



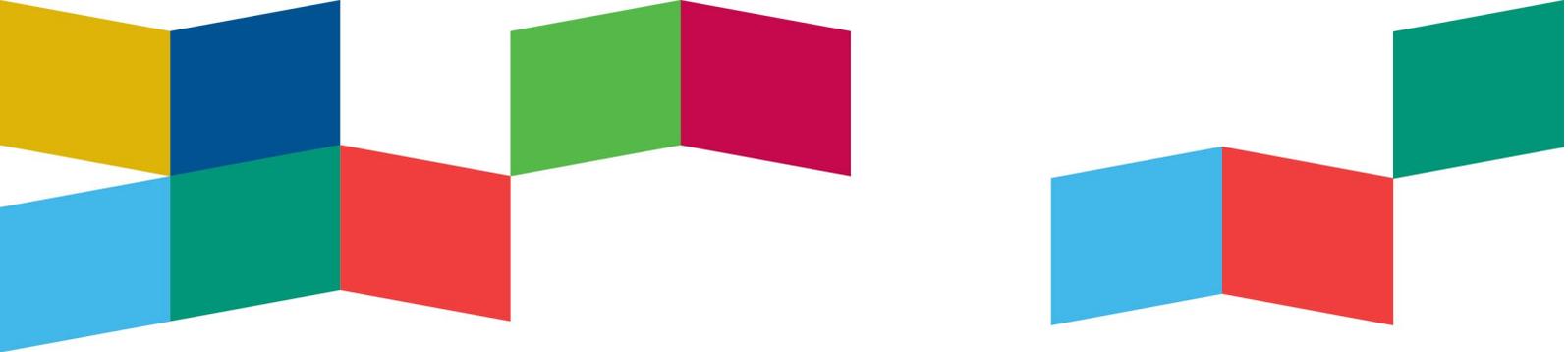
Consultation Paper:

Changes to the Disability Standards for Education 2005

February 2025



#BestStartInLife



Response

1. The Australian Childcare Alliance supports the inclusion of all children and champions their participation in Early Childhood Education and Care (ECEC).
2. We have been vocal in our advocacy for inclusive education and have highlighted the system failures in almost all our policy documents, including the Productivity Commission's public inquiry into ECEC.
3. We do not support adding *educational early childhood services* to the Disability Standard for Education 2005 (DSE) unless the *Australian Education Act 2013* ("the Education Act") also includes the same definitions and funding allocations.
4. **ECEC focuses on laying a foundation for learning and development through play-based approaches.** The long day care and other ECEC service providers work under the Disability Discrimination Act 1992 (DDA) and follow inclusion principles in the National Quality Framework (NQF) under National Law.
5. The DSE outlines how education providers must ensure that students with disabilities can access and participate in education on the same basis as others. The DSE applies to preschools (also known as kindergarten) through to Year 12, as this education is considered part of formal, government-funded education.
6. The *Education Act* specifies the funding measures for needs-based support in primary and secondary education to achieve DSE. The Commonwealth funding to schools is determined by the Schooling Resource Standard, which includes additional funding for students with disabilities, Indigenous students, and those from disadvantaged backgrounds.
7. The Preschool Reform Agreement, administered by each State and Territory, allocates approximately \$1,378 per child for participation in 15 hours of preschool/kindergarten.
8. Separate funding to support inclusion is administered federally through the Inclusion Support Program and is not designed to support children with a disability.

