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**4/3 Tuck Street**

**Moorabbin VIC 3189**

**ABN 15 557 421 367**

**Submission to the Department of Education and Training**

**Review of the Education and Training Reform Act Regulations**

**24 June 2017**

**Introduction**

Disability Advocacy Victoria is the peak body for independent disability advocacy organisations within Victoria.

Education has been a strategic priority for our organisation due to:

* Analysis of data indicating that education for students with disabilities is one of the most significant issues faced by our members in terms of requests for advocacy; and
* the numerous reports in the last few years highlighting the inadequate nature of education for Victorian students with a disability.

**Education and Training Reform Act Regulations (”Regulations”)**

Regulation 25

In 2014 Disability Advocacy Victoria developed a position paper for the forthcoming state election in relation to education. One of our positions was to call for the recommendations of the Victorian Equal Opportunity and Human Rights Commission “Held Back” Report to be adopted, including the recommendation that the regulation of restrictive practices was transferred away from the Department of Education and Training, to the Office of the Senior Practitioner.

It was with great disappointment therefore, that we noted that the current Regulation 15, which by its vague nature facilitates restrictive practices against students with disabilities who demonstrate behaviours of concern, was being retained and renumbered.

Given the similarly vague expectations by the Department of Education and Training of its staff to adopt evidence-based practices in relation to managing behaviours of concern, the retention of this regulation is far from being in the best interests of students with disabilities. In fact given the dangers of restraint and seclusion, including death, we believe Regulation 25 to pose a significant danger to students with disabilities.

Home Schooling

We note the attempts that are being made in the proposed regulations to regulate more strictly the provision of home education to students. In relation to the home education of students with disabilities, in a different environment, these proposals may be entirely appropriate. However the environment for students with disabilities in Victorian schools has been explicitly set out for decades, and more recently in the last several years, with the education of students being the subject of a number of reports and inquiries.

The most recent was the Review of the Program for Students with Disabilities, a review this organisation contributed to. Given the Department of Education and Training was the author of the review report, not even the best gloss could hide the fact that even the students who were fortunate enough to have individual funding were still being subjected to the same barriers preventing them from accessing their education as has been highlighted in the last five years.

Problems highlighted by the recent inquiries and reviews include numerous barriers that despite being raised on a number of occasions previously, have not been addressed by the Department of Education and Training. Our members note that there has been no difference regarding the subject matter and number of complaints about education in the last few years.

The issues are clearly not being addressed. We do not see any indication by the Department that they ever will. Putting the reason as to why there is a refusal by the Department to positively respond to what is a human right for all children - education, this leaves Victorian students with disabilities in an extremely substandard and sometimes dangerous situation.

In fact the new proposed requirements seem to impose a higher burden on parents than that expected of schools. Again, we refer to the conclusions reached over the years about the quality of education for students with a disability, and the haphazard and inconsistent manner in which basics such as educational planning occur.

It is ironic that parents will have to wait for almost a month according to the proposed regulations to withdraw their child for homeschooling on one hand, when on the other hand, schools continue to feel comfortable refusing enrolment to students based on their disability.

Until the Department of Education and Training decide to respond positively to the relevant and widely respected reports from the statutory authorities, and from the parents of students with disabilities in relation to the school environment not being conducive to full academic access or being physically safe for students with disabilities, we consider these proposed regulations inappropriate.

**Recommendations**

1. Regulation 25 should be removed.
2. New regulations making the requirements for homeschooling more onerous should be removed until the Department Of Education and Training addresses the systemic and widespread problems in its schools that prevent students with disabilities from being safe, and being properly educated.

Disability Advocacy Victoria endorses the submission of our member organisations Communication Rights Australia, Disability Discrimination Legal Service and Villamanta Disability Rights Legal Service Inc.