

Education (General Provisions) and Other Legislation Amendment Bill 2024

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Submitted by: Paul Harpur
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As a parent of a child with a disability I am conscious that we already are required to jump through additional hoops, when compared against parents who do not have a child with a disability. The Education (General Provisions) and Other Legislation Amendment Bill includes a requirement that someone proves that home schooling is: (i) is in the best interests of the child or young person taking into account their 28 safety and wellbeing; and (ii) ensures the child or young person receives a high-quality education; This implies that parents who are compelled to home school their children due to the system failing them, will be asked to provide evidence that the system has failed them and they are thus best educated through a home schooling arrangement. This is an additional requirement imposed upon parents already carrying a heavy burden, and unfairly, not imposed upon parents who decide to leave their child with a disability, who might be bullied and receiving sub-standard education, in a standard school. Moreover, parents with children without a disability are not being asked to explain why it is in their children's best interests to be left in standard schooling. Who will pay for parent's taking the time to prepare the reports? Who will pay if specialists are required? If the new system requires this, then the system should pay, on an indemnity cost, for this process. This should include paying parents for the work they need to perform in preparing documents and attending appointments and paying for taxis and, if you are a rural family, perhaps paying for flights, accommodation and more. remember, not every kid that is home school lives in a city. Some live a flight from specialists this bill might require from them. This issue of cost could go in to the tens of thousands for many kids. Most parents of kids with disabilities are already under the pump financially. Don't break families financial backs with this reform. If you want it, fund it in full and include the thousands it is going to cost for the new hoops to be jumped through by every home schooled family. I want to now address why the school system is just failing so many kids with disabilities. The system makes reasonable adjustment for students with disabilities. For some children, this might be achieved by putting a ramp in or putting materials into a different format. What about kids that need to learn vastly differently. This is an unreasonable adjustment, and thus the child is left with a discounted education. Think on that. the system does not say- adjust the system so all kids can learn. The system says only adjust the system if it is not unreasonable to do make the changes. That builds into our education system the reality that kids will be left behind and failed by our system. Here are some real world examples from my son's friend base. Too often we focus on hypothetical examples or stats, so here is the real world. Child A likes to focus intensely on a particular topic for weeks and then move to a new topic. The standard school system has no way of reasonably adjusting for this. there was no support and the kid failed at school and succeeds in home schooling. Child B was bullied and attacked regularly. Their school bag destroyed. Lunchbox broken and dirt put in their bag and in their hair. The school put the survivor from the violence in a classroom at lunch to protect them. the attackers played and laughed. The principal just said there was nothing they could do. The parent was not allowed onto the school grounds. The only option was to keep their child safe and remove them. The parent would love a world where people are not attacked due to their disability, but the reality is that this is too often not the case. Child C could not read after attending school for years. the teachers were mostly nice, tried to stop the bullying and teasing, but they lacked the skills necessary or the time to really help. The school put the resources for child C into a building fund mostly, and the teacher aid, while very nice, was massively under qualified for the task. Within a few months of home schooling, and attending the appropriate specialist child C was reading. Child D learned slower than everyone in the class. So week after week they fell further and further behind. Within a

year they were just attending class and not following anything. Flip to home schooling. The parents, who had the flexibility, taught through holidays and enabled their child to learn at their own speed. The school told the parents their child would need to be held back many times over their schooling. The parents told the system no. the parents extended the school teaching period and their child is now ahead of many students without their disability. Children with disabilities can require unreasonable adjustments. Sometimes this might require a special school, but other times it can just require a parent to give up so much of their life to help their kid succeed in life. We need to support home school families and stop creating new burdens on them. Of course, if we do want an equal education system, then let us do it! If we are serious about equal education, let us put it into law. Equal education is not built into our school system. Why not? Why does this bill not call for all students, regardless of their abilities, to receive a full and equal education. That no matter their needs, no matter their diversity, the system will guarantee that the best interests of those children is paramount and real protections are put in place to realize this. This should include:

- a positive duty to eliminate all barriers to a full and equal education of children with disabilities, including in curriculum, and in the digital and built environments. Such an obligation supported by reporting obligations, and the capacity for parents to file suit and obtain compensation.
- A reverse onus on providers when parents complain that their child's needs are not met and/or that resources for their child are not going to their intended purposes;
- Action as a tort, with expedited proceedings and where damages reflect the trauma of parents and the child;
- and
- Where the system mandates that former students with disabilities, now adults with disabilities, are employed as teachers, principals, on school boards, and in the department of education at all levels, on numbers which reflect their numbers in society.

Professor Paul Harpur OAM BBus (HRm), LLB (Hons) LLM, PhD, FHEA, solicitor of the High Court of Australia (non-practicing), PLYThe University of Queensland Law School (TEQSA PRV12080) Associate, Harvard Law School Project on Disability Australian Research Council Future Fellow