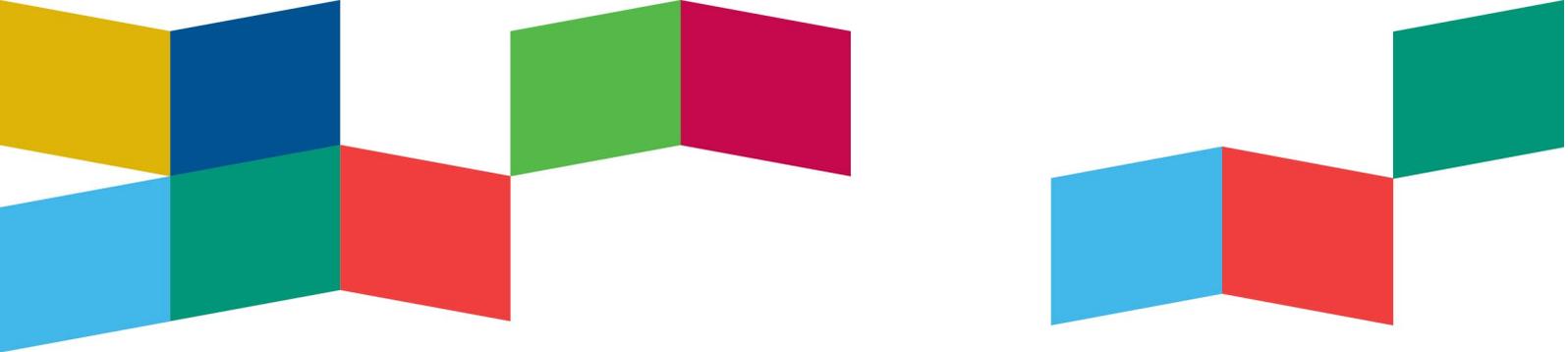
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9. The *Education Act* does not mention early childhood educational services, preventing early childhood education providers from accessing the same identified funding for primary and secondary education. **For** this reason, it is important to contextualise the different educational institutions and the resources DSE requires.
 10. Childcare centres follow the Building Code of Australia (BCA) which is part of the National Construction Code and adheres to jurisdictional building requirements to ensure accessibility for people with disabilities.
 11. According to the BCA, section 1428.1 (Design for Access and Mobility) stipulates the height for door handles (or any operable parts) should be between **900 mm and 1100 mm** from the finished floor level. This range is designed to ensure that the door handles are accessible to people of different abilities, including those in wheelchairs, and to accommodate people with other mobility challenges.
 12. For **safety and security reasons**, many childcare services opt to place door handles at the BCA recommended height and **1500mm** to keep children from accessing certain areas.
 - a. The Queensland Design Standards for Department of Education Facilities, released in October 2024, says the following:
“In an early childhood centre, door handles should be located at 1500 mm (above finished floor level) wherever possible to limit unsupervised access. Consideration must be given to balancing accessibility requirements with the need to prioritise the safety of young children.”

Table 1 below highlights how the existing laws and frameworks relate to disability inclusion and resource allocation and application in the ECEC setting.

Table 1. Legislation and frameworks addressing disability

Legislation/Framework	Purpose	How It Supports Inclusion	Applies to ECEC Services?
<i>Disability Discrimination Act 1992 (DDA)</i>	Prevents discrimination based on disability in public life, including education and care.	Requires all education and care providers (including ECEC) to make reasonable adjustments for children with disabilities.	✔ Yes, applies to all ECEC services.
<i>Disability Standards for Education 2005 (DSE 2005)</i>	Ensures students with disabilities can access education on the same basis as others.	Requires preschools/ kindergartens and schools to provide reasonable adjustments, support services, and accessible learning environments.	⚠ Partially—applies to preschools/ kindergartens but does not explicitly cover long day care, family daycare, or OSHC .
<i>Australian Education Act 2013</i>	Governs school funding , including for students with disabilities.	Provides needs-based funding for schools (including some school-based preschools) but does not cover ECEC services .	✘ No, does not apply to ECEC.
<i>Education and Care Services National Law Act 2010</i>	Regulates early childhood education and care services.	Establishes the National Quality Framework (NQF) , which requires inclusive education practices.	✔ Yes, applies to all approved ECEC services .
<i>National Quality Framework (NQF) & National Quality Standard (NQS)</i>	Sets national quality standards for early childhood education and care.	Ensures services meet inclusion requirements , provide reasonable adjustments , and support all children’s participation.	✔ Yes, applies to all regulated ECEC services under the National Law.

Key takeaways:

- **The DDA 1992** applies to **all education and care providers**, including long-day care, preschools, and OSHC.
- **The DSE 2005** applies explicitly to **preschools and schools** but not to other ECEC services like long-day care.

