



Promoting inclusive education

Submission to the Review of the Disability Standards for Education

Brotherhood of St. Laurence

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Summary

The Brotherhood of St. Laurence (BSL) welcomes the opportunity to contribute to the Review of the Disability Standards for Education (DSE) and to promote a more inclusive education system for children and young people with disability. The effective implementation of the DSE is critical to realising this vision, alongside changes to the broader *Disability Discrimination Act 1992* (the Act) to strengthen the protections from discrimination for people with disability.

As part of BSL's submission to the Attorney-General's Review of the Act, BSL consulted with BSL staff who work with people with disability across disability services, early childhood, employment and aged care, in addition to direct consultation with members of the disability community within BSL's network. This submission discusses relevant insights regarding discrimination in the education system along with insights from further consultation with BSL staff who work in school-to-work transitions for young people with disability.¹

Feedback from learners with disabilities and their families, and from teachers and practitioners working in schools and tertiary education institutions, shows that the DSE is still not consistently and effectively implemented across the education and training systems. Learner rights are not being

¹ BSL 2025, *Building a more inclusive society: Submission to the Review of the Disability Discrimination Act*. Available at: https://library.bsl.org.au/bsljspui/bitstream/1/13645/1/BSL_subm_DisabilityDiscriminationAct-review_Oct2025.pdf

upheld; education providers lack awareness of the DSE and their responsibilities under the Act; and the allocation of responsibilities for reasonable adjustments in course design, development and in work integrated learning opportunities are not clear. For the DSE to better meet the needs of learners and create a more inclusive education system, BSL recommends that the Department of Education adopt the following measures to ensure the standards are effectively implemented:

1. Educate learners on their rights under the Act and the related DSE.
2. Implement professional development and learning for educators.
3. Update practitioner qualifications to build the education and pedagogical skills to implement the DSE.
4. Work in partnership with VET regulators to hold VET providers accountable to the DSE.
5. Explore the feasibility of a reasonable adjustment passport linked to Unique Student Identifiers (USI).
6. Ensure there is sufficient funding to implement updates to the Act and the DSE.
7. Update the DSE to include inclusive and supportive decision-making guidelines (Option 2 in the discussion paper).
8. Clarify education providers' responsibilities for learners over their full learning lifecycle, including work placements.
9. Educate learners about their role in transition periods such as between secondary school and tertiary education.
10. Provide professional development and learning for education providers on the interface between the NDIS and the education system.

1 The Brotherhood of St. Laurence, disability and education

The Brotherhood of St. Laurence (BSL) is a social justice organisation working towards an Australia free of poverty. Our purpose is to advance a fair Australia through our leadership on policy reform, our partnerships with communities and the quality of our services. Our approach is informed directly by people experiencing disadvantage and uses evidence drawn from our research, together with insights from our programs and services, to develop practical solutions that work.

BSL has operated as a NDIS Partner in the Community (PITC) since 2016. We are contracted by the National Disability Insurance Agency (NDIA) to deliver Local Area Coordination (LAC) and the early childhood approach in Victoria across the North Eastern Melbourne, Hume/Merri-bek, Brimbank/Melton, Western Melbourne and Bayside Peninsula areas. This work includes building community capacity and inclusion through place-based projects.

This submission draws on our long-term practical experience across programs, service development and innovation initiatives; insights drawn from our research and policy analysis; and knowledge from our partners working in employment and education across Australia. Our education, skills and training work includes:

- **partnering with TAFEs and other registered training organisations (RTOs)** to support young people to access and engage with education and training.
- **operating the David Scott School** – a high-support, independent school for more than 110 young people who have fallen out of mainstream education.
- **developing innovative employment support models** that are sustained by philanthropic, corporate, state and federal funding. This includes facilitating the **National Youth Employment Body** (NYEB) and the **Inclusive Pathways to Employment** project.
- **piloting innovative employment-based training models** in partnership with youth service providers, vocational education providers and industry bodies. This includes the **AgFutures: Foundational Capabilities Pathway** project in the southwest of Victoria, with the support of the Victorian Government's Workforce Training Innovation Fund.

