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The future of special schools in Australia: complying with the *Convention on the Rights of Persons with Disabilities*

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ABSTRACT-

The United Nations has called upon Governments that are signatory to the *Convention on the Rights of Persons with Disabilities* (CRPD) to adopt practical but progressive systems to transfer resources from segregated settings/special schools into mainstream schools. What will this mean for Australia's special schools, particularly given their significant rise in enrolments over the past decade? What will it mean for the education of Australian students with disability? In this paper, we examine recent Government reviews/inquiries into the education of Australian students with disability to determine whether future planned actions align with Australia's international obligations to move away from segregated schooling. We conclude by examining both the barriers and the potential for providing a high-quality education system that realises the UN's commitment towards inclusive schools and societies.

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The future of education for Australian students with disability

Special schools have held a pivotal place in the education of students with disability in Australia and elsewhere (Shaw 2017; Sprunt et al. 2017; Swan 1988). In a time when students with disability were largely considered ineducable, special schools represented a key force in reversing the trend towards educational exclusion. Times have changed, however, and as signatories to the United Nations Convention on the Rights of Persons with Disabilities (CRPD 2006), Australian educators are bound to move away from segregated schooling provision if they are to accord students with disability their right to an inclusive education. The CRPD General Comment No. 4 (GC4 2016) is clear that segregated settings do not represent inclusion. The move from a dual system of both mainstream and special schooling to an inclusive system has been difficult worldwide. If Australia is to meet this obligation, it is critical to understand where the nation sits regarding its obligation to close special schools. This paper examines recent reviews into education for Australian students with disability to ascertain what progress has been made in this regard.

Meeting our obligations under the CRPD

In 2006 the CRPD was adopted, in 2008 it was entered into force, and to-date 182 nations have ratified the convention, including Australia (United Nations 2021). Ratifying

nations are legally bound to uphold the rights of persons with disability including, if necessary, modifying their own legislation to align with the treaty. Article 24 enshrines the right of persons with disability to an inclusive education free from discrimination. Meeting this right requires nations to ensure that persons with disability are included in mainstream education, in their local communities, on the same basis as students without disability, and that they receive reasonable accommodations and supports as required (United Nations 2006).

In 2009, an Australian inquiry into the experiences of people with disability received numerous submissions that argued parents'/carers' choice of special schooling was due to lack of resourcing, lack of understanding of and commitment to inclusion, and/or lack of inclusion altogether in mainstream schools (National People with Disabilities and Carer Council [NPDCC] 2009). Other submissions highlighted that there were issues not only with classroom inclusion but also inclusion in school events and extra-curricular activities (NPDCC 2009). Lack of training and support for teachers was highlighted as a key issue in submissions from teachers and parents/carers (NPDCC 2009). In relation to resourcing, Gonski et al. (2011) recommended that the loading for students with disability 'should be fully publicly funded as an entitlement, irrespective of the type of school the student attends or its school SES' (184). It was argued that this would assist schools in meeting their legislative obligations and support an inclusive education approach.

The *Disability Standards for Education 2005* (DSE; Australian Government 2020a), formulated under the *Disability Discrimination Act 1992 (Cth)* (DDA), outline the legal obligations of education authorities and bodies in relation to the education of persons with disability. Reviews of the DSE were first published in 2012 and again in 2015 and 2020. Differences among states and territories were raised as a concern in both reviews, highlighting the need for consistent definitions, funding models and implementation practices to be adopted across Australia (Australian Government 2012; Urbis 2015). Submissions across all reviews reported that students with disability and their families faced issues with enrolment and gatekeeping, participation in school life, access to curriculum and adjustments, teacher training, student and family consultation, and processes around accountability and compliance (Australian Government 2012; Urbis 2015). Many steps have been taken to improve the educational experiences of Australian students with disability; for example, relevant policies have been developed, funding for teacher training has been provided, and students with disability have become more physically present in schools and classrooms. However, teacher unions continue to resist rather than promote inclusive education efforts (Queensland Teachers' Union 2019), education leaders still promote special settings in an inclusive education system (Queensland Government. 2020), and many parents persist in wanting special schooling for their children (Mann, Cuskelly, and Moni 2018). As Australian educators look to the future for students with disability, their most pressing concern must be the tension between the progress of inclusive education and devotion to segregation.

The present study

It can be argued that a key reason for the maintenance of special schooling in an education system is inconsistency in interpretation of terminology. Recognising the barriers

to implementing inclusive education systems, including ambiguity around ‘inclusive education’, which was not defined in Article 24 of the CRPD, the United Nations adopted GC4 to provide an explicit definition of inclusive education, its core features and its implementation (United Nations 2016).

