2013)? In this paper, we identify, analyse and discuss stakeholder views related to the enrolment and attendance of Australian students with disability, in light of the *Disability Standards for Education 2005,* including any restrictions on enrolment and participation. Gathering and analysing these views provides an opportunity to identify gateways to the inclusion of Australian students with disability.

Method

The *Disability Standards for Education 2005* were summarised to reduce them to a manageable size and readability level, then converted to questions that could be incorporated into a national survey. These summarised questions were sent to a range of family members and professionals to test for readability, and to judge whether the summaries accurately captured the meaning of each Standard. In addition, the summaries were sent to several lawyers to test for accuracy. While the feedback from all was that the summaries were fair and accurate, the advice from lawyers was that to be certain that there was no chance of them being seen as biased in any way, the full Standard should be provided in addition to each Standard's summary. This was achieved by a link to the complete government document on each Standard question. Respondents were first asked to rate their school's compliance with each Standard on a five point scale.

At the *Senate Education and Employment References Committee* (Commonwealth of Australia, 2016), several submissions indicated that families had experienced reluctance by schools to enrol and include students with disability, and in several submissions there were reports of restrictive practices. In order to test whether these practices were widespread, an additional question was developed based on these submissions. The question allowed multiple categories to be chosen as well as for open-ended comments to be made at the end of the survey. Also, as teachers and other school staff were encouraged to fill out the ratings of their school, an additional question asked them to stipulate what was most helpful in including students with disability.

Finally, demographic questions in the survey asked respondents to indicate their role (e.g. parent, student, teacher, principal etc.), the level, size, State and geographical location of the school, and whether it was public or private. The specific categories of demographic questions are shown in Table 1 below. To ensure that the survey was only completed in relation to students included in mainstream classrooms, the first, compulsory, question was to eliminate any further responses in relation to students enrolled in segregated settings. This resulted in over 100 survey responses where respondents completed this question and then left the rest blank.

The draft survey was sent to a sample of families to complete to check that it was easy to use and did not have any missed errors. From this feedback small changes were made to the text to increase clarity and ease of use. These initial responses were not included in the final data collection. The survey was then uploaded to a commercial survey software tool (surveymonkey.com.au) and, through snowball sampling, distributed through a network of Facebook and Twitter contacts, family disability groups and individuals across Australia, with the request that the survey link be sent on to as many families, schools, teachers, principals and professionals as possible. After approximately two months this process was

repeated and the survey was left open until the end of February 2017 when the responses were downloaded to a spreadsheet, coded, and analysed using SPSS. The software settings precluded the collection of any identifying information, although those respondents who wished for feedback on the results could provide their email address.

Coding Category/ Demographic Area	Category						
	1	2	3	4	5	6	7
Respondent	Parents	Educational Assistant	Principal	Student	Teacher	Professional	Other
Disability label	Intellectual	Autism or ADHD	Physical	Sight	Hearing	Other	
Year level	K-2	3-6	7-10	11-12	Other		
Mainstream School Level	Preschool or Kindy	Primary	Combined preschool & primary	High	Combined primary and high		
Government/ Private	Govern-ment	Catholic	Protestant	Jewish	Islamic	Private non-denominational	Other
City/Rural	Capital city	Large regional >20k	Rural	Other			
School size	< 50	51-100	101-400	401-1000	> 1000		
Australian State	ACT	NT	NSW	QLD	SA	TAS	VIC	WA

Table 1: Demographic areas sampled and categories used.

For the data analysis, the small numbers of students and advocates did not allow for separate analyses so their data were combined with the parent data. Similarly, the data from teachers, principal, education assistants and professionals were combined. This allowed comparisons to be made between individuals working in the education system with parents and associates.

The qualitative comments were also downloaded and each individual comment was put onto an index card. These cards were then sorted into themes to identify the major issues that were raised. For inter-rater reliability, the themes were independently analysed by two of the investigators. The themes were then sent to the respondents who had provided their email address to verify that the themes were an accurate reflection of the points raised, and to indicate any point that the respondents considered might have been misinterpreted or not included. All responses received were in keeping with the identified themes.

As noted earlier, in order to test whether Gatekeeping or Restrictive Practices were widespread, a related question was developed based on submissions that had been made to the Senate Committee. The specific examples that participants were asked to respond to are in Table 2. The first option of 'Not Applicable' was intended to indicate that the question was directed towards those with a direct interest in an individual (e.g. a student, family member or advocate) and was not intended to be answered by school staff. For the gatekeeping question the wording was as follows:

"Gatekeeping"
 "In the recent Senate report on access to learning of students with disability, it was reported that some mainstream educational institutions were 'gatekeeping' to steer students with

disability to other schools, usually with segregated education options. This question seeks to gain information on how widespread any such 'gatekeeping' practices might be.

If you are a student with disability or are answering in relation to a student with a disability, have you recently experienced any of the following in or by a mainstream educational institution (You can mark more than one answer):"

Not applicable – not answering in relation to a student with disability.
Refusal to enrol in a Mainstream School or Preschool.
Discouragement to enrol in a Mainstream School or Preschool
Encouragement to enrol in *or transfer to* a Special School, or a Mainstream School with a special education unit.
Educational institution advised that student will do better at a Special School or a Mainstream School with a special education unit.
Offer of only part-time enrolment in a Mainstream School or Preschool.
Request that family supplement resources of educational institution (e.g. pay for or contribute to cost of education assistant or electronic resources).
Educational institution concerned that student will not be "able to keep up" with age peers.
Student spends extended periods of the school day lesson times outside the classroom.
Majority of classroom teaching undertaken separate from peers (e.g. at a separate desk with an education or teaching assistant, or not grouped with peers).
Inadequate education or teaching assistant support.
Inadequate attention from classroom teacher (e.g. teaching undertaken by education or teaching assistant)
Inadequate opportunities and support to develop and maintain peer friendships.
Not engaged in the same lesson material as the mainstream class. That is, the same lesson as peers but adapted where necessary.
Regularly being excluded from broader school activities (e.g. assemblies, choir, sport, school exclusions etc).
Use of restrictive practices to manage behavioural challenges.
Regular suspensions for apparently minor reasons
Regularly being sent home or parents asked to collect the student early from school for minor reasons.
Other (please specify).

Table 2: Specific categories that individuals and families were asked to respond to regarding Gatekeeping and Restrictive Practices

Significance tests were performed across different categorisations in relation to the rates of Gatekeeping and Restrictive Practices. Where multiple comparisons were involved, Scheffe post hoc analyses were used to minimise the chance of significance errors.

Results

Over 900 completed responses were received, including 745 from families, advocates, and students with disability. Numbers of responses in individual categories varied as not all categories were completed by all respondents. The primary test of significance was a comparison of rates of gatekeeping and restrictive practices to zero, the desired level of such practices. There was a highly significant difference on all categories of gatekeeping and restrictive practices, indicating that they were occurring at significant levels across all States and school comparisons (T_7 range 3.477 to 22.153, p range from .01 to .000).

On Level of School, there was a significant difference on gatekeeping and restrictive practices ($F_{4,85}$ =3.595, p =.009), but the post hoc analysis only gave a significant difference between Kindergarten and High Schools (p<.05), and between kindergartens and combined Primary and High schools (p<.04). There was a significant difference overall between school size and levels of gatekeeping and restrictive practices ($F_{4,85}$ = 3.198, p = .017), but Scheffe post hoc analysis only yielded a significant differences between schools of less than 50 pupils and those over 1000 (p=.034). All other comparisons on type of disability label, jurisdiction, sector, and geographic location did not show significant differences overall so, no post hoc analyses were applied.

Teachers and other school staff were not expected to answer the question on gatekeeping, although several did. There was a significant difference between their results and those provided by families for all States excluding Tasmania ($F_{1,34}$ = .018, NS). Differences for the other States ranged ($F_{1,34}$) from 8.025 – 54.996, with p values from .008 to .000. Staff ratings of incidence of gatekeeping and restrictive practices were consistently lower than families. However, the incomplete nature of the staff data on these questions may alter these findings.

State comparisons

A combination of 745 families (parents, carers, advocates and students with disability) completed the survey, as well as 166 school staff (principals, administration staff, teachers, educational assistants, and visiting professionals). The spread of these responses is shown in Table 3.

	ACT	NT	NSW	QLD	SA	TAS	VIC	WA	AUSTRALIA
Families	22	7	293	112	51	41	145	74	745
Staff	2	7	85	15	10	5	13	29	166

Table 3: State spread of respondents.

With responses from only 166 school personnel, the spread across States meant that there were insufficient data for interstate comparisons. Hence, in Table 4, while a State-by-State comparison of responses in relation to gatekeeping and restrictive practices is provided for families, only national data are presented for comparison of School Staff Ratings. For the same reason, Northern Territory data are only included in the national comparison.

