

# Learning to fly – all about missing

A submission to  
the review into the Program for Students with Disabilities

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“Education is the most powerful tool you have to change the world.”  
— Nelson Mandela

“It does not matter how slowly you go as long as you do not stop.”  
— Confucius

“The mind is not a vessel to be filled, but a fire to be kindled.”  
— Plutarch



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# Introduction

Please accept our submission to the review into the Program for Students with Disabilities (<http://www.premier.vic.gov.au/have-your-say-on-supporting-students-with-special-needs> and <http://www.education.vic.gov.au/about/programs/needs/Pages/psdreview.aspx>).

Douglas Adams quipped that learning to fly is about throwing yourself at the ground ... and missing. This submission is about learning for autistic students ... and about what's missing from their support in the education Program for Students with Disabilities in Victoria.

A4 advocates for autistic people and people living with Autism Spectrum Disorder (ASD). The advice we provide below relates to students diagnosed with ASD as defined in the DSM-5 or an equivalent diagnosis using criteria given in the DSM-IV or the ICD-10 (see <http://a4.org.au/ASDformal>).

The number of students diagnosed formally with ASD is increasing: ASD diagnoses in Australia are doubling every 5 years. Autism is the biggest primary disability type in the NDIS at this time (see page 11 below). Schools find autistic students are a growing challenge.

A report from the Australian Bureau of Statistic shows autistic Australians have abysmal outcomes in [education](#) and [employment](#).

Conservative estimates of the cost of ASD to the annual budget are [from \\$8 billion to \\$20 billion](#). Effective education results in better employment outcomes, increased financial independence and a better budget bottom line.

In relation to autism and education, there are [recent results from the Autism CRC](#) showing agreement from several key stakeholders that the top 4 needs of autistic students are social emotional, behavioural, communication and sensory.



# Review terms of reference

The *Program for Students Disabilities* review will investigate:

- the needs of children with a disability, in particular, children with autism and dyslexia
- how to improve the way the program enables schools to support students with disabilities
- the needs of children with a disability in the transition from primary to secondary schooling
- how the program can support schools to be more inclusive.



In the following, “the program” means the Victorian Government’s *Program for Students Disabilities*.

We consider each of these issues in the following sections.

## a. the needs of children with a disability, in particular, children with autism and dyslexia

Autistic children need effective education. Effective education at school level means autistic students learn

- as much of the regular curriculum as they can,
- explicitly learn things that other students just pick up (for example, autistic students must learn how to access health care, dentistry, etc. without experiencing excessive stress and anxiety), and
- skills that get them into further education, jobs, independent living and leisure/recreation.

Currently, 50% of autistic children attend mainstream school but indicators show that at the national level education goals are not being achieved; in other words the education provided/offered for autistic students is not effective. By all accounts, those in mainstream settings are the most likely to learn in this settings. Placing autistic students in mainstream settings where they are subject to mainstream teaching is not an effective approach.

Most autistic students need to be taught some things differently: in some areas, they need to be taught using a different pedagogy.

As with other Australian states and territories, data on education outcomes for autistic students in Victoria is actively **not** collected. Autistic students are encouraged (maybe required) to **not** sit NAPLAN testing. We cannot find any other data collection or education outcome measurement and/or reporting for autistic students in Victoria.

“What gets measured gets managed” or “What gets measured gets done” ... as outcomes for autistic students are not measured so very little, usually nothing, gets done.

Overall, autistic children need Government to

- recognise that education outcomes are abysmal (most autistic students are enrolled in public schools),

- commit to improving education outcomes for autistic students, and
- ensure ongoing measures and reporting of education outcomes for autistic students so that gains and improved outcomes persist.

It would be good for this “review” to achieve the first of these needs: to actually help the Victorian Government formally recognise that autistic students have abysmal, or particularly poor, education outcomes.

Autistic children need to be safe in school. They need to be safe from a) abusive restraints and other forms of abuse, b) from neglect of their needs and rights, and c) from bullying.

By definition, autistic students are poor communicators ... ineffective or dysfunctional communication is an essential element in diagnosing ASD. The challenge for people associated with autistic people is to understand their behaviour as communication. School staff are not trained to do this and they are trained to not access expert/professional help.

School staff must be trained to access skilled behaviour scientists to anticipate and prevent challenging behaviours from emerging, to intervene before stress and anxious behaviours become habituated, and from perception that various forms of abuse of an autistic student is required or even acceptable. Principals need to be retrained: they need to learn to get help from behavioural professionals who are expert in supporting autistic students and who can help teachers in their role. Teachers need to be retrained: they cannot continue to believe that they can treat clinical disorders without professional assistance and supervision.

Most school staff, along with their autistic students, benefit from help, possibly from an Occupational Therapist with specific training & experience with ASD, with ensuring classrooms are set up for autistic students: in particular, that the classrooms does not have any sensory challenges for the autistic students in the class.

Similarly, a Speech Therapist with specific knowledge of ASD might supervise clinical services/supports in an education program that relate to an autistic student's communication.

## **b. how to improve the way the program enables schools to support students with disabilities**

There's an old saying in the ASD community ...

*when you've met one autistic person, then you've met one autistic person.*

It means an autistic student is distinct; each student's autism is different from another student's autism. An autistic person is different from “neurotypicals”, that is people whose neurology and brain function is “normal”, but their differences and strengths also vary from other autistic people.

Having taught one autistic student usually provides relatively little insight into others. It takes a lot of experience to become an “authority” on autistic students. It takes flexibility, persistence and resilience.

The program will help autistic students when it recognises, respects and addresses the individual needs of each autistic student.

The autistic student's individual program needs to teach autistics students as much of the regular curriculum as possible. For some autistic students, there may be parts of the regular curriculum that she/he does not learn. Some autistic students have intellectual and/or cognitive impairments.

Most autistic students have their own “special subjects”. They usually learn their special subjects with little or no assistance. The challenge for the program and for teachers is to use the student's special subject(s) to scaffold other learning. School often pay lip service to this idea.

A severely autistic student with a “special subject” of arithmetic – he knows his times tables up to 1000x1000 – could multiply two 4- or 5-digit numbers using mental arithmetic. While his “special subject” was well known and often demonstrated, he was not shown square roots in school by the time he 15 years of age.

His dad wondered how hard he would find learning square roots. The student “got it” with just 3 examples.

While his schools told everyone that it used students “special subjects” to enhance learning, there was little or no evidence that this was true.

The program should help schools to do this and other learning approaches that particularly suit autistic students properly.

Some autistic students are exceptional as students. Their focus, attention to detail, etc. can mean that they are far better at some subjects than other students. Educators will get better results when they facilitate and nurture gifted learning in autistic students.

There are things that an autistic student readily learns that other students don't learn. Many schools teach autistic students a range of unwanted or challenging behaviours; Annex B gives clear examples. Most autistic students in mainstream schools learn that they will be bullied by their peers ... and they are taught that their side of the story will be rejected/ignored. They learn that they will be further victimised if they complain or report bullying. They are taught to avoid stressful tasks, tests, etc. through stressed and anxious behaviour. These are lessons that autistic students are usually taught quite easily.

The program needs to provide a lot more teacher training, professional support and monitoring of outcomes for autistic students.

The program needs to get rid of “restrictive practices” and other forms of abuse of autistic students (see [here](#)).