GC4 clearly distinguishes inclusive education from other educational provisions:

Inclusion involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences. (United Nations 2016 para. 11)

Distinctions are made between inclusion and:

- integration as the ‘process of placing persons with disabilities in existing mainstream educational institutions, as long as the former can adjust to the standardised requirements of such institutions’;
- segregation ‘when the education of students with disabilities is provided in separate environments designed or used to respond to a particular or various impairments, in isolation from students without disabilities’; and
- exclusion ‘when students are directly or indirectly prevented from or denied access to education in any form’ (United Nations 2016 para. 11).

GC4 also states that inclusive education is a fundamental right of the learner; parental choice of segregated education is not supported by GC4. However, within the current Australian context, parental preferences for segregated provisions should be viewed within the context of the choice of placement options offered by Australian education systems, parents identifying a lack of genuine inclusive education options, and parents being coerced into choosing a segregated provision (Mann, Cuskelly, and Moni 2018; Poed, Cologon, and Jackson 2020).

A core feature of inclusive education as defined by GC4 is that ‘education ministries must ensure that all resources are invested toward advancing inclusive education, and toward introducing and embedding the necessary changes in institutional culture, policies and practices’ (United Nations 2016 para. 12). GC4 states that funding models should transfer resources from segregated to inclusive education environments. GC4 outlines the principles underpinning inclusive education, and recommends State Parties discontinue parallel (regular/special) systems of education (United Nations 2016). In 2019, the CRPD Committee reviewed Australia’s progress to meeting the requirements of GC4, and recommended the development of a national plan for inclusive education that addresses ‘segregation, seclusion and isolation and the lack of age-appropriate settings for students with disabilities at all levels ... and redirect adequate resources to a *nationwide inclusive education system for all students*’ (2019, para. 46).

In Australia, little is written on the way special schools have evolved, or what their future holds if our Governments embrace their obligations under GC4. We sought to examine the appetite for the closure of special schools, or the redirection of funding toward inclusive settings, by examining recent inquiries and reviews into the education of Australian students with disability (published post-2016 when GC4 came into effect).

Method

The primary aim of this research was to examine the extent to which inquiries and reviews into state educational provisions for Australian students with disability have considered the obligations noted in section 39 of the GC4,

... States parties have a specific and continuing obligation 'to move as expeditiously and effectively as possible' towards the full realization of article 24. This is not compatible with sustaining two systems of education: mainstream and special/segregated education systems. ... Similarly, States parties are encouraged to redefine budgetary allocations for education, including transferring budgets to develop inclusive education.

Using the above statement as the conceptual lens, a qualitative artefact analysis was chosen to explore two key research questions:

- Q1 Do inquiries and reviews into educational provisions for Australian students with disability discursively commit to the closure of special schools?
- Q2 Have inquiries and reviews into educational provisions for Australian students with disability recommended changing in resourcing models for educating students with disability, including the transfer of budgetary allocations from segregated to inclusive settings?

Selection of inquiries and reviews

The data for this research were formal inquiries or reviews undertaken within Australia on the education of students with disability that have been published post GC4 (United Nations 2016). Eight review documents were identified, presented in Table 1. No publicly available reports from reviews in South Australia, Western Australia or Tasmania were available at the time these inquiries were selected, although stakeholder views of those interested in the education of students with disability may have been captured in responses to federal inquiries.

Table 1. Australian federal, state, or territory inquiries or reviews into the education of students with disability

Jurisdiction	Inquiry/review title
Federal	<i>Access to real learning: The impact of policy, funding and culture on students with disability</i> (Senate Standing Committee 2016)
Federal	<i>Disability in Australia: Changes over time in inclusion and participation in education</i> (Australian Institute of Health and Welfare [AIHW] 2017)
Federal	<i>Final Report of the 2020 Review of the Disability Standards for Banks 2020</i> (Australian Government 2020b)
State (Victoria)	<i>The education state: Review of the program for students with disabilities</i> (Victoria State Government [Education and Training] 2016)
State (Queensland)	<i>Review of education for students with disability in Queensland state schools</i> (Deloitte Access Economics 2017)
State (New South Wales [NSW])	<i>Education of students with a disability or special needs in New South Wales</i> (NSW Parliament Legislative Council 2017)
State (Northern Territory [NT])	<i>Review of policy and practice for students with additional needs</i> (Centre for International Research on Education Systems [CIRES] 2018)
State (New South Wales [NSW])	<i>Strengthening school and system capacity to implement effective interventions to support student behaviour and wellbeing in NSW public schools: An evidence review</i> (Pearce et al. 2019)

Approach

Reviews of educational provisions, and the opportunities these bring for shaping future education policy, must occur within a wider context that acknowledges social and cultural changes in the ways people with disability are included within society. As an interpretative methodology, hermeneutics provides a way of undertaking not only a deep examination of the intent of texts but also the context in which they are generated (Poed 2016).