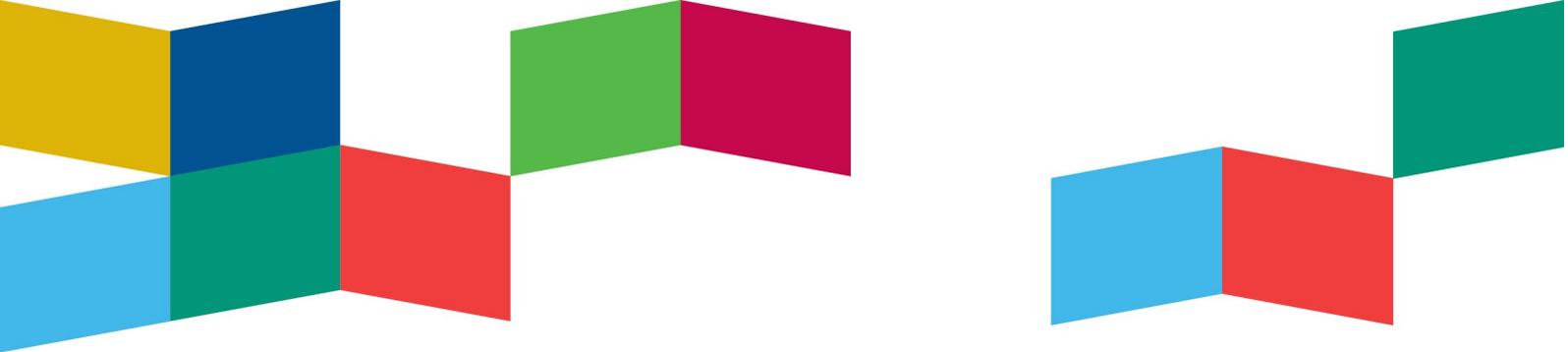
- **The Australian Education Act 2013 does not regulate or fund ECEC** but does fund schools to meet the DSE.
- **The National Law & NQF set inclusion standards for all approved ECEC services.**

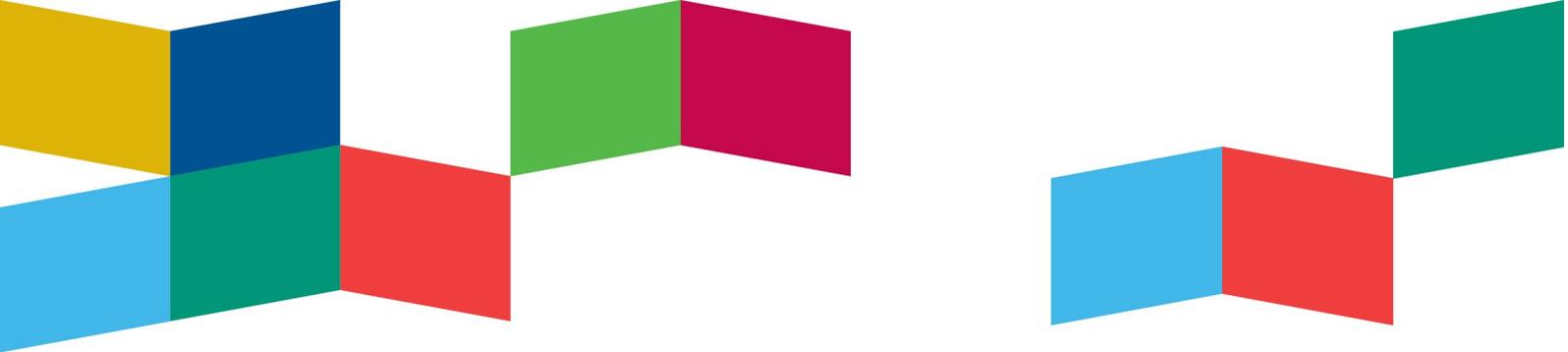
Practical Considerations:

1. **Resource allocation for ECEC providers differs dramatically from that of primary and secondary education institutions working to achieve the DSE.** Since the *Education Act* excludes ECEC, as mentioned above, the early learning services are funded through:
 - The Preschool Reform Agreement –ensures that 4-year-olds have access to preschool, which is administered by states and territories; and
 - The Inclusion Support Program (ISP) - aims to provide extra support for children with disabilities in ECEC settings.
2. We have consistently communicated the system’s failure to provide holistic, individualised, needs-based care under the ISP. Funds can be used for additional educators, specialist support, and adaptive resources to help children with disabilities participate fully in ECEC.
3. The ISP Guidelines—the tool used to deliver the program—have arguably remained unchanged since their release in 2016. However, the guidelines have gradually worsened accessibility and usability while underfunding children and service provision. Table 2 compares the funding provided in the ISP for the additional educator and the actual wage rate.