The program needs to provide alternative education settings – which does not mean suspension, expulsion and other denial of access to education. There needs to be an education safety net for autistic students: schools must not be able to suspend or expel an autistic student, when a school does not have the skill and resources to teach an autistic student, it must negotiate an alternate full-time education placement.

Partial attendance must not be an option unless the program pays parents a full teacher salary to home-school their child. The family should be exempt from paying any tax that contributes to other children's education if their child's education is not fully funded by “the state”. Families should not pay taxes for education if their child does not benefit from the education they fund ... especially if the family has to provide the education safety net.





The program needs to recognise that effective education is fun ... including for autistic students. If an autistic student is not having fun in school then she/he is not learning. The program should recognise and address this immediately.

Autistic students will need their individual education and NDIS plans to be coordinated across the student's natural environment: home, school and their community. This will be a major challenge for service providers.

### **c. the needs of children with a disability in the transition from primary to secondary schooling**

The transition from primary to secondary education is usually a major transition in our education system. Changes include ...

- typically, the two types of school function quite differently.
- the sudden transition from being the most senior students in the school to the most junior.
- secondary students are expected/required to be more organised, independent and self-reliant.
- High schools are often bigger schools so that classes are more homogenous ... which means autistic students often differ more from their classmates than they did before.

The social context changes dramatically when going from primary to secondary school: the social context that teenagers create in secondary school is unusual and can be challenging ... even dysfunctional at times.

Many autistic teenagers follow a different (from usual) developmental trajectory. They don't understand or fit in with other teenagers. In the rest of their lives, they will have little or no need to socialise with teenagers. They will often be better off getting a head start learning to fit into adult society, and not being damaged through failing to fit into mainstream secondary school.

Increasingly, the goal of secondary education is to provide a step towards tertiary education.

The ABS reports that few autistic students or students with intellectual disability progress to or succeed in tertiary education. The education system does not offer tertiary education for students with intellectual and cognitive impairment. So secondary education is becoming increasingly irrelevant for most autistic students.

Basically, the biggest challenge in transitioning autistic students from primary school to secondary school is to create secondary setting (and beyond) that are appropriate for autistic students. For many autistic students, existing mainstream settings are simply inappropriate.

While we are commenting on school transitions for autistic students, we have to point out that the transition to each new year for autistic students needs to improve.

Non-disabled students start each year with their curriculum and pedagogy firmly in place from day 1 of the school year. Autistic students usually start in educational limbo: they wait for their IEP to be written or revised and for their resources to be sorted out. This puts them further behind.

Schools do not commit to the transition arrangements that they make for autistic students.

We often see the replacement of a principal results in an autistic student's program being annihilated. Changing school principals is risky for autistic students.

#### **d. how the program can support schools to be more inclusive.**

People advocate for Inclusive Education but can't tell you what it is (see Inclusive Education, ASD and fanatics below). Problems and challenges associated with being “more inclusive” and autistic students are discussed at length below.

Why be “more inclusive”? For autistic students there is a significant risk that being more inclusive will cause more damage in the form of bullying and/or decreased access to education.

Isn't the goal to achieve better education outcomes? The focus should be education. Inclusion in mainstream classes is not the only appropriate approach.

The education sector must get professional help with behaviour issues – don't use martial arts to manage students. It's yet to be seen what effect recent policy change ([reported in the media](#)) will have.

Recently we saw an Australian autism expert advising that if a child commonly comes home from a stressful day and has an autistic meltdown, then parents should not feel that it's their fault. A4 agrees that parents should not feel guilty that their child had a stressful day at school ... however, A4 warns that parents should act if a student, autistic or not, commonly has stressful days at school. Frequent stress brings serious risk of mental illness; apart from the issue of very bad schooling, parents should act to protect their child. Someone (the parents or the school) must ensure the student's situation is changed to avoid commonly stressful days. The situation must not be allowed to continue.

Schools need to properly inform parents about the risks of bullying ... especially for ASD kids. The Government must insist on comprehensive reporting and disclosure in relation to bullying.





## Learn from the past?

This is not the first review into education in Victoria, even in relatively recent times. Other reviews and planning processes came before.

- *Better services, better outcomes in Victorian government schools: a review of educational services for students with special educational needs, including students with learning difficulties, disabilities and impairments*, 2001, see <http://catalogue.nla.gov.au/Record/3422456>
- Crewther (Aug, 2007), *Autism in Victoria: An investigation of prevalence and service delivery for children aged 0–6 years*, <http://www.education.vic.gov.au/Documents/childhood/providers/needs/autisminvictoria.pdf>
- Autism State Plan (2009), [http://www.dhs.vic.gov.au/\\_data/assets/pdf\\_file/0003/660882/autism\\_state\\_plan\\_2009.pdf](http://www.dhs.vic.gov.au/_data/assets/pdf_file/0003/660882/autism_state_plan_2009.pdf)
- *Educating Year Prep to 12 Students with an Autism Spectrum Disorder in the Western Metropolitan Region, Scoping Study Update* (July 2011) <http://www.afsaconnect.org.au/uploads/2011/09/autism-update-jul2011.pdf>

Sad to say, education outcomes for autistic students do not show discernible signs of improvement from any of these.

The clear lesson is that there is very little that a Victorian Government is willing to do that will discernibly improve outcomes for autistic students. The Victorian Government needs to make a much more serious effort if it genuinely wants to improve education outcomes for autistic students. Tinkering with the education system won't make a difference.

## Behaviour Management

Recently, schools in Victoria were found to be using various forms of restraint to address behavioural issues in autistic students. A [report in the media](#) suggests there has been a knee-jerk policy change. Apparently:

Victorian teachers have been banned from restraining students with straps, holding them on the ground or locking them in seclusion rooms.

As part of a crackdown on forced restraint and seclusion in schools, the Education Department has released new rules to prevent "violent and dangerous student behaviours".

We will be interested to see the new rules. A4 is not aware of any consultation with stakeholders about the new rules.

Poor handling of behavioural issues is a national problem. Here are some recent media accounts ...

- [Burch promises the 'kid in a cage' case was an isolated incident](#)
- [Autistic kids 'tied to chairs' at school, Senate inquiry told](#)
- [Minister calls for probe into claims autistic student left alone in classroom](#)
- [Graeme Innes says 'appalling' cage practice is not a one-off, called for an inquiry into the education of children with disabilities.](#)

One former special needs teacher who is recognised with an OAM for her work in autism said recently, restraints “are not ideal, but what else can you do?”.

The answer is that schools must involve professionals who deliver supervised behavioural management addressing the individual needs of autistic students. Only use restraint (physical or chemical/drugs) if appropriate behavioural methods don't work or are not practical.



It is inappropriate and unprofessional to expect/require teachers to design behaviour management plans and deliver those plans without professional supervision from qualified and registered professionals. We don't expect teachers to deliver other clinical services like surgery, dentistry, pharmacy, etc. It is wrong to expect it for behavioural services and supports. It is no surprise that things have gone wrong.

Australia does not have registration for behavioural clinicians, but it should have. Australia needs to embrace the training and registration regime of the international Behavior Analysis Certification Board.

## Other strategies to improve education outcomes for autistic students

For years, schools and their staff have been advised through the *Positive Partnerships* program, part of the *Helping Children with Autism* package, that they should have positive and functional partnerships with parents of autistic students. Parents are usually the best source of specific advice about individual autistic students.

But experience shows such partnerships are largely unachievable in the Victorian education system.