	ACT	NSW	QLD	SA	TAS	VIC	WA	AUS-Families	AUS-Staff
Enrol Refuse	5%	10%	4%	16%	5%	8%	3%	8%	3%
Enrol Discouraged	36%	23%	16%	35%	7%	18%	16%	21%	11%
Seg Enrol Encouraged	45%	29%	21%	35%	22%	16%	23%	21%	11%
Do Better Segregated	41%	26%	19%	35%	10%	21%	26%	24%	14%
Part-Time Offer	23%	11%	12%	31%	7%	10%	3%	11%	8%
Family Pay	9%	13%	17%	14%	5%	23%	7%	14%	4%
Won't Keep Up	50%	26%	29%	31%	27%	21%	27%	27%	14%
Out Of Class	27%	18%	13%	29%	29%	22%	24%	21%	12%
Most Segregated	27%	19%	21%	14%	27%	21%	19%	20%	13%
Inadequate Support	50%	38%	29%	43%	39%	45%	38%	39%	16%

Aide Teacher	36%	28%	29%	24%	32%	33%	30%	30%	14%
Peer Friend Support	27%	20%	17%	20%	15%	25%	18%	20%	6%
Not Same Lesson	27%	18%	24%	16%	37%	21%	22%	21%	16%
Regular Exclusion	18%	24%	16%	24%	22%	16%	16%	20%	8%
Restrictive	18%	16%	14%	24%	17%	22%	14%	17%	7%
Suspensions	0%	9%	9%	14%	5%	9%	8%	9%	5%
Sent Home	9%	17%	15%	22%	20%	19%	14%	17%	7%
Other	18%	12%	9%	24%	7%	17%	7%	12%	4%

Table 4: Percentage of families by State, and educators nationally, who reported occurrences of specific Gatekeeping and Restrictive Practices.

Results of family ratings, both distributed across States and for Australia overall, are presented in Figure 1.
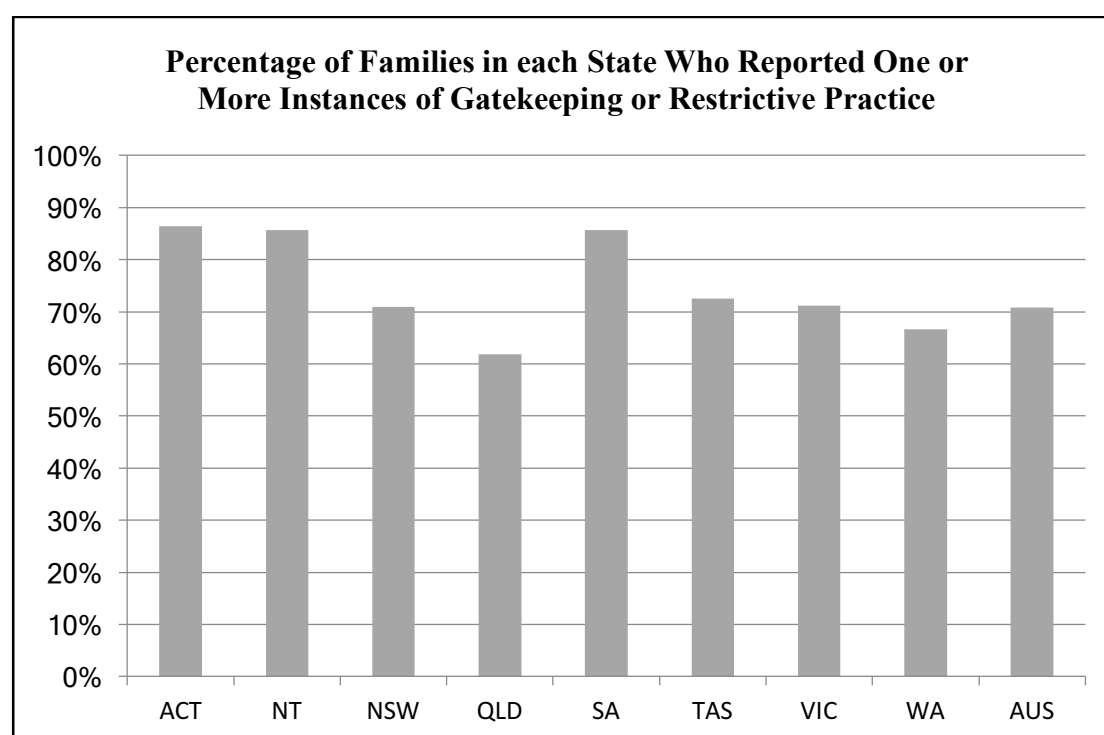
Figure 1: Percentage of Families who reported one or more instances of gatekeeping or Restrictive Practices. N = 745.

Refusal to enrol

The respondents were asked to indicate if they had experienced: **"Refusal to enrol in a Mainstream School or Preschool"**. The State comparisons are in Figure 2 below.
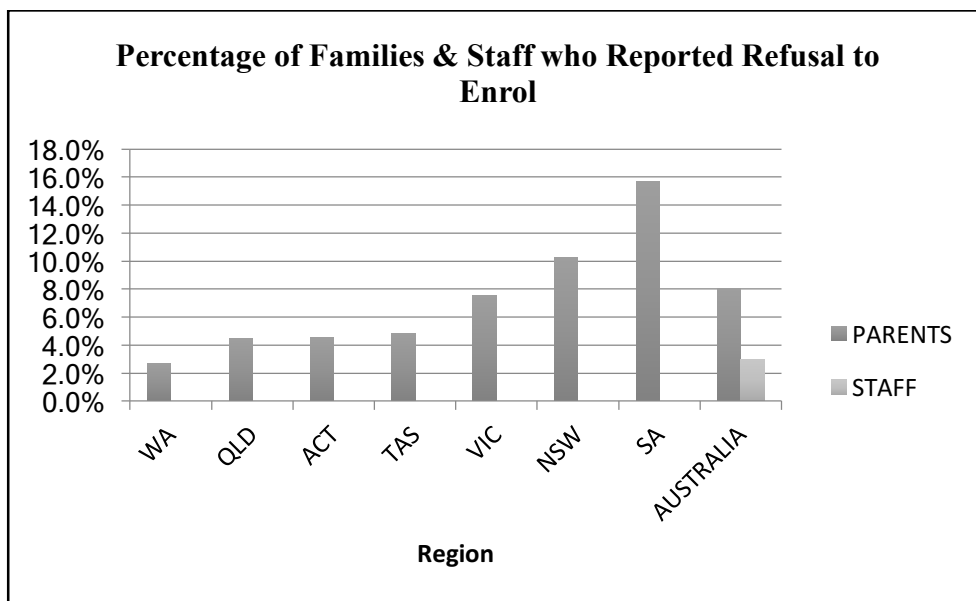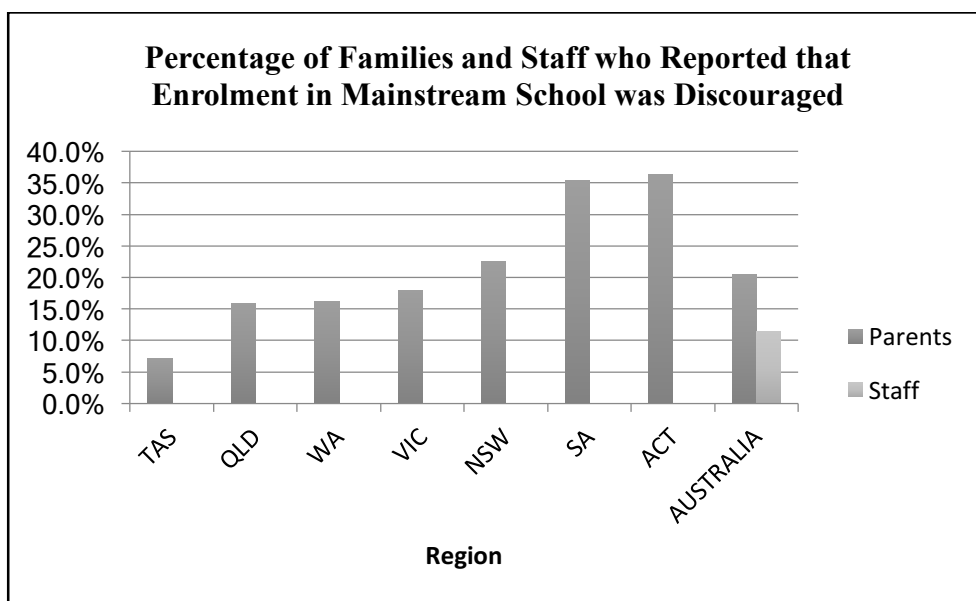
Figure 2: Percentage of Families and School Staff who reported Denial of Enrolment. Parents = 745, Staff = 166.

While the number of families who responded from South Australia was low on this individual question, the high frequency was supported by school staff indicating that the numbers may be representative of the experience of parents in that State. There were large numbers of responses from NSW, and from Australia overall.

Discouraging enrolment

The respondents were asked to indicate if they had experienced: "**Discouragement to Enrol in a Mainstream School or Preschool**".

Figure 3: Percentage of families and staff who reported that enrolment in mainstream school was discouraged. Parents = 745, Staff = 166.