Table 2. A comparison – Inclusion Support Program additional educator

Time Period	Current ISP funding for an additional educator	Actual Cost of an additional educator (including all relevant oncosts)	Out of pocket costs to the service passed on to other families
Per hour	\$23	\$40	\$17
One week (25hrs)	\$575	\$1,000	\$425
One year (50 weeks)	\$28,750	\$50,000	\$21,250

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4. While ISP mechanisms and funding have remained inadequate, the demand for ISP has increased significantly, now supporting over 23,000 children. Equity groups include children from low-income families, First Nations people, or migrant backgrounds and require ISP the most.
 5. Many ECEC services in underserved communities have numerous children eligible for additional educator inclusion support, making these communities heavily impacted by the deficiency of ISP funding and relying on services to either self-fund or increase fees to cover the costs. It is worth noting that some services that self-fund can also risk viability issues.
 6. Small and medium service providers and operators **in rural and remote Australia or those occupying older buildings face a greater risk of failing to meet the DSE.** Compliance costs are already high for these services, and they also face greater staffing challenges. Infrastructure changes may not be achievable in many old buildings and could make many services unviable and/or non-compliant.
 7. Compliance and infrastructure changes and their effect on a service's licensing capacity must be considered. All jurisdictions mandate a minimum amount of indoor and outdoor space per child (e.g., 3.25m² indoors and 7m² outdoors under the NQF). Changes may reduce the available play or learning areas, shrink a facility's overall footprint, and limit the number of places a service can provide, thus affecting its viability.
 8. Many ECEC services pay rent based on a per-place model, which means rent is calculated based on the number of children licensed for the location. Mandated infrastructure amendments under the DSE would mean fewer children accessing the service, reducing the operational budget required to cover the cost of rent. The only viable option for providers would be to increase fees, as landlords are unlikely to reduce their rent (especially if they are not legislated to do so).
 9. ECEC emphasises establishing a foundation for learning and development through play-based methods. However, early childhood educators face a complex challenge when balancing age-appropriate expectations with the additional requirements of the DSE. To achieve this aspiration goal, the Federal Government would need to support educators by directly providing appropriately qualified personnel to provide developmental psychology and follow disability law.
 10. Without such additional operational support, services would face substantially additional costs and/or greater difficulty recruiting suitably qualified personnel with such an expanded range of



skills. Furthermore, the Federal Government would also need to address the increases in parent fees resulting from these changes.

11. ECEC providers currently make reasonable adjustments to meet the DDA, although there is no definition or standardised reference to determine a reasonable adjustment and best practices regarding this.
12. No funding is available for major infrastructure modifications, specialised staff training or assistive technologies for the delivery of reasonable adjustments.
13. **Appendix 1** offers a long day care scenario of accessibility, compliance and workforce implications to meet DSE requirements for a centre in Victoria. The scenario highlights the indicative costs to become DSE compliant.
14. Below are comparison tables that include ECEC alongside mainstream and special education schools. The tables compare access and inclusion, learning adjustments and individual support plans, and staff training and professional development. Their purpose is to highlight how each education provider responds to inclusive education within the DSE and the resources available to achieve it.