## Annex A. About Autism Spectrum Disorder

The position of Governments in relation to the number of people with autism/ASD is unclear.

In 2011, the Department of Health and Ageing advised the Senate Community Affairs Committee(see [Question: E11-184 Mental Health, Autism](#)):

The Department [of Health and Ageing] does not collect data on autism prevalence. The Department is not aware of any evidence of any major shifts in prevalence of autism in Australia.

On the other hand, the Australian Bureau of Statistics (ABS) reported on data it collected for it's Survey of Disability Ageing and Carers (SDAC) in 2009 and [2012](#). It's report on 2009 data says:

The 2009 SDAC showed an estimated 64,600 Australians had autism. This is an increase of 34,200 from the 2003 SDAC, or more than double the prevalence identified in 2003.

It's report on 2012 data says:

The 2012 SDAC showed an estimated 115,400 Australians (0.5%) had autism. This was an 79% increase on the 64,400 people estimated to have the condition in 2009.

...

It is unlikely however, that people are being diagnosed with other conditions instead of autism as there is no correlating increase in other conditions in the SDAC data that would suggest alternative diagnoses (e.g. other developmental disorders, mental retardation/intellectual disability) in these late teenage years.

Following is a graph of people reporting autism as their primary disability from the ABS SDAC data from 1998, 2003, 2009 and 2012 (we apologise that we don't have software that scales the X-axis properly ... proper scaling would put 2009 closer to 2012, and the increase between 2009 and 2012 would appear steeper).

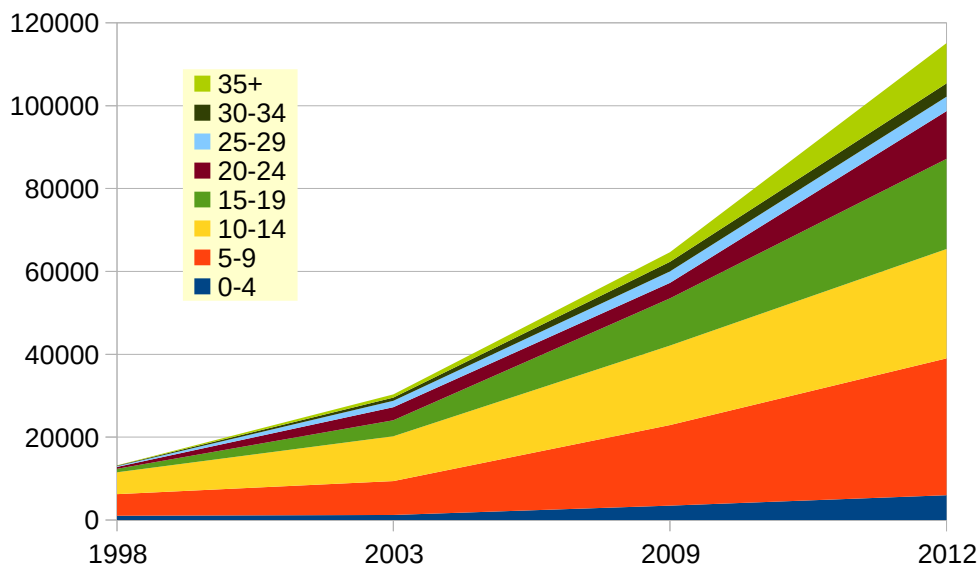
Reports of severe or profound disability for people whose primary disability is autism are:

	2003	2009	2012
Severe or profound disability	87%	74%	73%
Reporting agency	AIHW	ABS	ABS

While there has been enormous growth in the number of diagnoses, the majority of the of that measured growth is people with severe or profound disability. These data indicate growth in autism diagnoses is not due mostly to milder cases of autism ... contrary to the unsupported claims from bureaucrats, health administrators and some academics.

These data are consistent with the number of children qualifying for the *Helping Children with Autism* package and other sources. The exception is data from the National Disability Agreement (NDA – formerly the CSTDA). The NDA/CSTDA accounts for most disability services funding from state and federal governments. These data showed that most people with autism received no services for their severe or profound disability.

### ABS SDAC: autism

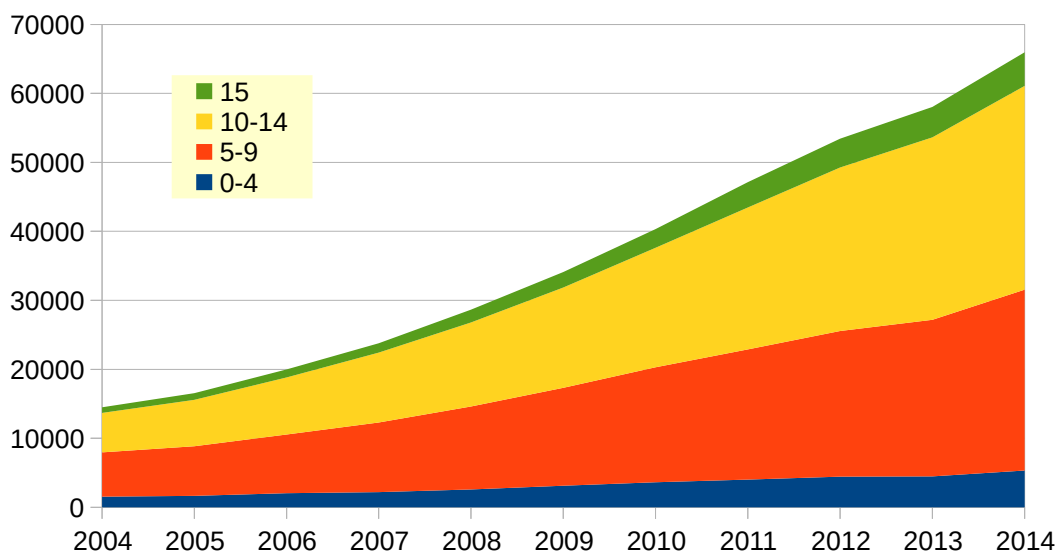


While the number of adults with autism are relatively small at this stage, adults show the fastest growth rates. Note that there is no such thing as “adult onset autism”; these are adults being diagnosed with severe disability who were not diagnosed as children with autism.

Data obtained annually from DSS (formerly FaCS and FaHCSIA) show a similar pattern. These data show the number of children with Autistic and Asperger's disorder aged 0 to 15 years whose health professionals signed off individually for their family to receive Carer Allowance (child).

### Carer Allowance (child)

#### Autistic & Asperger's disorders



The number of children reported in the ABS SDAC with severe or profound disability due to autism is similar to those getting Carer Allowance (child). Carer Allowance (child) data omits children with Pervasive Developmental Disorder – Not Otherwise Specified (PDD-NOS) which

is another disorder on the autism spectrum.

The latest two Quarterly Reports from the NDIS show 30% of NDIS participants list “autism and related disorders” as their primary disability. This is the biggest distinct disability type in the NDIS and exceeds a combined “intellectual disability” category.

Growth in the number of people diagnosed with autism is not unique to Australia, it is observed in other countries too: for example, see

<http://www.cdc.gov/ncbddd/autism/data.html> or

<http://www.cdc.gov/media/releases/2014/p0327-autism-spectrum-disorder.html>.

In both Australia and the USA, autism diagnosis rates vary between states. In Australia, there are very low diagnosis rates in the Northern Territory ... and the ACT is falling behind the national average.