The first and second authors independently examined each inquiry and review, coding text that, on first impression, appeared to address the two key research questions. Statements from each inquiry that addressed the research question were extracted by each author and placed in an Excel spreadsheet. The two initial authors then reviewed these statements for inter-rater agreement in relation to their relevance to each research question. Together, the two authors then conducted a final review of each inquiry to ensure no further relevant text had been overlooked.

Findings

The data indicate little evidence of a commitment to move away from the dual options of mainstream and segregated education for students with disability. Contrary to the GC4 obligations, the future of Australian special schools is not under question. Reviews do, however, provide important insights into why this is so relevant to our research questions. First, the lack of commitment to special school closure is explored, and significant obstacles to special school closure are outlined. Then, data referring to resourcing models for students with disability are discussed.

The inquiry/review methodologies

The inquiries or reviews we accessed drew on a range of methodologies (see Appendix). Most used a combination of literature reviews of empirical research and/or policy documents, as well as stakeholder consultations. An exception was the AIHW (2017) review, which used only Australian Bureau of Statistics data.

Commitment to the closure of special schools

The primary data analysis targeted research question 1: Do inquiries and reviews into educational provisions for Australian students with disability discursively commit to the closure of special schools? Although inclusive education was supported, in principle, as an evidence-based practice and one that reflects a cultural shift within society, no inquiries or reviews promoted a commitment to inclusive education by recommending the closure of segregated settings. Four key themes explain why Australian states and territories have not yet committed to the closure of special schools. There were shared recommendations across the reviews about what is needed: (a) a shared vision and policy of inclusive education; (b) improvement in implementing inclusive education in mainstream schools; (c) parent/carer choice of school for their child; and (d) alternatives for how mainstream and special schools can work together.

Theme 1: Need for a shared vision and policy

Four of the reports (CIRES 2018; Deloitte Access Economics 2017; NSW Parliament Legislative Council 2017; Victoria State Government 2016) emphasised the importance of developing a clear vision and implementing policies to align with this vision. It was recognised that this policy should align with international and legislative obligations, changing community expectations, and research evidence that supports that inclusive settings are optimal for all students. The 2020 review of the DSE additionally highlighted the need for national alignment of policies with the DSE (Australian Government 2020b). However, there were some caveats placed around the implementation of these proposed policies. For example, the following condition was presented in relation to implementing any inclusive education policy in Queensland:

enrolment policy must be pragmatic in balancing the pursuit of what is an increasingly accepted preferred model against the systems that today's policymakers and sector leaders have inherited, wherein regular schools are not currently universally suited to meeting the educational needs of all students with disability. It will accordingly take time ... (Deloitte Access Economics 2017, 80)

A related recommendation was to 'develop an implementation strategy, to reflect the aspirations, goals and timeframes that the sector is committed to' (Deloitte Access Economics 2017, v); however, to date, there has been no presentation of the timeframe required to implement this strategy. In addition, the Queensland review stated that enrolment and resourcing decisions must balance the educational benefits with the costs (Deloitte Access Economics 2017). For example, the review states that enrolment policy decisions should weigh up the 'long term educational and wellbeing outcomes' (ix) with the 'impost of educational choices on families and the cost to the system of providing school education', (ix) with arguments that there has been significant financial investment into special schools, and these settings where students with disability are co-located might be currently more economical (Deloitte Access Economics 2017, 39). The NSW review highlighted the lack of vision and clarity about inclusive education, with the Committee stating it does 'not believe that a policy of inclusion and the presence of segregated settings represent mutually exclusive ideals' (NSW Parliament Legislative Council 2017, 40). Similarly, the NT concludes that there is 'a place for special schools as partners in progressing toward long-term inclusion' (CIRES 2018, 26). Therefore, it appears that understandings of inclusive education do not align with definitions in the GC4, and commitment to inclusive education policy does not necessarily equate to immediate commitment and a clear vision and plan to achieve inclusive education for all students.

Several states and territories have since developed policies, statements or frameworks to match their reviews' recommendations. However, these 'inclusive education' policies lack commitment to eliminating segregated education systems. Queensland was the first state in Australia to develop an inclusive education policy in 2018 (see Queensland Department of Education 2020). Although defining the difference between inclusion and segregation, the policy confirms that 'the department will continue to offer parents the choice of enrolling their child, who meets set criteria in highly individualised programs, including through special schools' (Queensland Department of Education 2020, 2). The Northern Territory Framework for Inclusion 2019-29 also states that the

education department ‘will explore service delivery approaches to inclusion that involve mainstream schools, specialist schools and external specialist agencies’ (NT Department of Education 2019, 12). Similarly, the NSW Inclusive Education Statement concedes that some students with disability might attend ‘more than one learning environment during their education. For example, attending a school for specific purposes, or a support class in a primary or secondary school’ (NSW Department of Education 2019, 2). The Victorian inclusive education policy does not mention segregated settings; however, implementation of this agenda includes the Program for Students with Disability, which does reference the option for eligible students with disability to attend ‘specialist schools’ (Victoria Department of Education and Training 2020). A purported commitment to inclusive education along with provision of segregated settings does not acknowledge that these models are incompatible as per the GC4.