Recommending segregated schooling

The respondents were asked to indicate if they had experienced: **"Encouragement to enrol in or transfer to a Special School, or a Mainstream School with a special education unit."**
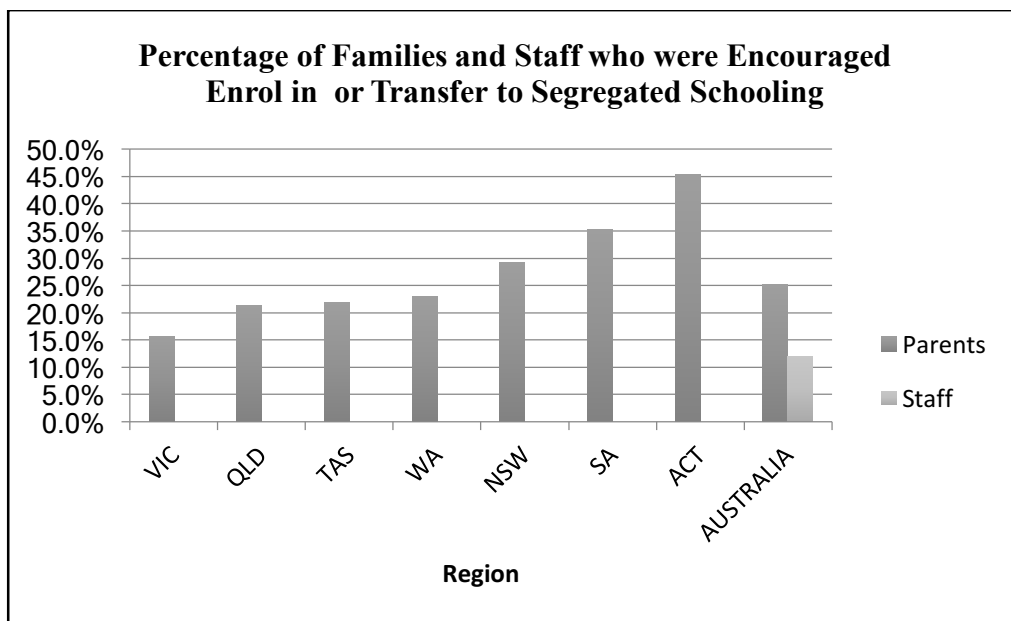

Figure 4: Percentage of families and staff who reported encouragement to enrol in or transfer to segregated schooling. Parents = 745, Staff = 166.

Advised Segregated Schooling Better

The respondents were asked to indicate if, in their experience, an: **"Educational institution advised that student will do better at a special school or a mainstream school with a special education unit."**
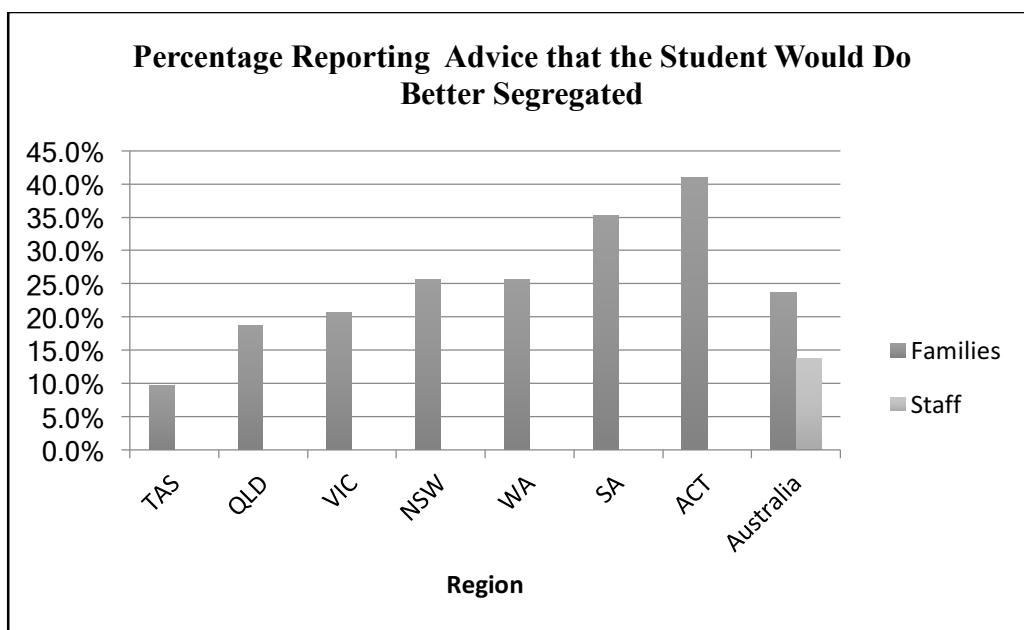
Figure 5: Percentage of families and staff who reported advice that student would do better in a segregated option.   Parents = 745, Staff = 166.

Only Part Time Enrolment Offered

The respondents were asked to indicate if they had received an: **"Offer of only part-time enrolment in a Mainstream School or Preschool."**
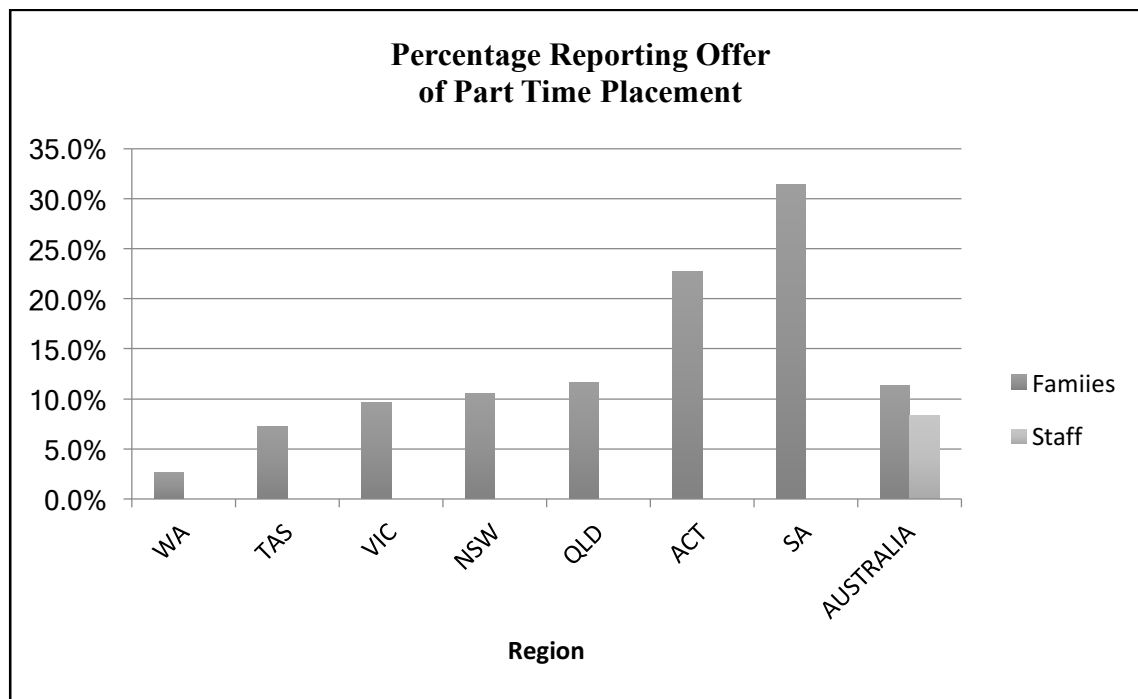

Figure 6: Percentage of families and staff who reported that only part-time enrolment was offered. Parents = 745, Staff = 166.

Family asked to Supplement Resources

The respondents were asked to indicate if they had experienced a: **"Request that family supplement resources of educational institution (e.g. pay for or contribute to cost of education assistant or electronic resources)".**
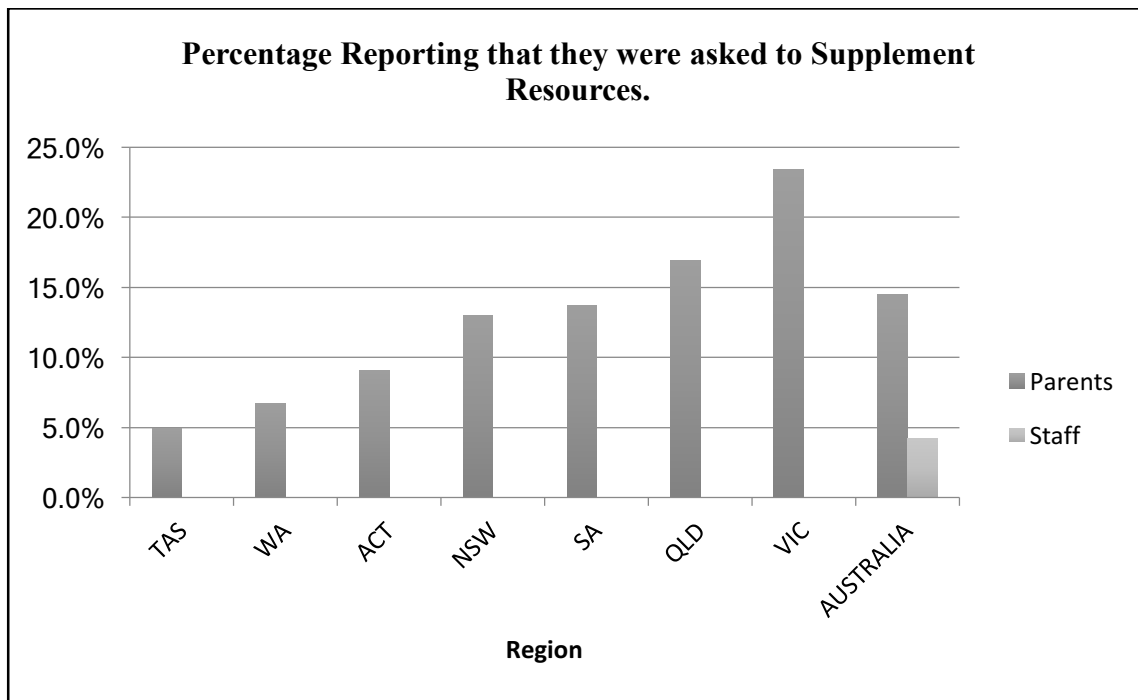
Percentage Reporting that they were asked to Supplement Resources.

