**Human Rights Council resolution 22/3**

The following information is provided in relation to the school education of students with disability in Australia.

1. ***Do the national or local constitutions or laws of your country prevent or restrict access to any student with disability to regular schools at any level?***

* The Commonwealth *Disability Discrimination Act 1992*, the Disability Standards for Education 2005, the National Education Agreement and the *Schools Assistance Act 2008* currentlyensure that all school aged children are given the opportunity to enrol in a safe and supportive school.
* All jurisdictions and education sectors are required to comply with the Disability Standards for Education, which have the force of law as subordinate legislation under the *Disability Discrimination Act 1992*.
* The educational setting in which a student with disability is placed depends on the preference of the parent/carer, the needs of the student and the ability of the setting to meet these needs.

1. ***Is all education of children and adults with disability under the control of the Ministry of Education?***

* There is a Minister for Education at the national level as well as Ministers for Education at state and territory levels. Under the Australian Constitution education is the primary responsibility of state and territory Ministers, this includes education of school students with disability.
* In relation to the education of school children the Australian Government provides funding to education authorities to assist all students, including those with disability, to receive appropriate support to meet their educational needs. State and territory governments and non‑government education authorities have primary responsibility for the delivery of school education and can utilise this funding flexibly to provide programs and services for schools and their students.

1. ***Does your country have a plan or program that progressively promotes the transformation of the education system into an inclusive education system?***

**Access to educational settings**

* The Commonwealth *Disability Discrimination Act 1992*, the Disability Standards for Education, the National Education Agreement and the *Schools Assistance Act 2008* require that all school aged children are given the opportunity to enrol in a safe and supportive school.
* Australian school education is made up of both government and non-government education systems and schools. Schools of different affiliations and educational philosophies have been part of Australia’s diverse schooling system for decades and have made a significant contribution to the education of Australian children.
* There is a range of educational settings available for school students, including students with disability. School education options for students with disability include enrolment in a mainstream school with additional support, specialist classes/units in mainstream schools and specialist schools.
* Around 90% of students with disability in Australia attend mainstream schools (Australian Bureau of Statistics, Survey of Disability, Ageing and Carers, 2009), of these:
  + 73% of students are placed in a mainstream class
  + 27% are placed in a specialist class within a mainstream schools, and
  + Less than 10% of students attend a specialist school specifically for students with disability.
* The Australian Government respects and supports the rights of parents and carers to choose the most appropriate educational setting for their child.

**Accommodations and adjustments**

* Accommodations and supports for students with disability in Australia are generally referred to as adjustments.
* Adjustments are the changes, supports or modifications that can be made to enable all students to access, learn and demonstrate;
  + What they know; and
  + What they can do with what they know.
* Adjustments apply across all environmental settings. They can be made in both the classroom and whole school settings as well as at the individual student level.
* Adjustments can be made across any of all of the following:
  + Planning;
  + Teaching and learning;
  + Curriculum;
  + Assessment;
  + Reporting;
  + Environment and infrastructure, including addressing physical barriers, including modifications, to ensure access to buildings, facilities and services; and
  + Resources.

**Professional development and training**

* There are a number of major school education reforms currently underway which are expected to lead to improved teaching and educational outcomes for all students, including those with disability.
* State and territory governments and non-government education authorities are responsible for administering schools in their jurisdictions, including making decisions about resourcing and staffing.
* The Australian Government is also providing $300 million in additional funding through the More Support for Students with Disabilities initiative to build the capacity of Australian schools and teachers to better support the needs of students with disability.
* In addition, under the Helping Children with Autism, the Positive Partnerships program aims to build partnerships between schools and families to improve the educational outcomes of students with autism spectrum disorder.
* The Positive Partnerships program supports professional learning for teachers, school leaders and other school staff, such as teacher’s aides, to build their understanding, skills and expertise in working with children with autism spectrum disorder.
* In addition, the Positive Partnerships website, which has information sheets and professional learning documents for teachers and parents, supported 23,575 active users from February 2012 to end June 2013.

1. ***Does your country have accountability mechanisms in place to monitor exclusion, school registration and completion of education by persons with disabilities and are persons with disabilities and their families directly involved in the process?***

* The Disability Standards for Education were recently reviewed. The Review found that although the Standards provide a good framework for enabling students to access and participate in education, more work needs to be done to ensure the Standards are implemented effectively. The Australian Government is working with state and territory education authorities, and the non-government sector, to implement the Australian Government response to the review.

1. ***Does your country have disaggregated data on children and adults with disabilities in education by facility (mainstream school, special school, social facility or institution, mental health institution, others), gender, impairment and environmental barriers that prevent or restrict access to education (transport, accessibility, affordability of services, other)?***

* There has been no consistent measure of students with disability in school education in Australia. A nationally consistent approach to collecting data on students with disability will give governments, schools and education authorities information about how many students with disability study in Australian schools, where they are located and the level of adjustments provided for them to participate in schooling on the same basis as other students.
* The national data collection is being phased in across three years: the first collection taking place in selected schools in October 2013, with more schools involved in 2014 and by 2015 all schools in Australia will participate.