## Annex B. Inclusive Education, ASD and fanatics

A4 is a strong advocate for Inclusive Education. A4 has always promoted inclusion of autistic students in regular schools whenever this delivers effective education.

We note that the Salamanca Statement ([http://www.unesco.org/education/pdf/SALAMA\\_E.PDF](http://www.unesco.org/education/pdf/SALAMA_E.PDF)) says:

“We call upon all governments and urge them to ... adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise.”

We understand that causing damage to a student through bullying, long-term stress and anxiety would be a “compelling reasons for doing otherwise” for at least enough of the time to address a student's needs. A student who is stressed and/or anxious in a setting, even a mainstream setting, is not learning, is not getting an education.

Generally, total Inclusion is an illusion. In relation to preparation for the Salamanca Statement, Baroness Warnock said:

... we were constantly told of the wonders of the Norwegian system of Integration. Every school, we heard, accepted all local children, whatever their abilities or disabilities. That was where they all belonged. When we went to Norway to see for ourselves, it took me some time to notice that, though it was true that every classroom had its share of Downs Syndrome children, or others who for various reasons were slow learners, we never saw a really severely disabled child. When I asked how this could be, there was an embarrassed silence, and at last someone said that they were at hospital schools. When I pressed to see such a school, I was told that, since our visit was taking place under the auspices of the Ministry of Education, not of Health, we could not go into any hospital. I have always thought of this incident as a warning. No child, whatever his disabilities, should be quietly written out of the educational script in order to preserve an ideal of Integration.

From <http://www.insightvision.org.au/wp-content/uploads/2013/08/2006-The-Wales-Education-Lecture-Mary-Warnock.pdf>

### B.1. international law and the right to education

Several instruments of international law describe the right of a child with disability to education. A4 is extremely disappointed that Australian Governments, under both major parties, refuse to enact domestic law to ensure/protect the rights of Australian children with disability.

One day, the United Nations will realise that letting Australia get away with denying the rights of children with disability, who are among its most vulnerable citizens, seriously diminishes the credibility of the United Nations as a whole.

The United Nations *Convention on the Rights of the Child* (CRC), signed by Australia, 16/1/1991, says that the state, meaning Australia's Commonwealth Government, is responsible for ensuring every child, including all children diagnosed with Autism Spectrum Disorder, has “effective access to and receives education” (Article 23). The CRC says:



### Article 23

States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

*From the [Convention on the Rights of the Child](#).*

Note that paragraph 3 says *every* child with a disability must have:

effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities ...

The Article is about *every* child, not just those children who fit readily into mainstream settings, or are compliant and fit conveniently into behavioural norms.

More recently, the United Nation's *Convention on the Rights of Persons with Disabilities* (CRPD) defined their right to education and life-long learning ... without discrimination.

From [Convention on the Rights of Persons with Disabilities](#).

#### **Article 24 - Education**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:
  - a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
  - b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
  - c. Enabling persons with disabilities to participate effectively in a free society.
2. In realizing this right, States Parties shall ensure that:
  - a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
  - b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
  - c. Reasonable accommodation of the individual's requirements is provided;
  - d. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
  - e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. ...
4. ...
5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

In relation to education, the [UNESCO Salamanca Statement](#) (1994) calls on all governments to:

'adopt as a matter of law or policy the principle of inclusive education' and enrol all children in ordinary schools unless there were compelling reasons for doing otherwise.

Autism Aspergers Advocacy Australia strongly endorses the goals of ensuring:

- all children with ASD can access effective and appropriate education (CRC, Article 23),

- all people with ASD have the right to inclusive school education and life-long learning without discrimination (CRPD, Article 24), and
- students with ASD are enrolled and being educated effectively “in ordinary schools unless there were compelling reasons for doing otherwise” (Salamanca Statement).

Australia is due for review in the United Nations process of Universal Periodic Review (UPR). But the Prime Minister said “Australians are 'sick of being lectured to by the United Nations” (see [SMH](#)) – so the Government does not even want to hear how it might improve its basic human rights performance. In its material, the Australian Human Rights Commission fails to mention

- Australian law that allows/promotes exclusion from education of children who might have “unwanted behaviour” associated with their disability (see [here](#)), and
- inequitable education outcomes for students with disability, especially students with ASD and intellectual disability, result in abysmal employment rates (see [here](#)) .

The following sections show:

- Australian law and the legal system allow/promote the exclusion of students (lawful discrimination) who might have “unwanted behaviour” associated with their disability;
- students with ASD experience disability discrimination in the school enrolment process and in schools.

## B.2. Australian law and legal system

Unfortunately, the goals for education of students with ASD are not realised in Australia. The Commonwealth Government steadfastly refuses to enact laws required to provide the right to education for Australians with ASD.

The CRPD says the state must ensure people with disability have a right to education without discrimination.

Australian law and our legal system result in High Court decisions like [Purvis vs NSW](#) that deny autistic students any right to education. The *Purvis vs NSW* decision means any school can decide an autistic student *might* have unwanted behaviour and on that basis the school can expel the student or refuse enrolment.

This has been demonstrated in Victoria. In their decisions, Judge Tracey in [Walker vs Vic](#) and appeal judges Gray, Flick and Reeves (see [here](#)) described the applicants disability as “misconduct” and “misbehaviour” – they failed to recognise the applicant's disability. Judge Tracey used *Purvis vs NSW* as the precedent for denying the applicant access to public education.

Government and the Australian Human Rights Commission claim that the Commonwealth *Disability Discrimination Act 1992* (DDA) protects people with disability from discrimination. But instead of protecting people, the DDA defines “unlawful discrimination” ... and numerous exceptions. The exceptions are therefore *lawful* disability discrimination. People with disability are not protected from *lawful disability discrimination*.

The DDA make anything done, which includes any discrimination, as part of a service for people with disability is *lawful*. The DDA's Section 45 calls these “Special Measures”. Australian law makes any act of disability discrimination, these “special measures”, lawful if the act is done as part of a program “reasonably intended” to help some (other) person or people with disability. Apparently, a school could exclude (discriminate lawfully against) autistic students or intellectual

disability by having a “disability program” said to offer a few places reserved for students in wheelchairs (even if no students in wheelchairs actually attend the school).

The Australian Constitution makes education a state responsibility, hence education for Victorian children is a responsibility of the State of Victoria.

No doubt, we should mention the National [Disability Standards for Education](#). There – we mentioned them.

### B.3. Inclusive Education

The United Nations and UNESCO do not provide a lot of detail about “Inclusive Education”.

*The primary requirement for students with ASD is **education**.*

A4 understands that including children with ASD in education is the essential. Education is a right under international law ... even if this right can be denied by Australian law.

*A secondary requirement is to include students with ASD in regular (or mainstream) school unless there are compelling reasons for doing otherwise.*

We emphasise that individual students with ASD should do as much of their learning as possible together with students in regular classrooms. We also emphasise that for most students with ASD there are times when there are compelling reasons why they need to be separate from other students.

People (experts?) don't know what Inclusive Education is.

A report for the Australian Government Department of Education said “ inclusive education is, however, an increasingly contentious term” (see Forlin et. al. [Inclusive Education for Students with Disability: A review of the best evidence in relation to theory and practice](#) (July 2013))

Google finds only one document (see [here](#)) under site: education.vic.gov.au that claims to define Inclusive Education ... the document has a box labelled “Definitions of Inclusiveness”. It appears to be a draft document. It fails to define Inclusive Education, instead offering “Inclusiveness is evident when ...”. Apparently, the Victorian Education Department, like many others, cannot tell us what Inclusive Education is.