Figure 7: Percentage of families and staff who reported being asked to supplement school resources. Parents = 745, Staff = 166.

"Won't keep up with peers".

The respondents were asked to indicate if, in their experience, an: "**Educational institution concerned that student will not be "able to keep up" with age peers.**"
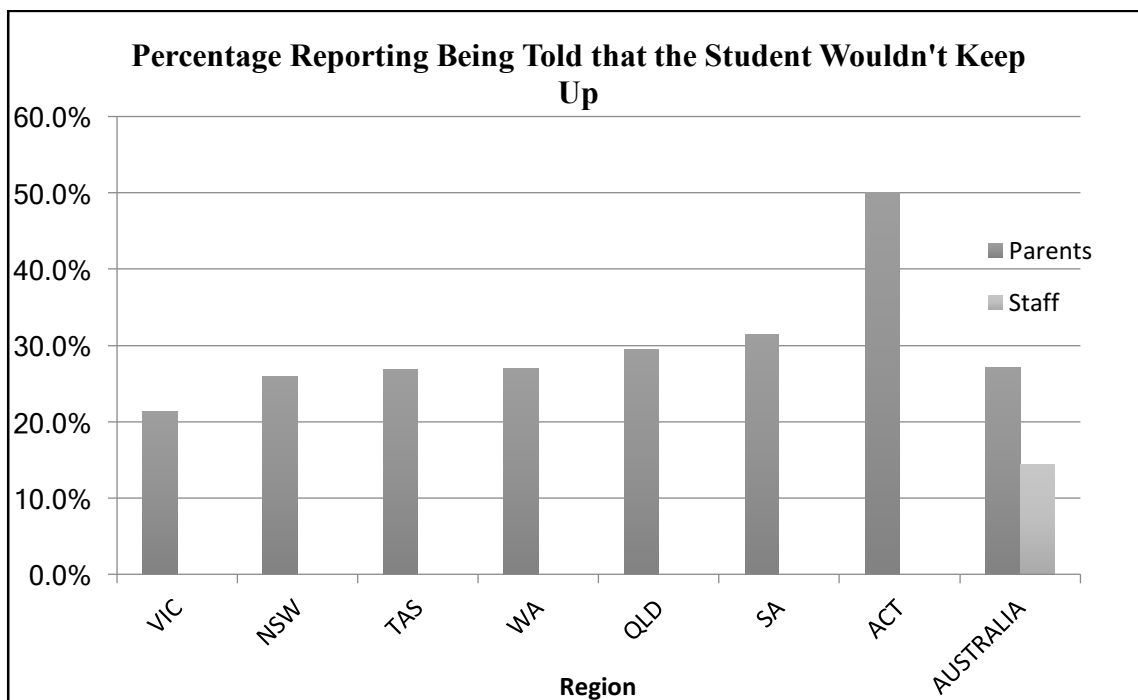
Percentage Reporting Being Told that the Student Wouldn't Keep Up

Figure 8: Percentage of families and staff who reported that the School was concerned the student 'wouldn't keep up' with age peers. Parents = 745, Staff = 166.

Student Spends Extended Time outside of the Classroom.

The respondents were asked to indicate if, in their experience, the: **"Student spends extended periods of the school day lesson times outside the classroom."**
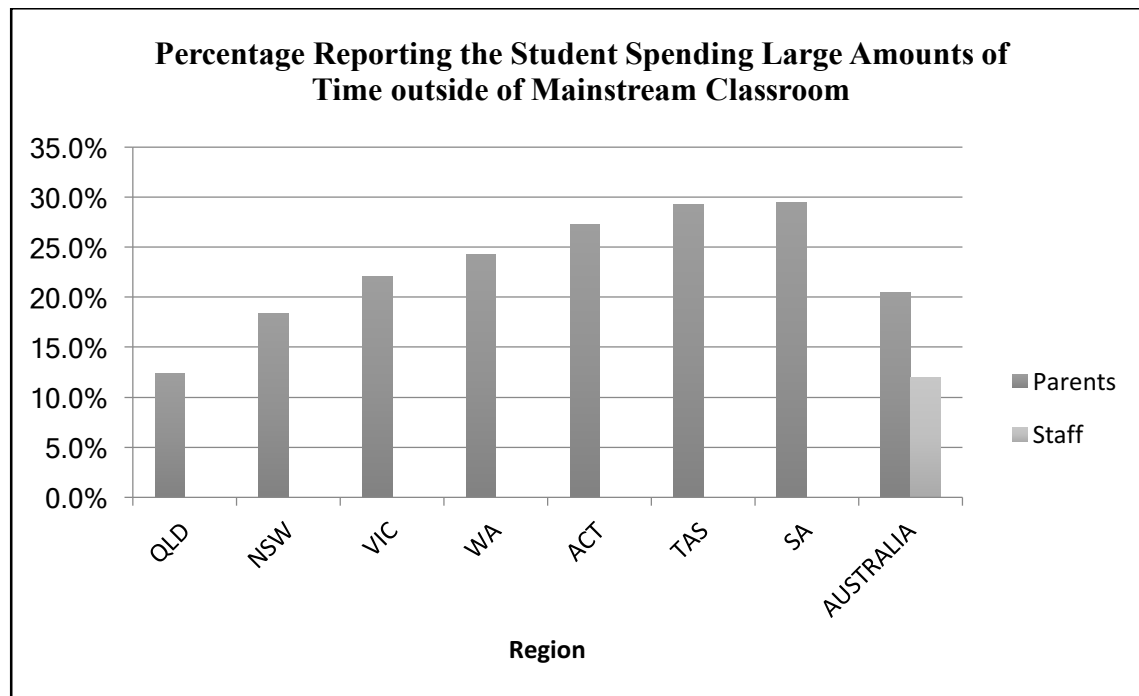

Percentage Reporting the Student Spending Large Amounts of Time outside of Mainstream Classroom

Figure 9: Percentage of families and staff who reported that the student spends extended periods of lesson time outside of the classroom. Parents = 745, Staff = 166.

Segregated from Peers in Lessons

The respondents were asked to indicate if, in their experience, the: **"Majority of classroom teaching undertaken separate from peers (e.g. at a separate desk with an education or teaching assistant, or not grouped with peers)."**
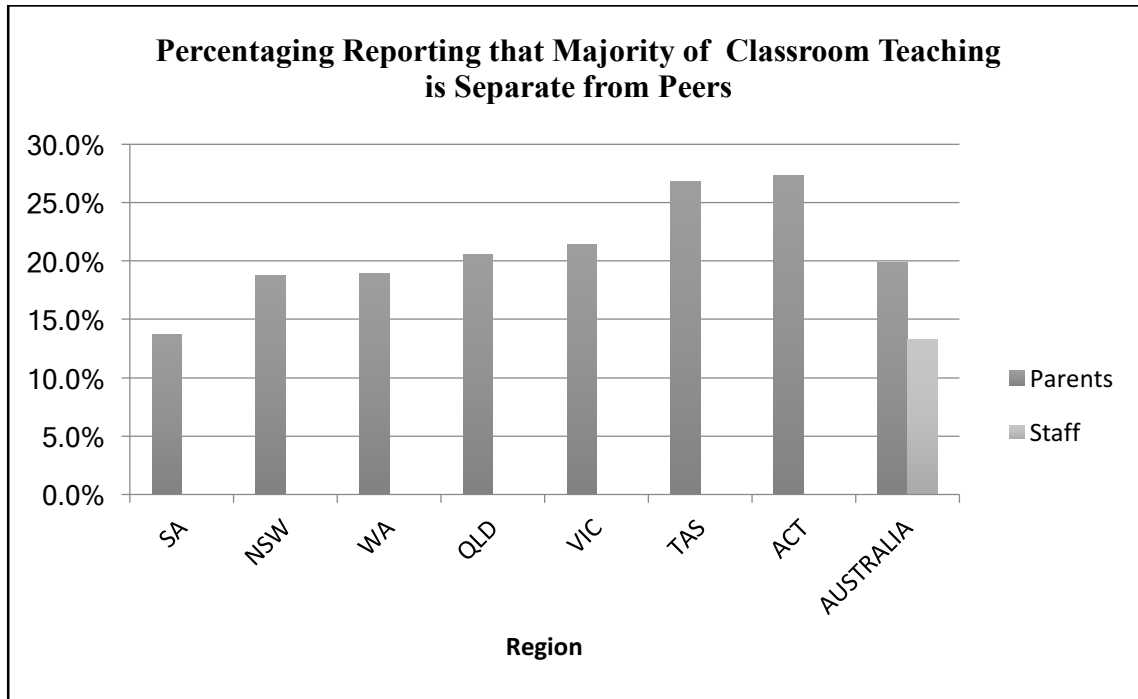
Percentaging Reporting that Majority of Classroom Teaching is Separate from Peers

Figure 10: Percentage of families and staff who reported that the student spends the majority of the class lesson separated from peers (e.g. separated with an aide). Parents = 745, Staff = 166

Inadequate Aide Support

The respondents were asked to indicate if, in their experience, there was: **"Inadequate education or teaching assistant support."**