Theme 2: Need for improvement in implementing inclusive education

All inquiries or reviews highlighted the challenges faced by education systems in providing inclusive education for students with disability and the need for improving inclusive education practices. The 2020 review of the DSE reported that negative experiences of students with disability and their families often related to educators’ inadequate understanding of the DSE, as well as knowledge, skills and time to implement their obligations, including reasonable adjustments (Australian Government 2020b).

That special school attendance is increasing may reflect these challenges, with the Australian Institute of Health and Welfare (AIHW 2017) reporting the number of students with disability attending special schools increased from 11% in 2003 to 15% in 2015. For students with severe or profound disabilities, there was an increase from 22% to 26% (AIHW 2017). However, the number of students attending segregated classes within a mainstream school decreased from 25% of students with disability in 2003 to 19% in 2015; for students with severe or profound disabilities, the numbers reduced from 27% to 22% (AIHW 2017). One possible explanation for the decrease in students with disability in segregated classes in mainstream schools, along with the increase in attendance at special schools, is that parents/carers are not satisfied with support in the mainstream and are moving their children to special schools to seek additional supports and access to resources.

Within the reviews, the need for improvement in practice in inclusive education was a recurring theme that is used to justify maintaining segregated education options. There were concerns about the lack of system-wide consistency of practices, support, and teacher capacity to educate students with disability, with this affecting the capacity of schools to ensure all students with disability receive quality inclusive education. The NSW Parliament Legislative Council (2017) review found ‘great inconsistency in the quality of education and support being delivered by schools’ (40) and that ‘while there are many striking instances of excellence, the inclusive approach to education provision promoted in legislation and policy is not the reality experienced by many students with disabilities’ (41). The Council asserted that although education in an inclusive mainstream setting should be the ‘default and preferred option’ (NSW Parliament Legislative Council 2017, 41), ‘it is the quality of instruction rather than simply the setting in which it is delivered that is most important’ and ‘there is a place for special settings that can provide targeted support’ (40).

The ‘variable’ provision of quality inclusive education practices was also a theme of the Queensland review, which included a provision that the obligation to provide inclusive education for students with disability is ‘contingent on the existence of quality practice within schools’ (Deloitte Access Economics 2017, 80). Along the same line as NSW and Queensland, Victoria’s review found that ‘the education workforce is often not well equipped to provide an inclusive environment or to respond to the differing needs of students with disabilities’ (Victoria State Government 2016, 24). The quality of inclusive practices may be particularly impacted for certain subgroups. For example, there was a ‘perceived inequality between services provided to indigenous students and non-indigenous students, especially in remote areas’ (CIRES 2018, 171). Students with disability whose learning is impacted by behaviour are another subset for whom additional barriers were highlighted. It was noted that when these students are placed in Behaviour Schools in NSW, mainstream schools were reluctant to allow students to return (Pearce et al. 2019). This reluctance was attributed to a lack of support for mainstream schools to engage these students. The irony of this example is that the existence of segregated systems intensifies rather than mediates this barrier to including students with disability in mainstream schools. In response to these common concerns about sub-optimal inclusive education, practice were widespread recommendations for the maintenance of special schools and further professional learning, guidance, resources and tools to support the upskilling of school staff to implement inclusive education.

Theme 3: Parent/carer choice

Four reports (Australian Government 2020b; Deloitte Access Economics 2017; NSW Parliament Legislative Council 2017; Senate Standing Committee 2016) emphasised that maintaining a segregated special education system was partially founded on the ‘right’ or ‘choice’ of parents/carers to enrol their children with disability in special schools. In the Federal Senate Inquiry (Senate Standing Committee 2016), although the report acknowledged the evidence for inclusive education, the inquiry emphasised the right of parents/carers to choose special schools and made no recommendations regarding either the closure of special schools or their future within an inclusive education system. The inquiry noted:

The choice of which school to enrol a child in is one of the main decisions parents have to make, and the committee notes that different families will have different preferences and opinions on what environment will best suit their child, especially if that child has a disability ... Differing views from parents and carers about the best options for their children should always be respected. (64)

The 2020 review of the DSE similarly emphasised parent/carer choice as part of the justification for maintaining special schools:

... the Government’s view is that the UN CRPD allows the use of both mainstream education and specialist schools for persons with disability. The Australian Government’s recurrent school funding arrangements reflect the policy position that parents and carers are best placed to choose the most appropriate educational setting that meet the needs of their child. (49)

These statements highlight the Government's lack of understanding that maintaining a segregated system and prioritising parent choice over a child's rights is incompatible with meeting their GC4 obligations.