### B.4. Inclusion fanatics

Inclusion fanatics take extreme positions and present irrational arguments. Following is a Twitter exchange with one:

Me: I've not found much research evidence that's relevant to autistic students yet.

IncFan: see Kurth, J. A., & Mastergeorge, A. M. (2010) in International Journal of Special Education, 25(2), 8-14

Me: sorry, I'm unconvinced – their method cannot deliver their conclusions. Maybe students just go where it suits them best?

IncFan: Are you convinced that segregation is more beneficial than inclusion? That position not proven nor consistent w human rights

Me: I always suspect a universal conclusion. Those are unconstructive arguments. Not what I even suggested.

IncFan: you can disregard any research if you've made up your mind. I'm unconvinced about segregation – not pedagogic and violates rights

Apparently, if I don't just accept that “inclusion is always better”, the Inclusion fanatic interprets it to mean that our view is “segregation is more beneficial than inclusion” for all students. They cannot conceive of anything other than Total Inclusion or total segregation.

According to Boyle et. al. in [Australia lags behind the evidence on special schools](#) ...

there is no single nationally accepted definition of inclusive education or set of standards that have been established to describe what inclusive education is

and

Providing a clear definition of inclusive education is no mean feat. The definition and explanation from [UNICEF is lengthy and convoluted](#). However, in basic terms it is about ensuring that all children are educated in a mainstream environment that meets their individual needs.

A4 rejects the latter definition/description. A4 believes that Inclusive Education remains *education* first and foremost. Yes, Inclusive Education means autistic students are educated in “a mainstream environment” *when* “that meets their individual needs” ... but it requires that autistic students are still being educated when “a mainstream environment” does not meet the students' needs.

A4 understands that “including autistic students in regular education” means supporting students to be in classes of mostly typical students, as in mainstream schools, where the curriculum and pedagogy suit all the students in the class. It means that an autistic student in a calculus class is learning calculus, and already understands the pre-requisite algebra. In Inclusive Education, the autistic student is not simply collocated with age-peers and attempting to learn an entirely different curriculum while in the same physical location.

Inclusive Education means that an autistic student who is not learning because she/he is stressed and anxious in a mainstream class is not expected/required to attend the mainstream class but is learning the curriculum (included in education) in another setting.

Inclusive Education does not teach autistic students unwanted (challenging?) behaviour, that is behaviour that subsequently excludes the student from education. For example:

One day, a young man with ASD feels frustrated at school. He has ASD – he has limited communication especially at times of stress, so he can't explain. To communicate his frustration, he picks up a chair and hurls it. The chair breaks a window ... making an interesting noise.

Suddenly everyone is running around yelling. All he hears is “Blah-de-blah blah blah blah-de-blah blah-de-blah. Blah-de-blah blah blah blah-de-blah blah-de-blah, blah blah blah-de-blah blah blah-de-blah blah-de-blah. Your mum is coming to get you ... blah blah blah.”

There's lots more noise, yelling and frantic people. Then his mum arrives. She takes him home ... where it is calm and he can do stuff he feels comfortable about. He is relieved.

The young man quickly learned his lesson. The school taught him a functional communication strategy that gets him quickly and reliably out of frustrating situations.

Later, he was expelled from school. His family, especially his mother, bears the consequences of the lessons that the school taught him: she no longer has a job, she is his full-time unpaid carer and due to his challenging behaviour (a product of his education) few disability service providers will accept him as a client.

Note that the lesson/education described above is severely detrimental; it does the student significant harm. Despite the student being diagnosed with a clinical disorder, the school did not consult a qualified behaviour specialist. It did not have a behaviour plan for the student. Its staff were not trained to recognise his stress and frustration; they did not have training and a plan to intervene early enough.

In Victoria, it's possible he would have been physically restrained by staff who are trained to deliver such abuse. He would have been helping educate mainstream students in how to frustrate autistic people and that the State of Victoria condones abuse and violence against autistic people.

*Using martial arts and other types of physical restraint to manage behaviour is affirmative action for bullying.*

Issues or problem behaviour were raised in more general terms in a recent article – [Can inclusive education do more harm than good?](#) The Inclusion fanatics responded swiftly.

In [Australia lags behind the evidence on special schools](#), Boyle et. al. assert that forcing all “children with special needs [into] mainstream schools and classes, is generally seen as the best method for educating all students”. Their response completely ignores the key issues raised in the article they claim to be responding to, especially behavioural issues.

In [Inclusive education means all children are included in every way, not just in theory](#) Dr Cologon writes “Inclusive education involves the full inclusion of all children. No children are segregated.”

Their assertions are clearly contrary to the authoritative sources that recognise specifically the existence of “compelling reasons” for including at least occasionally some students in education via settings other than regular/mainstream classes.

Australia is not lagging behind the evidence – the problems are that

- the evidence for full Inclusion of all students with disability does not exist, at least in relation to ASD, and
- Inclusion fanatics ignore the issues of concern – they don't even mount an argument.

Contrary to what many Inclusion fanatics tell us, there is little or no actual evidence that Inclusive Education is best or even good for students with ASD. Most of the evidence-base for Inclusive Education does not recognise or identify – and often excludes – autistic students.

For example, see [http://www.qppd.org/images/docs/jackson\\_literature\\_review.pdf](http://www.qppd.org/images/docs/jackson_literature_review.pdf) (that at least acknowledges “parents who had a child with autism spectrum disorder ... often preferred part time mainstream placement”). This report says “the parents of the children actually in mainstream were however overwhelmingly positive about the experience” but omits (does not recognise or acknowledge) the experience of people who tried mainstream and went elsewhere.

The little “research” that there is into Inclusion of autistic students is unconvincing. For example, A4 was referred to the one sentence in Kurth & Mastergeorge (2010) *Academic and Cognitive Profiles of Students with Autism: Implications for Classroom Practice and Placement*, International Journal of Special Education, v25 n2 p8-14 201 that says

*These findings suggest that inclusion is academically beneficial to students with autism in this sample.*

At best, this study *suggests* but cannot conclude that “inclusion is academically beneficial”.

In our experience, Inclusion fanatics believe that if you don't agree with them that it's best to educate *all* students in mainstream at *all* times, then you therefore believe all students with special needs should be educated entirely in a segregated setting. This nonsense exposes the absence of



either logic in or evidence behind their arguments: the problems with universal claims is that they are simply refuted logically with a simple proof that a counter-example exists.

We are aware of numerous autistic students who have experienced long-term damage in Inclusive education from bullying, from stress and from learning bad lessons. Numerous examples of autistic students damaged in Inclusive Education in parts of Australia are clearly documented in:

a report on Home Schooling (see [Home Schooling in New South Wales](#) Dec 2014).

a [report into “school refusal”](#) in the Australian Capital Territory shows some autistic students are seriously afflicted by their experience of Inclusive Education.

autistic students who tried Inclusive Education then transferred to other education settings.

innumerable submissions to a string of state and Commonwealth inquiries into education and/or special education; for example, the Senate Standing Education and Employment References Committee Inquiry into *Current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support* (link [here](#)).