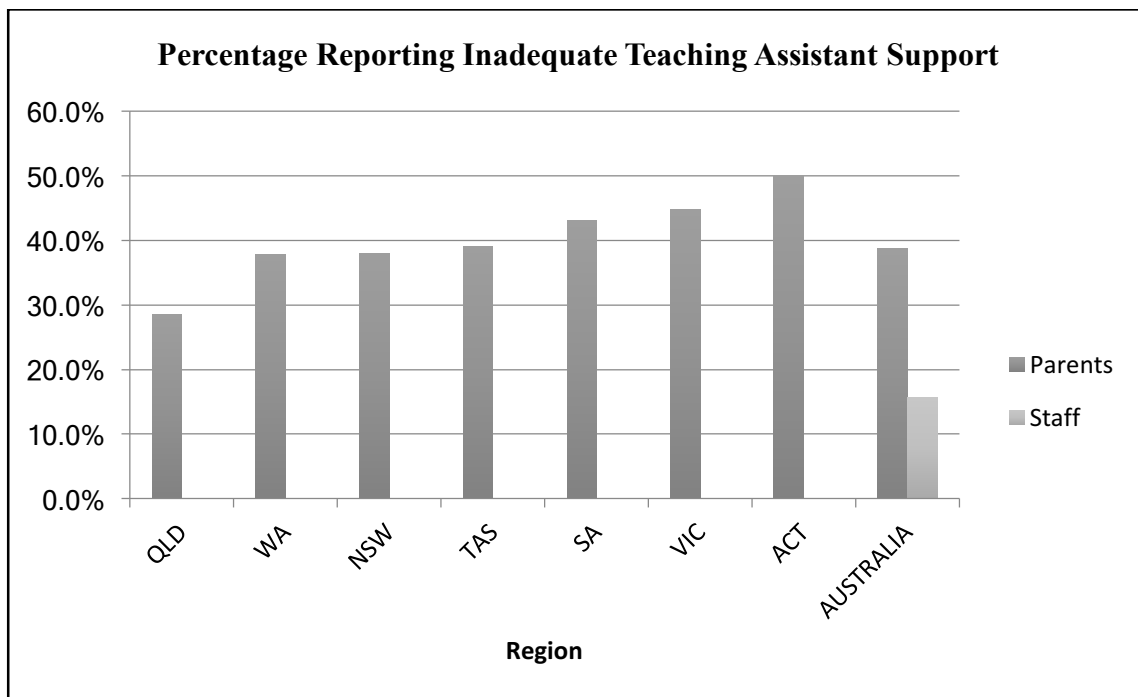**Percentage Reporting Inadequate Teaching Assistant Support**

Figure 11: Percentage of families and staff who reported inadequate teaching assistant support.   Parents = 745, Staff = 166. (School staff percentages only for NSW, WA and National due to small numbers).

Inadequate attention from classroom teacher

The respondents were asked to indicate if, in their experience, there was: **"Inadequate attention from classroom teacher (e.g. teaching undertaken by education or teaching assistant)"**
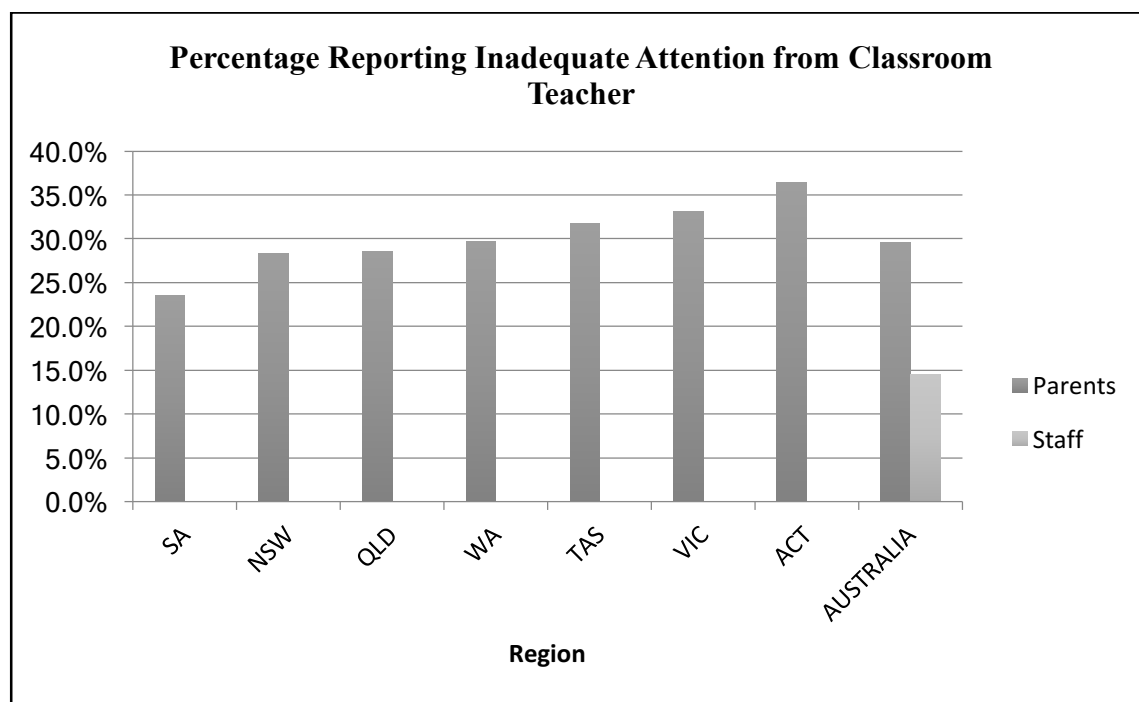

Figure 12: Percentage of families and staff who reported inadequate attention from classroom teacher.   Parents = 745, Staff = 166.

Inadequate Support for Peer Relationships

The respondents were asked to indicate if, in their experience, there were: **"Inadequate opportunities and support to develop and maintain peer friendships."**

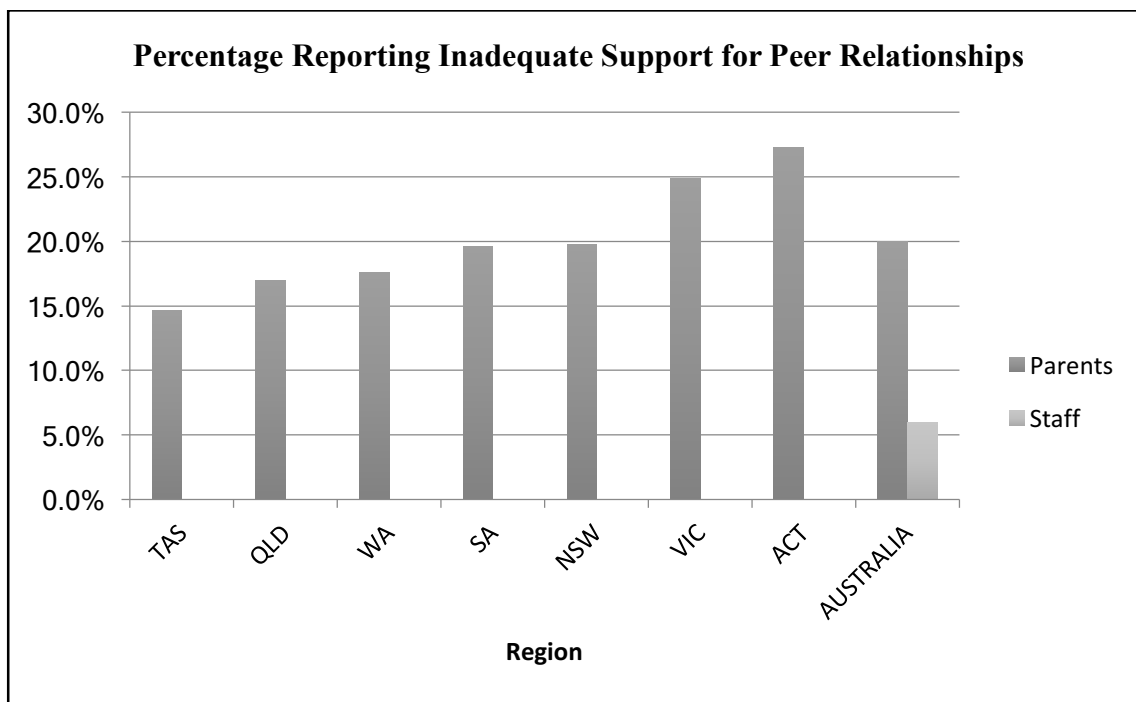**Percentage Reporting Inadequate Support for Peer Relationships**

Figure 13: Percentage of families and staff who reported inadequate support for peer relationships.   Parents = 745, Staff = 166.