The Queensland review discussed balancing 'international obligation to provide school education for students with disability in inclusive settings' with the choice of parents/carers to enrol their children in special schools to reflect that quality inclusive practice is not yet universally available in the government education sector (Deloitte Access Economics 2017, 80). Additionally, they noted that subsets of parents/carers 'may be influenced beyond educational interests', such as the Deaf and Hard of Hearing community who 'has developed a shared language and cultural identity, and parents may wish for their children to connect with that identity within a sign language environment' (Deloitte Access Economics 2017, 39). One NSW report also concluded that although there is support for the 'cultural, legislative and policy shift' toward inclusion in mainstream schools 'where reasonably practical', 'decisions about enrolment should primarily be matters for well-informed parental choice' (NSW Parliament Legislative Council 2017, 41).

This focus on the 'rights' of parents/carers conflicts with GC4, which foregrounds the inclusion of students with disability over parents' entitlement to choose a school. GC4 clearly states that inclusive education is the right of the learner and that 'parent responsibilities ... are subordinate to the rights of the child' (United Nations 2016, para. 10). Relevant recommendations in the reviews and inquiries were that education systems should provide information and support to parents/carers so that they can make informed decisions about their children's education, such as providing 'information about the rights of students with disability' (NSW Parliament Legislative Council 2017, 41) and 'advice to schools, parents and the broader education community on the effectiveness and appropriateness of different settings, with regard to the long-term outcomes of students' (Deloitte Access Economics 2017, 84).

Theme 4: Alternative models

Rather than suggesting the closure of special schools, four reports recommended alternative models for how special schools can be used to support mainstream schools to educate students with disability. Victoria and NSW recommended that special schools become 'centres of expertise' to share knowledge and resources (NSW Parliament Legislative Council 2017; Victoria State Government 2016, 76). Queensland also suggested that special schools could act as 'resource hubs' for mainstream schools and further proposed that co-location of special schools and mainstream schools could allow 'resource-sharing with special schools providing a source of advice and guidance for other schools' (Deloitte Access Economics 2017, 75). While not specifically suggesting a particular model, the NT similarly recommended improving collaborative practices and partnerships between special and mainstream schools to better support students with disability (CIRES 2018).

Transferring budgetary allocations from segregated to inclusive settings

The secondary data analysis targeted research question 2: Have inquiries and reviews into educational provisions for Australian students with disability recommended changing in

resourcing models for educating students with disability, including the transfer of budgetary allocations from segregated to inclusive settings? Within these reviews, significant attention was paid to issues related to resourcing and workforce capability. However, there has been no recommendation in any of the reviews that resourcing should be taken from special schools and re-invested into mainstream schools to improve inclusion of students with disability. Instead, there were three common themes: (a) insufficient resourcing, (b) challenges of resourcing models and (c) calls for increased (mandatory) professional learning.

Theme 1: Insufficient resourcing

There was a widespread belief, evidenced by both stakeholder feedback to these reviews and inquiries, and from the recommendations, that more funding is needed to support the education of students with disability. In NSW it was recommended that the State government work closely with the Federal government to increase funding for students with disability (NSW Parliament Legislative Council 2017).

There was less agreement, however, on how additional resourcing should be used. In some jurisdictions, such as NSW, it was proposed that increased funding should be provided to segregated settings, such as Schools for Specific Purposes (SSPs). These schools are established solely for the enrolment of students with 'special learning needs' (NSW Government 2020). It was argued that these settings receive insufficient funding to support the education of 'students with high needs', and additional resourcing would enable these settings to offer an education on the same basis to what these students might receive were they to attend a mainstream setting (NSW Parliament Legislative Council 2017, 81). Additionally, the review called on the Government to establish more segregated support classes in mainstream schools (NSW Parliament Legislative Council 2017).

Both Queensland and Victoria proposed that additional resourcing could be used to establish systemic expertise. In Queensland, there was a call for the establishment of a dedicated branch within the Department that could serve as an organisational hub through which a repository of resources and co-ordinated, inclusive education professional learning opportunities could be offered (Deloitte Access Economics 2017). Further, it was recommended that the Department appoint a senior officer responsible for leading the implementation of an inclusive education agenda (Deloitte Access Economics 2017). In Victoria, the appointment of a Principal Practice Leader to regulate restrictive practices and provide guidance on students with behaviours of concern was recommended (Victoria State Government 2016). Additionally, it was recommended that Victoria continue to roll-out a \$10m funded project to retrofit existing schools to become more inclusive (Victoria State Government 2016).

Finally, the financial and staffing efficiencies of co-locating students with similar needs were noted within the Queensland review (Deloitte Access Economics 2017). The review noted that concentrating students with significant needs in one setting where expertise can be provided has potential efficiencies. An example was co-locating Deaf students so that they have access to Deaf culture and signing.