Inclusion fanatics will claim those bad experiences were due to schools not being Inclusive. They are wrong; the school were Inclusive schools – the problem is that schools never live up to their lofty ideals. But most crucially, in relation to autistic students Inclusive Education fails to live up to the essential requirement that it does no harm.

*Damage to autistic students in Inclusive Education settings is typically due to incompetence in how schools handle bullying and behavioural problems ... and the abusive disciplinary practices encouraged in Victorian schools.*

Baroness Warnock, who helped develop the Salamanca Statement, in her original *Special Education Needs: A new look* (2005) described the damage some autistic students experience in Inclusive Education as a “disastrous legacy” . Of course her polemic outraged Inclusion hard-liners refused to recognise her clearly legitimate concerns. The *2<sup>nd</sup> Edition* (2010) with Brahm Norwich and Lorella Terzi (ed.) contains a credible debate on Inclusive Education. And Baroness Warnock observes politely

“... without evidence, it is to be feared that the arguments will remain as dogmatic and intuitive as they are at present, which would be to nobody's advantage, least of all the children who are the subject of this debate”.

The lack of evidence is uncontested in the debate.

And it shows Inclusion fanatics are the ones lagging behind the issues, and not the Australian community who refuse to risk significant damage to some more vulnerable autistic students.

The Inclusion fanatics' inability to recognise that most autistic students benefit from varying degrees of partial inclusion in mainstream education. Inclusion fanatics deny the range of other options that are appropriate for autistic students. For example, real Inclusionists recognise most autistic students benefit from having access to and using a withdrawal space (that is, a place of voluntary temporary exclusion), a place that a student can go to withdraw from social and sensory over stimulation. Real Inclusionists point out that some other students can also benefit from accessing a so-called “segregated” resource.

The evidence is that currently, half of Australia's autistic students are in Inclusive Education; that is, in a mainstream setting. Some autistic students spend most of their time in a mainstream setting but withdraw as required for their individualised education program or to meet particular needs.

Some autistic students attend school part-time: they are excluded from school for part of the time because the state does not ensure their school has the resources it needs to provide their education. This is disability discrimination, albeit lawful discrimination under Australia's legal system. A4 doesn't know the extent of partial school attendance for autistic students in Victoria; we doubt the practice is fully recorded and reported in Victoria's education system.

Some autistic students study on their own, as would any gifted student when their academic work differs significantly from the curriculum available in mainstream classes.

Some autistic students cannot keep up academically or socially with their age peers ... and the difference from students in mainstream classes during their secondary school years can be substantial. A few autistic students have behavioural challenges that put themselves and fellow students at risk.

As stated before, A4 supports Inclusive Education. We are interested in increasing the number of students in Inclusive Education ... and in increasing each student's individual experience of Inclusive Education.

Our impression is that schools, not families/parents, are the main barriers to Inclusive Education. Schools and their staff feel they lack the required skills.

“principals’ satisfaction with the capabilities of graduates exiting general initial teacher education programs in Australia, it appears that new graduates are not ready for managing classroom activities, as only 30% of primary school principals and 27% of secondary school principals felt they were well prepared. In regards to understanding differences among students, only 26% of primary principals and 31% of secondary principals perceived they were adequately prepared (Australian Institute for Teaching & School Leadership, 2013).”

from Forlin et. al. [\*Inclusive Education for Students with Disability: A review of the best evidence in relation to theory and practice\*](#) (July 2013).

Notice the Inclusion fanatics who authored articles cited above are senior academic staff in university departments responsible for producing graduates in education. Rather than whinging about others who they perceive as lagging behind, the Inclusion fanatics who are also education academics need to get on with properly preparing graduates who can confidently deliver education for autistic students hopefully in settings that are as inclusive as possible.

They need to stop blaming others and just do their own jobs properly.

A4 doubts that Inclusion fanatics have any real understanding of autism spectrum disorder. The inclusion fanatics seem to believe that if they screech “Inclusion” loud enough and often enough then autism will simply go away. They don't understand that collocating autistic students with other students in regular classes will not magically make autistic students learn like other students do. A4 would be truly delighted if inclusion in mainstream classes could mitigate autistic dysfunction. What a breakthrough that would be ... but we've never seen it happen.

Schools say they do not have the required resources and cannot obtain sufficient supports for autistic students so many of them resist enrolling autistic students.

Few schools have anything like an adequate response to autistic students whose behaviour can be problematic at times. Teachers need to be trained to recognise when input is needed a qualified behavioural specialist and how to access and utilise professional expertise from outside the school. Schools need to change their culture: currently, accessing outside expertise is counter to existing schools culture. Schools will do much better when they decide to access qualified behaviour scientists instead of expecting their staff to figure it out for themselves.

This failure/refusal to access qualified behaviour professionals is a national problem: few Australians recognise, or are even aware of, the international certification through the Behaviour Analysts Certification Board (see <http://bacb.com/>) and that no Australian university trains behaviour scientists to the internationally recognised standard – there are two universities in New Zealand listed on the BACB website. Clinical psychologists cannot even list skill in Applied Behaviour Analysis (ABA), or its infant off-spring Positive Behaviour Support (PBS), with the Australian Psychological Society (see <https://www.psychology.org.au/>).

Dr Lilley observed families in Sydney, New South Wales, trying to get their autistic child into mainstream classes and Inclusive Education ... and encountering resistance from schools. In relation to initial placement of autistic students, Lilley observed ...

... continuing pervasive stigmatisation of children with autism and their mothers, as well as a systemic failure of all sectors of the education system in Australia to meet the promises of policies of school inclusion.

Available from

[http://www.researchgate.net/publication/262971075\\_Its\\_an\\_absolute\\_nightmare\\_maternal\\_experiences\\_of\\_enrolling\\_children\\_diagnosed\\_with\\_autism\\_in\\_primary\\_school\\_in\\_Sydney\\_Australia](http://www.researchgate.net/publication/262971075_Its_an_absolute_nightmare_maternal_experiences_of_enrolling_children_diagnosed_with_autism_in_primary_school_in_Sydney_Australia) [accessed Aug 15, 2015].

She documents difficulties with Inclusive Education for autistic students and proposes that some schools have *Autism Inclusion Disorder* (see [Trading places: Autism Inclusion Disorder and school change](#)). A4 has no reason to believe schools in Victoria are significantly different from New South Wales in this regard.

The questions arise: Is *Autism Inclusion Disorder* treatable? Can it be cured? Most likely the answers are: “partially” and “not completely”.

## **B.5. Students with disability have other rights**

Students with disability have the right of association. Rather than letting Inclusion fanatics force students with disability into mainstream settings *all* the time,

- deaf students have the right to associate (segregate?) themselves so they can practice and pursue AUSLAN culture.
- blind students might learn and practice reading Braille together.
- students in wheelchairs rarely make it into a school's top football or basketball teams; but they might associate (segregate?) to play wheelchair rugby or wheelchair basketball. Students with disability might want to practice Special Olympics or Paralympic sports with a specialist coach.

Autistic students may want to associate so they hopefully have a witness for when they are bullied ... or because they understand each other or just get on better than they do with others.

Compelling reasons do exist for allowing students with disability to associate, congregate ... or segregate. Other rights are important and are not overridden by the right to Inclusive Education.