Table 3. Access and Inclusion

Aspect	Early Childhood Education & Care (ECEC)	Mainstream Schools	Special Education Schools
Enrolment & Access	Under the DDA, ECEC must enrol children with disabilities and make reasonable adjustments*.	Must accept students with disabilities and make reasonable adjustments* paid by the Government.	Designed exclusively for students with disabilities; tailored support is built into the environment.
Physical Accessibility	Must provide ramps, accessible toilets, sensory spaces, and adapted play areas.	Modifications like ramps, lifts, and accessible toilets are added where necessary and are paid by the Government.	Purpose-built with full accessibility in mind (e.g., wider hallways, hoists, therapy rooms).
Classroom Inclusion	Integrated play-based learning, with adjustments where needed.	Students with disabilities learn alongside peers, with support (e.g., aides, resource teachers).	Small class sizes with individualised programs, often grouped by support needs.

*Reasonable adjustments may include changes to buildings or equipment or teaching strategies to support the child. Services must also still consult with parents, carers and guardians on adjustments to help children join in and currently pay for the amendments. No adequate funding supports the delivery of this.

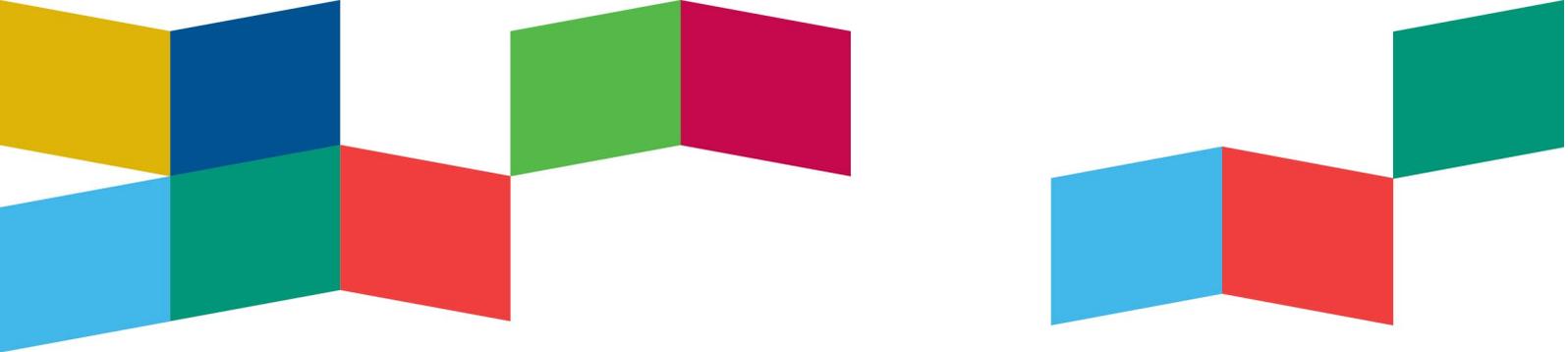
Table 4. Learning Adjustments and Individual Plans

Aspect	Early Childhood Education & Care (ECEC)	Mainstream Schools	Special Education Schools
Curriculum	Play-based Early Years Learning Framework (EYLF), adapted for diverse needs.	Follows Australian Curriculum with adjustments (e.g., simplified tasks, extra time, assistive technology).	Uses modified or alternative curriculum, often integrating life skills and therapy.

Aspect	Early Childhood Education & Care (ECEC)	Mainstream Schools	Special Education Schools
Individual Learning Plans (ILPs)	ILPs would need to be created in collaboration with families and therapists. ILPs are not in scope of current service provision.	Created for students who need adjustments; supported by teacher aides and specialists.	Every student has a highly detailed ILP, often including therapy goals.
Teaching Strategies	Differentiated play-based learning, sensory activities, and routine-based support is already implemented. Additional PD would be required for specific teaching strategies meeting specific individual needs.	Differentiated instruction, assistive technology, and additional learning support.	Specialised teaching methods (e.g., sensory-based learning, intensive communication strategies).
Support Staff	The Inclusion Support Program underfunds additional support for children with additional needs, let alone access to additional support staff such as allied health professionals.	Teachers work with aides, learning support staff, and allied health professionals funded by the Government.	High ratio of specialist staff (e.g., speech therapists, occupational therapists, behaviour specialists).