Theme 2: Challenges of resourcing models

A second theme to emerge related to challenges in how different jurisdictions allocated funding to students with disability. In the 2020 Review of the DSE (Australian Government 2020b), some families reported that students who have an 'unfunded' disability

more likely experienced gatekeeping at enrolment, or the lack of provision of adjustments when enrolled. Parents further emphasised that there was no accountability between the resourcing a child received and how this was used by schools, with complaints noting funding is sometimes consolidated into a school's general revenue or used to fund general activities (Australian Government 2020b).

In some jurisdictions, where funding is allocated on the basis of a disability diagnosis, families may experience financial challenges in obtaining a diagnosis (Pearce et al. 2019). Further, for rural- and remote-living Australians, geographic challenges can prevent them from accessing the required specialist expertise to provide a diagnosis (Pearce et al. 2019). To redress financial barriers, one recommendation was for the Government to provide a means-tested system to enable families to access funding to contribute to the costs of obtaining supporting specialist documentation for funding purposes (NSW Parliament Legislative Council 2017).

Concerns were noted, both in Queensland and federally, that resourcing allocations also consider place of enrolment as part of the funding calculation, with students enrolled in special schools automatically receiving a larger slice of the funding pie (Deloitte Access 2017; Senate Standing Committee 2016). In Victoria, targeted learners were seen to be disadvantaged by current funding models, including some students with autism, as well as students with dyslexia and learning difficulties (Victoria State Government 2016). It was recommended that the Government extend resourcing to these learners to better meet their educational needs (Victoria State Government 2016). In response to inequities, there was support for moving toward a needs-based funding model (CIRES 2018; Deloitte Access 2017; NSW Parliament Legislative Council; Victoria State Government 2016), with one report recommending a review of criteria for funding to ensure that it better reflected contemporary understandings of disability (NSW Parliament Legislative Council). Federally, needs-based funding was introduced under the Australian Education Act 2013 as a response to the Gonski et al. (2011) review. From 2018, the Australian Government has provided the student with disability loading based on needs-based data from the Nationally Consistent Collection of Data on Schools Students with Disability (NCCD) (Banks 2020). However, education jurisdictions across Australia are still permitted to redistribute this resourcing using their own funding arrangements (Fitzsimmons 2019).

Conversations regarding resourcing allocations invariably also include administrative concerns. Within one NSW review, stakeholders noted the importance of schools maintaining administrative control of their budgets, with the capacity to seek additional resourcing as needed to enhance workforce capability (Pearce et al. 2019). However, at the Federal level, it was argued that while additional funding for students with disability offers the key to access and attainment, it is also critically important that jurisdictions are accountable for monitoring and evaluating the use of any additional resourcing (Senate Standing Committee 2016).

Theme 3: Calls for increased (mandatory) professional learning

The strongest theme to emerge from all the reviews was the perceived need for increased professional learning to enhance workforce capability to include learners with disability, perhaps due to the sub-optimal provisions noted earlier. What further emerged was a laundry list of professional learning requirements, all of which have funding implications.

In NSW and Queensland, it was recommended that additional training is offered in relation to teachers' legislative obligations, as expressed in the DSE, despite the Federal government's investment in extensive online materials for teachers, now available through the NCCD website (Australian Government 2020c). NSW called for training in the DSE to be mandatory for school leaders (NSW Parliament Legislative Council 2017). Queensland, by comparison, called for school leaders to be trained in building and sustaining an inclusive school culture (Deloitte Access 2017).

High-quality professional learning for teachers across a range of domains was recommended. These included:

- inclusive curriculum, pedagogy and assessment practices (through approaches such as differentiation, modification and universal design for learning) (CIRES 2018; Deloitte Access 2017; Senate Standing Committee 2016; Victoria State Government 2016);
- Understanding and managing behaviour (CIRES 2018; Victoria State Government 2016);
- Disability specific training, including techniques to support learners with specific disabilities (CIRES 2018; Victoria State Government 2016); and
- Workplace health and safety training (NSW Parliament Legislative Council 2017).

There was also a call for a national approach to end the bullying of students with disability, supported by professional learning and resources (Senate Standing Committee 2016). All levels of the education workforce were viewed as in need of increased professional learning, from preservice teachers (Australian Government 2020b; CIRES 2018; Deloitte Access Economics 2017; Senate Standing Committee 2016; Victoria State Government 2016), to newly appointed school staff (Deloitte Access Economics 2017), to experienced teachers (Australian Government 2020b; CIRES 2018; Deloitte Access Economics 2017; NSW Parliament Legislative Council 2017; Senate Standing Committee 2016; Victoria State Government 2016) and teacher aides and others providing in-class support, including a national qualification standard for teacher aides (Senate Standing Committee 2016).

Recommendations

If students with disability are to be accorded their right to inclusive education as per the mandate of the CRPD and GC4, then the closure of special schools and a commitment to an inclusive system must be on every educational agenda. A lack of progress in this regard, worldwide, indicates how difficult such a move is to make. If educational leaders *were* to commit to transitioning away from a dual system of mainstream and special schooling, how can the analysis of recent reviews presented in this paper contribute to such a move?