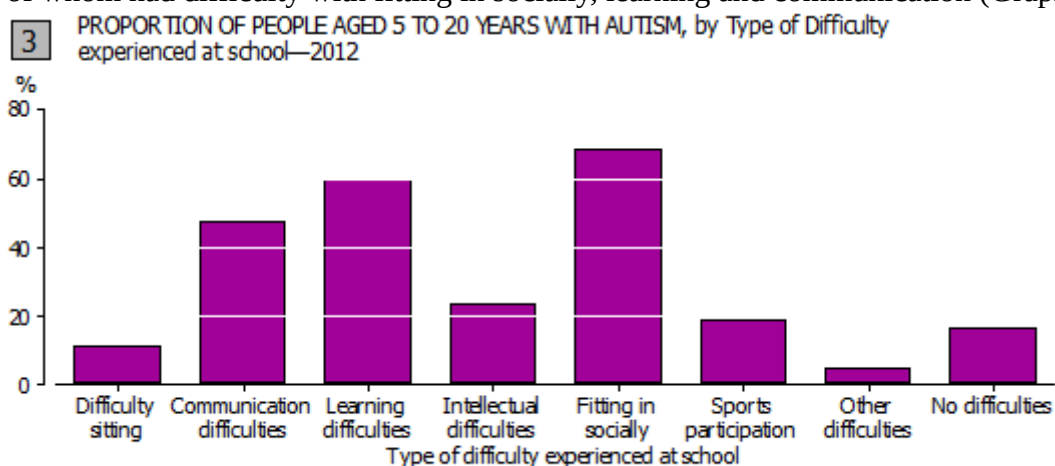
Autistic students should have the right to withdraw, to *not* associate, when they so choose ... when the need to.

## B.6. Educating Students with ASD

The Australian Bureau of Statistics observed (see [here](#)):

In 2012, 5% of children with autism attended school and did not experience any educational restrictions. Of the 95% of children who did experience some restrictions, 6% of children were not able to attend school because of their disability and 44% needed to attend either a special class in a mainstream school, or a special school.

For children with autism who were attending school, 86% reported 'having difficulty' at school, the majority of whom had difficulty with fitting in socially, learning and communication (Graph 3).



Source: ABS Survey of Disability, Ageing and Carers

It's more than two decades since UNESCO's Salamanca Statement ... and Inclusive education is still not working properly for the majority of autistic students.

In 2012, 50% of autistic students in Australia were not fully included in mainstream classes. Of those who attended school at all, the vast majority reported having difficulty at school.

Real success in education results in employment (economic participation), social engagement and independent living. The ABS found autistic people have an abysmal employment rate, mostly they cannot access the support they need for meaningful social engagement (though the NDIS, if/when it is rolled out, may bring some improvement) and often spend their adult life in the care of ageing parents.

Education in Australia generally is failing autistic people. The focus needs to return to *education*. The Victorian education system needs to include autistic students among those who benefit from the services it provides.

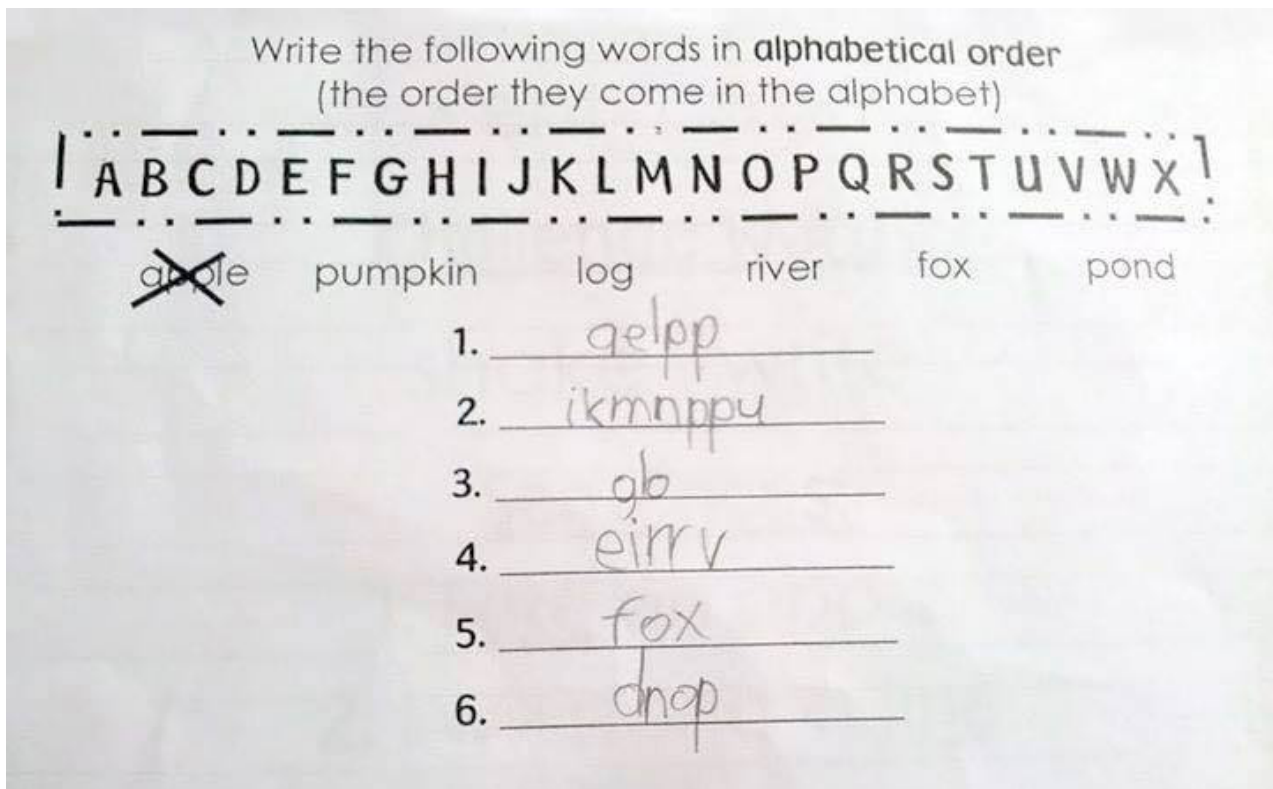
Autism is described as being on a spectrum ... autistic students have diverse needs. Some of those needs can be met for some students in inclusive education settings. Those cannot be the only needs that are met. Each autistic student needs *all* his/her education needs met if they are going to access effective education.

Autistic students need person-centred education; ideology and finance centred approaches do not benefit autistic students.

Parents/families need to make informed choices about their child's education. They can only choose a school when they have accurate information about the risks to autistic students due to bullying at individual schools. They need accurate information about the performance of each school in relation to bullying.

Parents/families need accurate information about the performance of each school in respect of behaviour problems and the academic outcomes of their autistic students.

You can't manage what you don't measure. The Victorian Government must monitor and report on the outcomes of autistic students both as individuals and on a statistical basis.



## Annex C. Bullying and ASD

Bullying is a substantial risk for autistic students.

Young people with Asperger Syndrome experience disproportionate levels of bullying in mainstream school. A survey of 169 students (aged 5-17 years) identified with ASD in South Australia identified 62 per cent of the students reported they were bullied once a week or more often (Slee, P., personal communication, 2013). This compares with between approximately 27 per cent of other students (Cross, et al. 2009).

The costs of bullying are high in terms of relationships: victimisation is associated with depression, loneliness, anxiety, low self-esteem and poor social self-concept. Victims of peer aggression suffer a variety of feelings of psychosocial distress. They feel more anxious, socially anxious, depressed, lonely and worse about themselves than non-victims (Hawker & Boulton, 2000, p. 453).