2 Experiences of discrimination in education

All learners with disability have the right to full and equal participation in education, at all levels and for lifelong learning. This is expressed in the Australian Government commitment to Article 24 of the United Nations' Convention on the Rights of Persons with Disabilities (UN CRPD).² To date this vision of a truly inclusive education system in Australia has not been fully realised – examples of discrimination that learners with disability still experience are noted below.

As part of BSL's submission to the Review of the Disability Discrimination Act, BSL undertook consultation with people with disability and BSL staff who identified education and training as a key source of discrimination against people with disability.³ This was demonstrated through the following examples:

- **Restricted hours of, or exclusion from, school:** Many caregivers of children with disability said their school had restricted their child's attendance, or they were excluded entirely from attending. This was particularly the case where the child's disability included behaviours of concern.
- **Medical model of disability in use:** Many BSL staff consulted highlighted the challenge of children needing a formal medical diagnosis to get support from their school, which reinforces a deficit framing, can reinforce stigma and discrimination and centres the problem in the individual rather than barriers in society. BSL staff highlighted that many education providers still use the medical model and highlighted the critical nature of utilising the social model of

² United Nations 2025, *Article 24 – Education*. Available at:

<https://social.desa.un.org/issues/disability/crpd/article-24-education>

³ BSL 2025, *Building a more inclusive society: Submission to the Review of the Disability Discrimination Act*.

disability to apply for funding support through inclusion programs for children who have additional needs in the classroom.

These insights are echoed in a report by Children and Young People with Disability Australia (CYDA), which showed that 72% of survey participants reported being excluded from activities at school, 21% of caregivers surveyed reported their child had been suspended within the past year and 27% had faced disciplinary absences that restricted their attendance during school hours.⁴ Additionally, the CYDA report highlighted that only 39% of students surveyed were involved in shaping their own Individual Education Plans (IEPs) and that 26% of parents surveyed felt there was a gap in knowledge, understanding and relevant skills in teachers. This led to supports being reactive rather than proactive.⁵

Additionally, BSL staff who work with people with disability in school-to-work transitions have also raised issues in tertiary education:

- **Lack of knowledge about the DSE and the Act:** BSL staff noted that many education providers, particularly those in the VET sector, are not aware of their obligations under the DSE and its relationship to the Act. This extends to learners who are unaware of their rights.
- **Lack of knowledge about the interaction and differing responsibilities between the NDIS and education system:** BSL staff noted that many education providers are not aware of the differing roles and responsibilities of the NDIS and the education system in supporting learners with disability.
- **Lack of Certificate II courses:** BSL staff noted the lack of fee free or subsidised Certificate II courses available in the VET sector. This was noted as a critical pathway for some learners with disability to proceed to further qualifications, especially those who have disengaged from the education system.
- **Lack of part-time VET courses:** BSL staff raised examples of learners being unable to study full-time at VET, but there was a significant lack of part-time courses available. This was particularly noted in VET courses in early childhood education.
- **Language, literacy and numeracy (LLN) testing:** BSL staff raised that, rather than being used as a tool to help identify a learner's support needs and tailor support accordingly, LLN testing is often used as a barrier to entry into courses or subjects. Alongside this, LLN and other similar testing often is done online, which can create additional barriers for students due to the inaccessibility of online platforms.
- **Reasonable adjustments implemented too late:** BSL staff also raised the issue of reasonable adjustments coming too late to be effective – for example an Auslan interpreter not being provided until week seven of a course.

⁴ Children and Young People with Disability Australia (CYDA) 2025, *Disillusion and delay: CYDA's survey of the learning experiences of children and young people with disability in 2024*. Available at: https://cyda.org.au/wp-content/uploads/2025/08/DOC_Final_EducationSurveyReport_DisillusionandDelay_20250710.pdf

⁵ Ibid.