Table 5. Staff Training and Professional Development

Aspect	Early Childhood Education & Care (ECEC)	Mainstream Schools	Special Education Schools
Teacher Training	Early childhood educators would need to receive additional general inclusion training, with additional, ongoing professional development in disability support.	General teacher training with additional professional development in inclusive education.	Teachers are trained in special education, disability support, and therapeutic strategies.
Specialist Staff	The Inclusion Support Program underfunds additional support for children with additional needs, let alone access to allied health professionals.	Schools may employ or consult specialists like therapists and psychologists paid by the Government.	On-site specialists, including speech pathologists, OTs, and physiotherapists are included as wrap-around support for children.



Suggested legislative amendments

For continuity and comparability, differentiate between students and children:

1. Subsection 6.2(1) and subsequent of the Draft Disability Standards for Education 2005 Amendments refers to *students* with disability.
2. For comparability, the Australian Education Act 2013, Sect 6, refers to a student as a *primary student* or *secondary student*.
3. The Education and Care Services National Law Act 2010, in which ECEC is regulated, refers to *children* and omits the term, *students*.
4. Section 8.4 (note) of the Draft Disability Standards for Education 2005 Amendments omits educational institutions with substitute educational early childhood service providers.
5. The Disability Discrimination Act 1992 should also amend its definitions (4.1) regarding educational institutions to include educational early childhood service providers.

Appendix 1. Long-day care scenario of accessibility, compliance and workforce implications under DSE

For over twelve years, a small, owner-operator long day care centre has provided exceptional early learning and care to children and families in a fringed low-socioeconomic suburb of Victoria. The centre is situated in an older building with stairs leading to the reception and outside to a secure play area. The centre operates under the DDA and has made reasonable adjustments for all its enrolled children.

The centre has limited accessibility—there are no ramps or accessible bathrooms, and the doorways are not wide enough to accommodate a wheelchair. The staff understand sensory play-based education methodologies but are not trained to respond appropriately to physical or intellectual disabilities.

The DSE would deem this service to be non-compliant.

To comply, the centre must undergo major renovations and provide professional development to support its staff’s knowledge and capacity. The indicative costs for this immediate remedy exceed \$500,000. The centre will also face ongoing financial implications due to the reduced number of places and the continued cost of rent.

Symbolic costs are as follows:

Infrastructure Upgrade	Estimated Cost	Reason for Upgrade
Installation of a wheelchair-accessible entrance ramp	\$25,000 – \$40,000	Ensure safe access to the building.
Automatic and/or widened doorways	\$5,000 – \$15,000 per door	Allow wheelchair access to rooms.
Accessible bathroom installation/modifications	Up to \$80,000	Provide space and support for independent use.
Adjustments to classroom layout (furniture, play areas, pathways)	\$2,000 – \$5,000	Create space for mobility aids.
Accessible outdoor play area modifications	Up to \$400,000	Ensure safe and inclusive play options and availability to all areas.
Temporary and long-term capacity reductions		

Infrastructure Upgrade	Estimated Cost	Reason for Upgrade
Temporary Closure (4-8 weeks)	Loss of \$40,000 – \$80,000 in fees.	Centre is unable to operate while infrastructure is being upgraded.
Long-term capacity reduction (approx. 10%)	Loss of 5 enrolments 5 places x 5 days/week x eg \$120/day x 50 weeks = \$150,000/year * Rent is unlikely to change and as such, the operational costs for the remaining children will be greatly increased.	Centre’s footprint is reduced, and capacity is lowered.
Workforce Development		
Disability awareness and inclusion training	\$2,000 - \$5,000 per staff member	The centre must provide high-quality needs-based support.
Manual handling training	\$1,500 - \$3,000 per staff member	Manual handling training helps ensure the safety of both workers and clients. It's required by health and safety legislation
Hiring an additional staff member (if needed for 1:1 support)	\$50,000 – \$65,000 per year	

The Australian Childcare Alliance supports structural and cultural change toward full inclusion. This would achieve increased enrolment of children with disabilities, additional support and improved universal design to upgrade facilities, and a shift in teaching practices to prioritise inclusive learning.

While formal inclusion under the DSE would strengthen disability rights, it would also create financial and operational pressures for childcare providers. To ensure affordable and practical implementation, government funding and transition support that are provided to other educational institutions are critical.



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