Not Engaged in the Class Lesson

The respondents were asked to indicate if, in their experience, the student was: **"Not engaged in the same lesson material as the mainstream class. That is, the same lesson as peers but adapted where necessary."**

Percentage Reporting that the Student was Not Included in the Mainstream Class Lesson Material
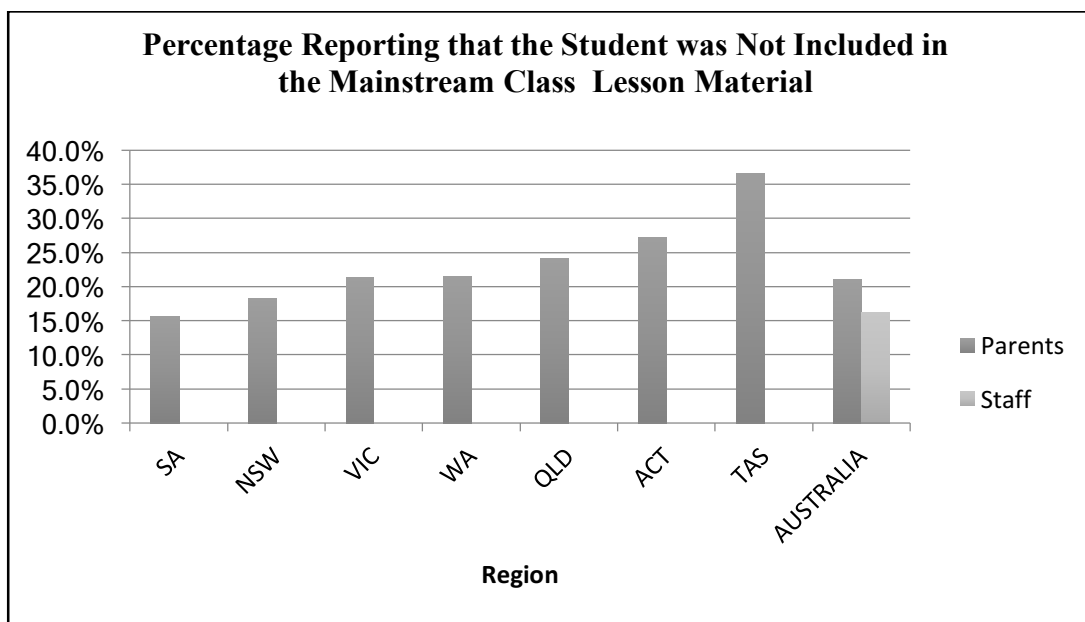

Figure 14: Percentage of families and staff who reported the student was not included in the mainstream lesson material.   Parents = 745, Staff = 166.

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Excluded from Broader School Activities

The respondents were asked to indicate if, in their experience, the student was: **"Regularly being excluded from broader school activities (e.g. assemblies, choir, sport, school exclusions etc)."**
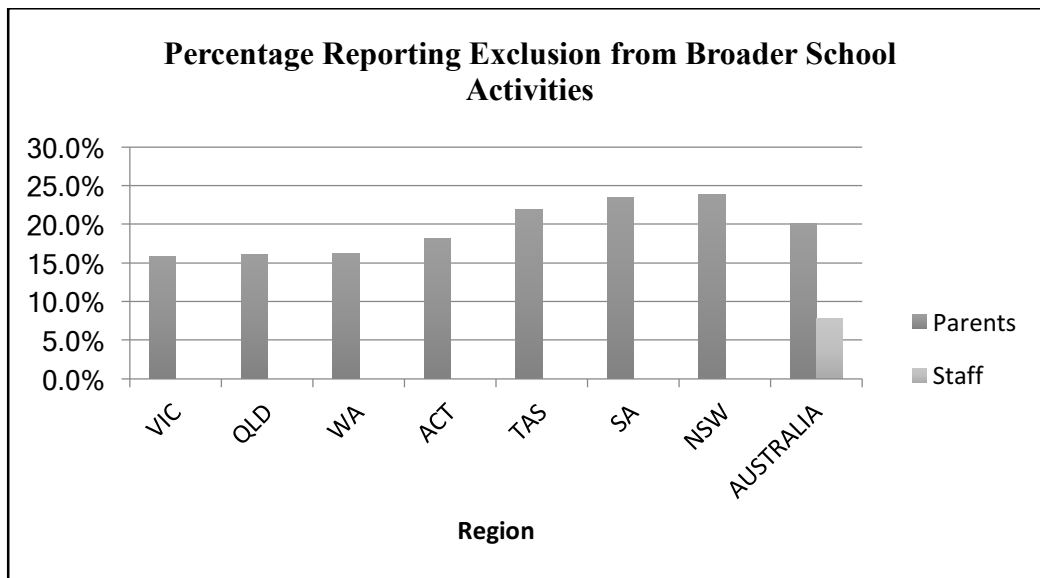

Figure 15: Percentage of families and staff who reported the student was excluded from broader school activities.   Parents = 745, Staff = 166.

Use of Restrictive practices for Behaviour

The respondents were asked to indicate if they had experienced the: **"Use of restrictive practices to manage behavioural challenges."**
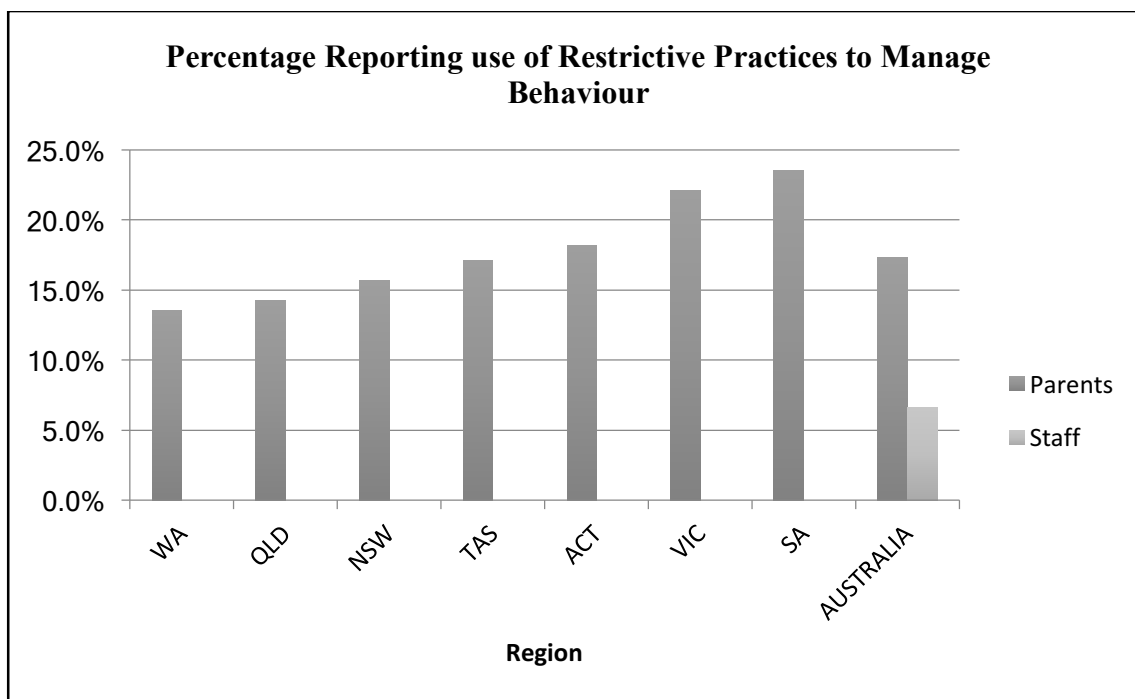
Figure 16: Percentage of families and staff who reported that restrictive practices were used to manage behaviour.   Parents = 745, Staff = 166.

Regular Suspensions

The respondents were asked to indicate if they had experienced: **"Regular suspensions for apparently minor reasons."**
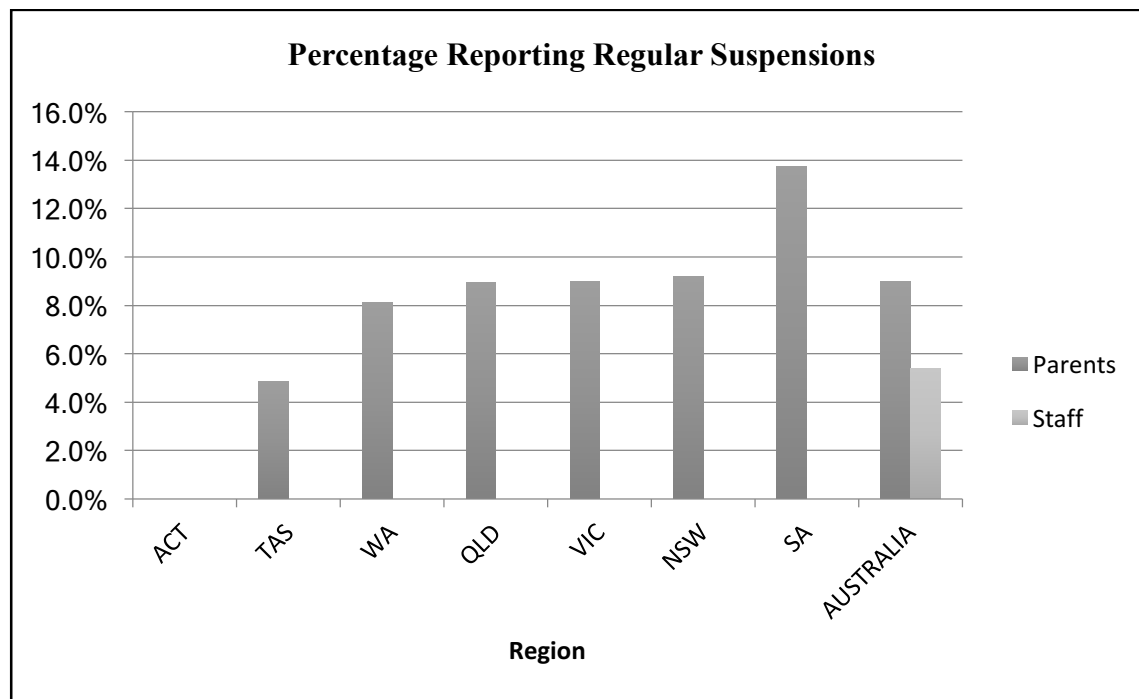

Figure 17: Percentage of families and staff who reported regular suspensions for apparently minor reasons.   Parents = 745, Staff = 166.