3 Effective implementation of the standards

Topic 1. Effective implementation of the Standards:

a. What further action is needed to increase knowledge and support effective implementation of the Standards?

As highlighted above, people with disability in education still face substantial discrimination, indicating that the standards are not effectively implemented to date. To realise the vision of an inclusive education system, more must be done to implement the standards. BSL therefore recommends:

1. **Educate all learners (from schools to tertiary education) on their rights under the Act and the DSE:** Following the update of the Act and the DSE, the Department of Education, in collaboration with the Attorney-General's office and other relevant authorities such as the Australian Tertiary Education Commission, should implement an updated communication strategy (ideally co-designed with learners with disability) to ensure that learners are aware of their rights. These should include their rights to reasonable adjustments and give an understanding of complaints mechanisms available. This could include leveraging transition points, such as school to university or VET, as an opportunity to educate learners on their rights.
2. **Implement professional development and learning:** The Department of Education in partnership with other relevant departments (such as the Department of Employment and Workplace Relations) should train educators across schools and tertiary education on how to effectively support learners with disability from entry to exit. This will help educators develop a better understanding of contemporary practices for supporting learners with disability, and support implementation of the DSE.
 - For VET providers this can utilise existing professional development opportunities that have been developed explicitly for the VET sector such as Disability Awareness's program, VET Staff Supporting Students with Disability, and practice guides from the Australian Skills Quality Authority.⁶ The Department of Education should also work with the accountable state and territory-based VET statutory authorities to ensure professional development is rolled out as required learning for educators.
3. **Update practitioner qualifications:** The Department of Education should mandate including the DSE in educator qualifications, including on how to implement the DSE through pedagogy.
 - For VET this could include a dedicated unit of competency in training and education qualifications that builds familiarity with the DSE.

⁶ Disability Awareness 2025, *Program 1 – VET Staff Supporting Students with Disability*. Available at: <https://disabilityawareness.com.au/courses/program-1-vet-staff-supporting-students-with-disability/>
 Australian Government Australian Skills Quality Authority 2025, *Practice Guide – Diversity and Inclusion*. Available at: <https://www.asqa.gov.au/how-we-regulate/revised-standards-rtos/practice-guides/practice-guide-diversity-and-inclusion>

- For teachers this could include updating the Australian Institute for Teaching and School Leadership Teacher Standards to include more explicit alignment between its inclusion standards and the DSE.

4. **Work in partnership with VET regulators:** The Department of Education should work in partnership with state and territory-based VET regulators, including the Australian Skills and Quality Authority and the Tertiary Education Quality and Standards Authority, to better hold higher education and VET providers accountable to the DSE.
5. **Consider a reasonable adjustment passport:** The Department of Education should explore the feasibility of a reasonable adjustments passport⁷ attached to a student's USI. This would minimise the need for students to re-educate providers on their disability and related needs as they transition through the education system. This should be co-designed with students with disability. It would need to consider how students could elect to share the contents of the passport with different education providers and educators, and how to ensure students own and control the data that is contained in the passport. The department would also need to consider how to integrate such a 'passport' with relevant primary and secondary school systems – such as Disability Inclusion Profiles⁸ and IEPs.⁹ This should similarly be strengths-based and promote the social model of disability, rather than the medical model (which pathologises individuals rather than centring the problem in social and access barriers).
6. **Funding:** To support implementation of the DSE and broader changes to the Disability Discrimination Act, it is critical to ensure there is sufficient funding for education providers to make relevant changes to policies and practices and engage in professional development.