The South Australian research found that school bullying has a strong impact on the lives of students with ASD. It showed a significant relationship between bullying and

- Unhappiness at school;
- Feelings of unsafety at school;
- Lower self-esteem and
- Poorer coping skills

The findings demonstrated that school bullying has a significant impact on the lives of students diagnosed with an ASD.

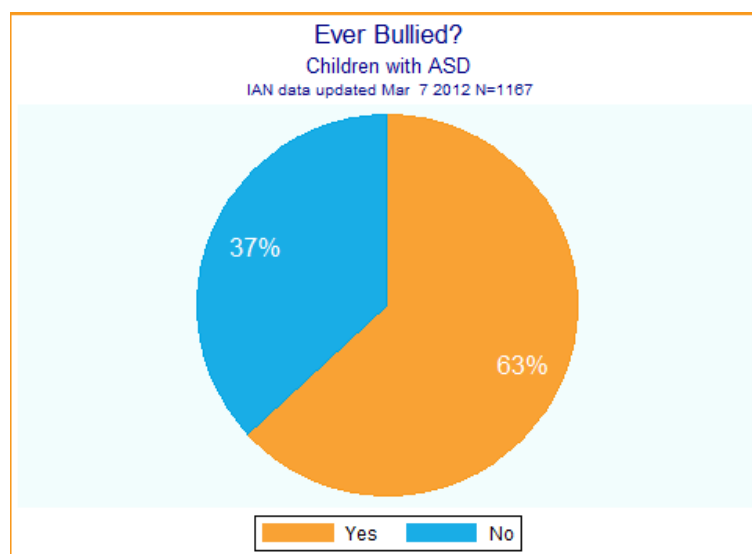
It's important to ensure the no putdown rule operates in your classroom and behaviours are strongly guided by the value of inclusion of differences.

From <http://www.ncab.org.au/aspergersbullying/>

### HOW MANY CHILDREN WERE BULLIED?

First of all, we asked parents if their child had ever been bullied. A total of 63% of 1,167 children with ASD, ages 6 to 15, had been bullied at some point in their lives (Figure 1).

Figure 1.





Pie chart showing how many children with ASD were ever bullied: 63%

The rate was nearly the same for the 6% of children whose parents were homeschooling their children at the time of the survey. Based on some of the parents' comments, it is likely some children were being homeschooled because of past bullying. Said one mother, "After a horrible year in 3rd grade where he was clinically diagnosed as depressed (he has always been anxious), I pulled my son out of public school and am homeschooling him this year. He is doing much, much better without the constant name calling and being singled out for his 'weird' behaviors!"

from [http://www.iancommunity.org/cs/ian\\_research\\_reports/ian\\_research\\_report\\_bullying](http://www.iancommunity.org/cs/ian_research_reports/ian_research_report_bullying)

Figure 4.

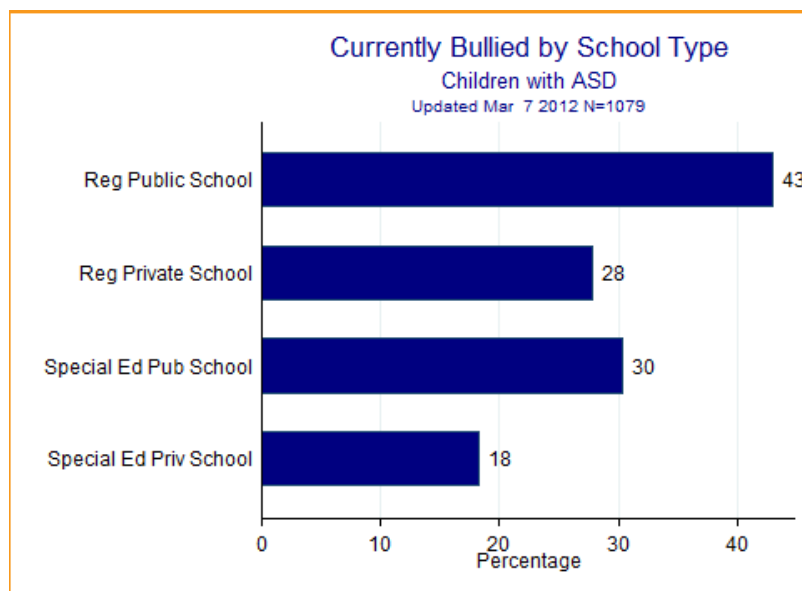
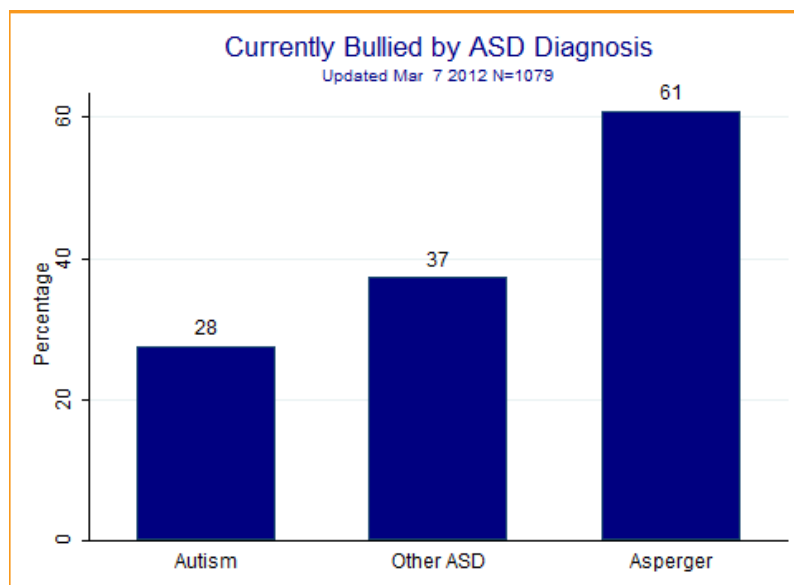


Figure 5.



from [http://www.iancommunity.org/cs/ian\\_research\\_reports/ian\\_research\\_report\\_bullying](http://www.iancommunity.org/cs/ian_research_reports/ian_research_report_bullying)

### Characteristics of Children with ASD Involved in Bullying

- Over a one month period, 38 percent of children with ASD were bullied, with 28 percent frequently bullied.
- Immediate consequences of being bullied included emotional trauma (69 percent) and physical injuries (8 percent).
- Nearly 14 percent of children who were bullied reported being scared for their own safety.
- Eighteen percent of children were reported to have been triggered into fighting back, with 40 percent having an emotional meltdown or outburst that resulted in disciplinary action from school staff.
- Nine percent of children with ASD acted as bullies, with five percent identified as frequent perpetrators of bullying.

### **Psychiatric Comorbidity and Bullying Behaviors**

- Children with ASD who also presented with ADHD and depression were more likely to be bullied.
- Children with ASD who also presented with conduct disorder or oppositional defiant disorder were more likely to be bullies.
- Children with ASD who also presented with ADHD, conduct disorder or oppositional defiant disorder were most likely to be bully-victims, characterized as being both victims of bullying and behaving as bullies.

From <http://www.kennedykrieger.org/overview/news/study-finds-bullying-causes-significant-short-term-emotional-physical-consequences-for-children-with-autism>