Regularly Sent Home

The respondents were asked to indicate if they had experienced: **"Regularly being sent home or parents asked to collect the student early from school for minor reasons."**
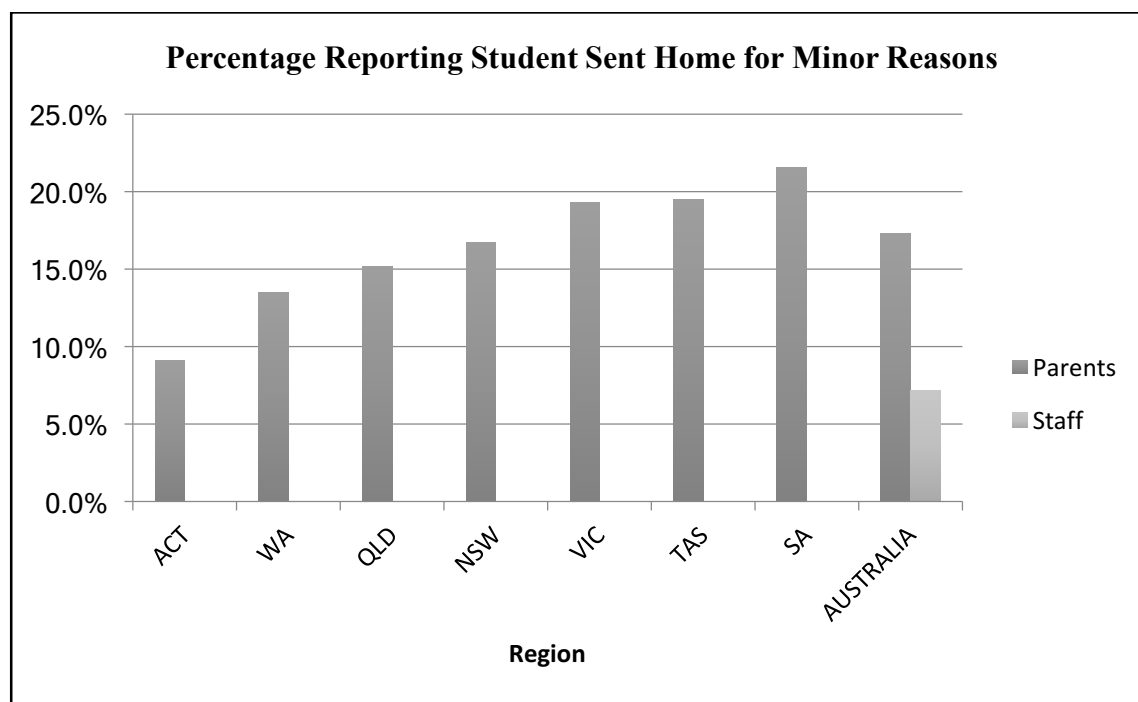
Figure 18: Percentage of families and staff who reported student sent home for minor reasons.   Parents = 745, Staff = 166.

Survey comments

A total of 224 respondents added specific qualitative comments. From the comments, the following themes were derived:

1. Inclusion as a positive experience

> *" ... he has been welcomed with open arms from the minute our local public school knew we wanted to enrol him ..."*

> *"Overall my son's school is excellent ..."*

> *"... management and staff at all levels are very much supportive of all abilities with special care and respect provided at all times."*

> *"The school initially tried to dissuade us from enrolling our child but once she was enrolled has done its best to be inclusive."*

> *"I visited two non-government and four government schools. ... My son's current non-government school is an exceptional example of inclusion for children with a disability, with a strong leadership ..."*

Several families reported that their school was particularly supportive of inclusion. In some cases the school was found after trying other schools, and many families indicated that the positive relationship with the school had required a high level of input from the families by supporting the school P&C and working hard on communication with the teacher and school.

2. Change is needed

a. The Disability Standards for education need to be enforced.

"A paper tiger. Not enforced."

"There is no accountability."

"I would like to see the practical implementation of these audited in schools."

"The majority of government schools do not follow the Education Standards."

"… the independent school that my son attends continue (sic) to deliberately dismiss following legislation."

"… the only avenue for redress is for parents to make a case to the Discrimination Commissioner – this puts all the responsibility on parents who are already overwhelmed in many cases and concerned there will be a negative impact on their child."

There was a strong response that the Standards were not audited or enforced and, as a result, many education settings just ignored them. This pressured parents to either change school, enrol their child in a segregated setting, or home school. Where parents raised their concerns at higher levels, they were redirected to talk it over with the principal – who was in many cases the source of the problem, thus positioning those in higher positions in education jurisdictions as another layer of gatekeepers. Legal action was seen as a drastic step with potentially hugely negative repercussions for their child.

b. Major system change is needed.

"There are very clear major issues with education in relation to a student with a disability"

"I think a Royal Commission is required to implement current laws that exist…. I'll be the first to speak up."

"… school culture is well out of date (compared to) a range of public services."

"… the whole system needs a major overhaul."

"As long as there is an alternative, there will be ongoing discrimination and segregation."

Many respondents indicated that the problems in the education of students with disability in Australia were so major that they could not be addressed by small changes. Until there was a major shift to schools being for all children with everyone belonging at their local education

setting, many felt that the changes were likely to remain superficial and not address the core issues. The problems were seen as being so common and so widespread that a fundamental rethink of the culture of schools and education was required if students with disability were to have the opportunity to experience equal status and quality of education as their peers.

> c. *Much greater focus is needed around building social networks and belonging for students with disability.*

>> *"Attention needs to be given to promoting peer relationships including outside of classroom ..."*

>> *"Social skills are well behind so he doesn't have too many friends"*

>> *"... more focus on increasing opportunities for students to come together through a shared interest with a focus on building and maintaining relationships."*

Social belonging is a core human need and it is a reality that many students require support for gaining and maintaining relationships. For many respondents, this was a key part of their belief in the need for broad system change.

> 3. *There is a need for training of teachers and principals on the Disability Standards for Education 2005, and inclusion generally.*

>> *"...changing the culture of schools through educating educators. ... They believe that they are doing best practice!!"*

>> *"... have little or no training in how to include a child with a disability..."*

>> *"All staff from the Principal down should be educated about autism."*

>> *"Knowledge of the DSE and the ability to meet them is not common to all teachers."*

>> *"I doubt the schools have even read the disability standards"*

>> *"Greater understanding of the DSE would assist both teachers and parents."*

>> *"Teachers need more access to PD ..."*

>> *"Do they look at the DSE when training teachers?"*

>> *"I would like to see a shift in attitude towards a more inclusive mindset, which does not frame students with disability as a burden in mainstream classrooms."*

There was a strong belief expressed by many respondents that many teachers and schools lacked knowledge about the *Disability Standards for Education 2005*, and inclusion generally. In particular parents of children with autism were frustrated by the lack of knowledge about inclusion from the teaching staff, which led to considerable problems for them and their child. Respondents questioned the standard of teacher education at university in relation to inclusion and working with children with disability and their families. Respondents reported that even when teachers were strongly motivated to include their child, they often did not have the skills and knowledge to do so effectively.

4. *There is a need for increased support in schools for including students with disability.*

> *"Personal care issues are a problem."*

> *"Teachers try, but more help is needed."*

> *"...all services should be available to all students regardless of the school they attend."*

> *"More support should be available for children with autism or sensory processing disorders who don't qualify for funding ..."*

> *"We need extra help. Please!!!!!"*

> *"Why is it ok that the student with the most challenging educational needs only has access to support from one of the least qualified persons in the school, the aide?"*

Respondents expressed considerable sympathy for teachers who were often trying to do their best with minimal support or in-service education available. Many saw a great need for additional aide time, but others saw the lack of support covering issues such as time for personal development, to talk to parents, and to prepare lessons. Respondents also reported considerable inequity in support. Some respondents reported that if a student was not labelled with an intellectual impairment, the student often could get no formal support even though the need was great. There was also disparity reported in the level of resources in the independent and government systems. It seems that in some areas, the level of support is higher for independent schools, but in other areas the government schools get better levels of support. It was not clear how much of the difference is due to the attitude and expertise of individual schools.

5. *Gatekeeping*

> **a. *Denial of enrolment, reluctance to enrol, antipathy, exclusion.***

> > *"... asked to pay for an education assistant on top of fees."*

> > *"Considering a special needs unit because resources are not available for my son in mainstream school."*

"Exclusion occurs regularly…we paid for an aide for my son … made a report to the education department to no outcome."

"… were more of a babysitting service before being asked to leave."

"Excluded from mainstream Year 7 and placed in an IM class."

" … a catholic primary school, the dioceses school office and a private high school have all declined enrolment."

"Refused enrolment unless he was placed in the special education class."

"Independent schools … now interviewing in order to make sure their students fit into the school without adjustments."

" … excluded from participating in his year 10 formal (and all excursions)."

"NSW department of education use loopholes in order to exclude students."

(Told) "…may want to consider a mixed model"."