⁷ See example from the Australian Public Service Commission at: <https://www.apsc.gov.au/about-us/working-commission/what-we-offer/diversity-policy/reasonable-adjustment-passport-guide> and from the Australian Tax Office: <https://australiandisabilitynetwork.org.au/how-we-can-help-you/australian-taxation-office-innovates-through-workplace-adjustments>

⁸ Victorian Government Department of Education 2025, *Disability Inclusion Profile*. Available at: <https://www2.education.vic.gov.au/pal/disability-inclusion-profile/policy>

⁹ Victorian Government Department of Education 2025, *Individual Education Plans (IEPs)*. Available at: <https://www2.education.vic.gov.au/pal/individual-education-plans-ieps/policy>

4 Inclusive decision-making

Topic 2. Inclusive decision-making:

- a. How can students with disability and their families, carers and associates be better supported through consultation, issues resolution and complaints handling?**
- b. Should new principles for inclusive decision-making be included in the Standards?**

BSL recommends that the standards incorporate inclusive and supportive decision-making guidelines and supports Option 2: ‘include a requirement to develop and comply with policies that must be consistent with the principles’.

Appropriate and well-designed guidelines will help ensure that people with disability in education settings are included in decision-making about reasonable adjustments, and complaints and reporting processes. This will help address the issue highlighted above of students not being involved in the development of their IEPs and related plans at a tertiary level.

These principles should be considered the bare minimum for education providers, and there should be still higher expectations placed on VET or other education providers who work with cohorts of learners more likely to experience disability. These expectations are outlined in the Standards for Registered Training Organisations (RTOs) that were revised in 2025, where a focus on fostering inclusive marketing and enrolment and an inclusive learning environment (standard 2.5) are required. The standards for RTOs also include an obligation to comply with the Act and the DSE.¹⁰

5 Clarifying roles and responsibilities

Topic 3. Clear responsibilities for assessment authorities and course developers:

- a. Are the Standards clear enough that organisations which develop, assess, and certify courses have responsibilities to ensure students with disability are able to access and participate in their courses on the same basis as students without disability?**
- b. What would help these organisations work better together to improve continuity of reasonable adjustments for students when they leave their regular classroom to attend examinations or undertake practical work placements?**

Action is needed to clarify roles and responsibilities for accommodating the needs of learners with disability. BSL recommends this include:

¹⁰ Australian Government Australian Skills Quality Authority 2025, *Practice Guide – Diversity and Inclusion*.

Available at: <https://www.asqa.gov.au/how-we-regulate/revised-standards-rtos/practice-guides/practice-guide-diversity-and-inclusion>

1. **Clarification on the learning journey:** Placements and Work Integrated Learning (WIL) opportunities are a particular risk for learners with disability as responsibility is blurred. To address this the Department of Education should clarify that education providers are responsible for their learners over their full learning lifecycle including work placements. Education providers should ensure that a learner's reasonable adjustment needs are met by organisations during placements and other WIL opportunities.
 - WIL and placements range from apprenticeships and traineeships where legally enforceable responsibilities are embedded in the training contract, to brief placements for courses. This diversity of opportunity is a strength of the education system. However, learners in WIL and placements are vulnerable to the inconsistency of rules, requirements and responsibilities, which creates scope for variability in the treatment of learners and in addressing support needs. This inconsistency needs to be addressed.
2. **Education on transition periods:** The Department of Education should provide stronger support for learners to more effectively navigate through transition periods, such as from secondary school to tertiary education, to ensure they know to connect with disability liaison officers or similar through their new education providers. This, alongside a reasonable adjustments passport that can be shared with the new education provider during transition periods, would make transitioning smoother for learners and education providers.
3. **Provide professional development and learning on the role of NDIS and education providers:** The Department of Education should provide professional development and learning to relevant staff at education providers on the interaction and separate roles/responsibilities of the NDIS and education system. This should include covering the Applied Principles and Tables of Support (APTOPS),¹¹ which clarifies responsibilities across systems.

¹¹ Australian Government Department of Health, Disability and Ageing 2015, *The Applied Principles and Tables of support to determine the responsibilities of the NDIS and other Service systems*. Available at: <https://www.health.gov.au/resources/publications/the-applied-principles-and-tables-of-support-to-determine-the-responsibilities-of-the-ndis-and-other-service-systems?language=en>