Recommendation 1: Alignment between vision of inclusive education and General Comment No.4

Our findings indicate that support for inclusive education, in principle, is strong, and the recent flurry of reviews into education for students with disability suggests there is a keen

interest in doing better by these students. This is a positive grounding for future progress. Our findings also suggest, however, that Australian leaders do not currently understand what inclusive education means and confuse the maintenance of a dual pathway of mainstream and special schooling as inclusion. To make further progress with inclusive education in Australia, it is essential that federal and state educational leaders develop and promote a vision for education that clearly aligns with the definition of inclusive education outlined in GC4. This vision would include an explicit commitment to the closure of special schools, recognising Australia's obligation under the CRPD to transition to an inclusive system, which is not compatible with the maintenance of segregated schooling. A commitment to an inclusive education system is also in line with research into optimal outcomes for students with disability (de Bruin 2020), and should underpin all policies and guidelines, and systemic planning in education. Such a vision will take courage and leadership to develop and implement, and an acceptance that the transition to an inclusive system will be complex and will take time.

Resistance to the closure of special schools is strong, as the findings reported here make clear. It will take more than just leaders at the bureaucratic level to develop, promote and implement this vision. A key element of leadership through this transition will be a collaborative approach. Shared development of an inclusive vision, including the decommissioning of special schools, must involve all those with something at stake in the transition, including school leaders, teachers, parents, and students themselves.

Recommendation 2: A plan for the closure of special schools and the transition to an inclusive educational system

A vision for an inclusive system is essential but not sufficient to progress the changes that are necessary if special schools are to close, as per our obligations under the CRPD. A clearly articulated transition plan will be necessary for this urgent venture and a timeline for the process of desegregation is critical. At the outset, governments must commit to the cessation of new infrastructure and resourcing for special schools, and redeploy funding to capacity building within an inclusive system. Existing funding models for an inclusive system can be drawn on in this regard, for example, the Special Education Teacher (SET) Allocation Model, whereby schools receive additional resources based on the number of students with complex needs, the results of standardised tests, and the social context of the school (Banks 2020).

Funding for students with disability accounts for 12–20% of the overall education budget in most countries, and special education costs more per student than mainstream education and appears to be escalating (Banks 2020). It has been reported that each new special school built in Australia costs approximately \$27 million, and a special school generally has an enrolment of approximately 80 students (Commonwealth of Australia 2020). Educators worldwide have questioned the efficiency and equity of using resources to support special education and called for funding to be redirected to facilitate the achievement of inclusion in regular schools (Banks 2020; Porter 2008).

A particular commitment to intense resourcing in the initial stages of the transition process acknowledges the difficulty of the changes required. Our findings show the resistance to special school closure by some parents; consequently, support for, and collaboration with, parents through these changes will be critical. Similarly, capacity building for

teachers is an ongoing feature of inclusive educational change, and intensive support for teachers in the early stages of transitioning to an inclusive system will be key. Time will be required for teachers to develop knowledge and skill capacity, and to continue to develop ongoing resources to support inclusion. This may need to be supported by redeploying the existing workforce and professional learning about new ways of thinking and practice. An explicit plan with clear timelines and accountability measures for ending segregation should be developed (e.g. the Australian Coalition for Inclusive Education (2020) has provided a roadmap for achieving inclusive education that may provide inspiration).

Conclusion

Segregated education in Australia is increasing (de Bruin 2019). This increase is alarming given that the CRPD and DSE state that students with disability are entitled to enrol in their local school and access education on the same basis as their peers without disability. An assessment of Australia's compliance with the CRPD shows Federal, State and Territory governments' 'support extends to both segregated special schools and to schools offering inclusive education' (McCallum 2020, 120). This approach is also inconsistent with the original National Disability Strategy (NDS) 2010–2020, which states, 'People with disability achieve their full potential through their participation in *an inclusive high-quality education* system that is responsive to their needs' (Commonwealth of Australia 2011, 53). The new national strategy (2021–2030) is awaiting formal endorsement (Australian Government [Department of Social Services] 2021).

For many years, maintaining segregated education options has been due to the assumption that children with a disability are better placed in special education settings, but there is no evidence to support this belief (Hehir et al. 2016). Evidence instead demonstrates that placement in segregated settings for students with disability has resulted in a marginalised population that has been institutionalised, undereducated, abused, neglected, socially rejected and excluded from society (ACIE 2020; Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability 2020). Further, a conclusive body of evidence shows that inclusive education leads to positive academic and social-emotional outcomes for all students, with and without disability (de Bruin 2020; Hehir et al. 2016); moreover, it results in better employment outcomes and higher incomes for this cohort (AIHW 2017).