The number of comments and the data from the survey itself indicates that gatekeeping is a major problem for many families across Australia. These problems were reported in both the private and public systems with little apparent help for families at senior levels if they bring gatekeeping issues to attention. Several of the practices mentioned would be in breach of the *Disability Discrimination Act 1992*. The gatekeeping covered a wide range of approaches. Dissuasion to enrol, direct denial of enrolment, requiring additional fees to be paid, use of tests to provide a 'non-discriminatory approach' and heavy pressure to go to full or part time segregation were all widely reported. When the child was in the school, a lack of support for the student and resultant behavioural issues seemed to be used as an excuse to exclude.

b. *Variability in acceptance and education between schools.*

"Mainstream school was great but this high school wants my son 'with his own kind'."

"Our schooling experience varies in quality each year depending on the teacher of each year … and really deteriorated with change of principal."

Several families reported trying multiple schools, sometimes finding a positive experience but in other cases being forced out. Unless there was strong leadership with an inclusive culture, the quality of education could vary from year to year depending on the attitude and skills of the teacher. In some cases, families found that they had to pay for a private school in order to achieve inclusion. In other

cases, private schools were not supportive, and respondents reported that inclusion was only found when the student went to a government school.

6. The schooling experience has caused damage to students and/or their families.

a. The use of suspension and expulsion to remove students.

> " ... suspensions for days on end for minor infractions. ...who is really being punished ...? Bye bye work opportunities."

> " ... only allowed at school one hour a day, and when she does anything "inappropriate", her time is shortened."

> "... suspended several times in first class, 6 x in 2nd class. 3 times in 3rd class until we pulled him (for home schooling). ... Principal was promoted to district inspector."

> "Refused enrolment by 3 public schools. ... now home school. I had to quit my job and we now financially struggle ..."

> "I was asked to take him out of the school for over 3 months out of 3 terms... now attending a new state school and he is flourishing."

> "My daughter was cut to 2 hours a day at school ... education department said they weren't aware of that and that the school had no obligation to tell them."

Again, many of the practices reported would seem to be directly contrary to legal requirements but respondents reported no accountability in either the public or private systems. Respondents reported that the sending home of students through suspension or limitations of hours can have major impacts on the parents' capacity to maintain employment with financial pressures resulting.

b. Uncontrolled bullying and emotional pressure on both the student and their family.

> "My child spent the whole year of lunch play and recess inside on his own..."

> "... puts enormous effort into complying at school only to explode on going home. Compliance appears to be my daughter's school's aim,... but at great cost to her.

> " ... almost cost my son his sanity."

> "She was alienated, victimised and was being sent home daily as punishment."

> "My children had to be removed due to mental and physical abuse by both teachers and students."

It was clear from reading the comments that every hurt that occurred to the child was a deep hurt to the parents also. There was a major issue with schools not adapting to the individual characteristics and needs of many students, and in particular students labelled with autism. In addition, lack of support to address bullying led to students reacting and being suspended as a result, with parents having to pick the student up from school.

c. *Direct damage to parents and students as a result of dealing with schools.*

> *"... when I went to the P&C to help draft a bullying policy ... I was told by Dep. Principal ... we don't do that here ... our parents only fundraise! I have never been back"*

> *"... sometimes the only feedback a parent receives is negative in this case the school pickup became a source of dread and fear ... causes unnecessary anxiety and stress for parents."*

> *"The harassment and discrimination has come from parents and this behaviour should not be tolerated by the school leadership."*

> *"The stress of huge loans to cover the costs, not being able to buy your own home, living from week to week, depression and alopecia – but our child is happy."*

> *"... there is still a feeling of gate-crashing someone else's party, parent needing to be super vigilant (exhausting) and trying to keep the staff looking for positives ..."*

> *"... I often felt discriminated against and made feel like I was a crazy parent. ... the capacity to facilitate change is greatly impacted by the cost of a legal battle..."*

> *"Why do we always have to fight for our kids?"*

> *"There is so many violations of human rights that stunt the growth of children with disabilities and no one seems to back us ..."*

> *"... then bully you to go to a support centre if you don't agree they punish you by not helping ... make things as hard as possible."*

Many parents reported the need to be continually watchful and protective of the child in their dealings with the school, and felt that the messages they received from the school were overwhelmingly negative about their child. Respondents reported feeling that they had to continually fight for their children's rights, and received little or no help to achieve this. This was reported to result in a great deal of stress on the family emotionally and, in some cases, a severe financial stress as well. The families of peers within the setting were not necessarily supportive and, in some cases, were reported to be part of the bullying that the respondents experienced. Apart from legal action which was a considerable step, the only

possibilities were to fight on regardless so as to maintain the child's place at the school, or to home school or submit to the pressure for segregation.

d. Forced home schooling or segregation.

"... my children's doctor's opinion was that the bullying was psychologically damaging. ...the departmental decision was that I had to home school. I was grief stricken but powerless. ... I wake up at night shaking with horror!! I don't feel equipped to teach them (particularly the HSC)!!!"

"... had the worst 4 years of school with reduced hours to 2 hrs a day. ...requested the school guidance officer to do whatever tests were needed to see if he met the requirements to attend a special school!!

"... she got left in a back room and forgotten about for over 30 mins. I had to pull them out to home school the rest of the year."

When parents reported the belief that their child was not being educated and was being damaged by the experience of mainstream school, several reported feeling that they had no alternative but to home school their child. This was reported to have serious impacts on the family, particularly if the parents did not feel equipped to take on the role of teacher. In other cases the negative experiences of mainstream caused parents to retreat to the segregated system. This was sometimes reported to reduce the stress on the student and family.

7. General comments

"A survey about segregated classrooms could be useful also."

"When will you do a similar process for kids in support units and special schools? Discrimination is rife in these settings."

"Needs to be broader than high school, needs to review Vocational Education Training providers both public and private, and even universities."

"Perhaps the National Collection of Data need to collect this same information from all students/parents every year to provide balance to the information the schools are providing."

Many of the general comments were supportive of the survey, with families very interested in learning of the results. The idea of repeating the survey for segregated schools and units was also suggested by several families. Several respondents had one child in a segregated unit and another in mainstream class and so wished to make comparisons. In some cases the student in the unit was reported to be happier and in some cases the parent had pulled the child out of the unit and put them in mainstream due to the negative quality of the segregated experience. There was also some suggestion to extend the survey beyond high school. The need for a regular independent audit of the performance of all schools was raised

by many families who felt that currently the schools and their governing bodies were not accountable for their actions.

Discussion

The publication of *General Comment No. 4* on the *CPRD* after extensive consultation has highlighted the importance of inclusive education and clarified exactly what it means. The *General Comment* clearly shows all segregated and integrative education options to be in breach of the fundamental human rights of the students with disability and all finds the continued failure to implement inclusion on the basis of 'parent choice of segregation' to be fundamentally flawed.

When the results of this survey are added, which show that over 70% of families in mainstream education to have been subject to gatekeeping and restrictive practices, parent choice is clearly not a reality. 'Choice' of segregation is very understandable when parents are continually pressured to segregate, and provided with limited support and restrictive practices if they insist on continuing with the mainstream classroom. Real choice is dependent also on having access to correct and full information. The data from the present study shows however that many families are advised that their child 'will do better if segregated' and 'will not keep up with others' as a rationale for removal from mainstream and that families are strongly encouraged into the segregated system. This is contrary to more than 40 years of research evidence showing that students who are included do better academically and socially than those who are segregated and that pull-outs for special classes are detrimental (for example, Hehir, et al., 2016).

The results of this study also demonstrate that there is a misunderstanding of the meaning of inclusion, with many families describing how the student with disability is being taught by the teacher aide with insufficient involvement of the class teacher. There is also a strong indication that inclusion in the same lesson as the rest of the class is not understood or practiced in many cases across Australia, as is required under *General Comment No. 4* on the *CRPD*.

The use of restrictive practices is extremely concerning as they add another level of discrimination and breach of human rights. In addition, many families in this study reported that regular restrictions, suspensions and being sent home make it very difficult to hold down a job and are disruptive to family life as families have to be available to come to the school at short notice. The data reveals that the underlying basis of the current education system in Australia is that presence in the mainstream classroom is on the basis of the student fitting the system rather than the system adapting to ensure that all students belong, as is required under the *CRPD*. By contrast, in schools that build an inclusive culture and adapt to the needs of students, restrictive practices are never used except if clearly required in an emergency situation (Trader, et al., 2017).

On a positive note, while there are many negative findings from this study that require serious and immediate action, the data also showed that there are many schools throughout Australia that are trying to build an inclusive school model, and parents are extremely supportive when this occurs. Inclusion is possible, as

demonstrated in many education settings in Australia and internationally. For example, Italy legislated for the abandonment of segregated education in 1971 and has systematically improved the implementation of that policy since that time (Cologon, 2013b; Cologon & D'Alessio, 2015; Kanter, Damiani, & Ferri, 2014).

However, this study has shown significant levels of gatekeeping and restrictive practice all over Australia. No significant difference was found between Government and Private; Regional, Remote or Metropolitan; States; Primary and high school. In short, the problem is large, systemic and causing considerable harm to families and students with disability. This problem will not be solved by minor adjustments to policy or practice. Major reform of education is needed to build a culture in all schools where all students belong, are valued and included in class lessons, with adjustments and support as needed, and seated with their peers. In light of the reports of bullying and exclusion in the playground, it is essential that students are supported to build social connections and friendships, and provided with support to understand and embrace diversity and inclusion. These fundamental changes are required if the education system in Australia is to meet its commitments under national and international law and if those at every level of the education system are to realise the cultural value of a 'fair go' for all.

Acknowledgements

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