Roberts (2008) argued that special schools have no future when inclusive education is achieved; or alternatively, their future rests on the failure of inclusive education. However, this paper shows that the future of special schools rests on education sectors across Australia taking the next step in addressing their obligations under the CRPD. Given it is more than 10 years since Australia ratified this Convention, it is surprising and disheartening that there is such limited commitment in the reviews and inquiries cited here to fulfilling these obligations.

It is indicated in our findings and has been argued elsewhere (McGarrigle, Beamish, and Hay 2021), that before we can close special schools, we must build the capacity of mainstream schools to include all. The time for such an argument is at an end. History shows us that the existence of special schools clouds our educational vision for students with disability and keeps inclusive education reform locked in an ever-circling holding pattern. Certainly, there must be a transition time for the decommissioning

of special schools, but without a firm end date in mind for the era of segregation, our legal obligations towards students with disability will always be a distant dream, unattainable and out of reach.

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Appendix. Methodologies for the included Australian federal, state, or territory inquiries or reviews into the education of students with disability

Inquiry/review title	Methodology
<i>Access to real learning: The impact of policy, funding and culture on students with disability</i> (Senate Standing Committee 2016)	<ul style="list-style-type: none"> • Written submissions from 294 individuals and organisations • Witnesses at public hearings: one each in Brisbane, Sydney and Melbourne.
<i>Disability in Australia: Changes over time in inclusion and participation in education</i> (Australian Institute of Health and Welfare 2017)	<ul style="list-style-type: none"> • Data from the Australian Bureau of Statistics (ABS) Survey of Disability, Ageing and Carers (SDAC)
<i>2020 review of the Disability Standards for Education 2005</i> (Australian Government 2020b)	<ul style="list-style-type: none"> • Targeted stakeholder group consultations: students and young people with disability, and their families; educators; education providers and authorities; policy makers, funders and regulators; peak bodies and advocacy groups; academics. • Use of various consultative approaches, including questionnaires; interactive webinars; targeted interviews, focus groups, discussion boards and roundtables; written, audio, or video submissions.
<i>The education state: Review of the program for students with disabilities</i> (Victoria State Government [Education and Training] 2016)	<ul style="list-style-type: none"> • Review of national and international literature • Consultations with over 100 individuals across 24 consultations, including academics, parents, current and former students, principals and professionals working with children and young people with disability. • 170 open-text online submissions from the education sector and community. • Online survey with more than 1400 respondents. • Literature review on policy and practice regarding students with disability.

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Inquiry/review title	Methodology
<p><i>Review of education for students with disability in Queensland state schools</i> (Deloitte Access Economics 2017)</p>	<ul style="list-style-type: none"> • Historical and contemporary policy documents from Queensland and other jurisdictions. • Stakeholder consultations with education departmental officials, disability associations, educational support providers, teachers' and principals' organisations, advocacy organisations, school leaders, teachers, school support staff, parents, students and the general Queensland community. Involved: online survey with 2751 responses; 100 parent, student and school staff focus groups across 32 state schools; 40 stakeholder discussions with representative groups; 23 standalone written submissions from community stakeholders. • Analysis of Departmental schooling data. • 125 submissions, 99 stories, 882 discussion forum contributions (308 comments, 574 votes) from 114 contributors and 197 individuals participating in roundtables discussions and a forum.
<p><i>Education of students with a disability or special needs in New South Wales</i> (New South Wales Parliament Legislative Council 2017)</p>	<ul style="list-style-type: none"> • 427 submissions from a range of stakeholders. • 15 supplementary submissions. • 7 public hearings in Sydney (4), Newcastle, Shellharbour and Lismore with witnesses such as teachers, principals, parents, departmental officials, government officials, education associations, education and teacher unions, disability groups and organisations, academics and Parent and Citizens Associations. • Site visit to various schools.
<p><i>Review of policy and practice for students with additional needs</i> (Centre for International Research on Education Systems 2018)</p>	<ul style="list-style-type: none"> • A review of the NT's current policy documents and practices. • Research on policies and practices. • Approaches in other jurisdictions, nationally and internationally. • 2 discussion papers produced in collaboration with the Department, and informed by targeted consultations. • Extensive consultations, including face-to-face stakeholder sessions, online surveys and a second round of face-to-face and phone consultations. • First round of consultations through 6 face-to-face stakeholder sessions with 46 individuals from government and stakeholder organisations. • Online survey with 449 responses: 50 school leaders, 214 school staff, 185 families and carers. • Second round of consultations through face-to-face and phone consultations with 116 respondents from 14 schools (40 school leaders and teaching staff), 36 families and carers, 26 support staff and 14 individuals from peak bodies or service providers.
<p><i>Strengthening school and system capacity to implement effective interventions to support student behaviour and wellbeing in NSW public schools: an evidence review</i> (Pearce et al. 2019)</p>	<ul style="list-style-type: none"> • Focus group and interview consultations with NSW educators. • Review of existing international and national policy and practice (Think Tank with experts). • Review of empirical literature.