



## Square Peg Round Whole Advocacy Group

### Submission to National Children's Commissioner: Youth Justice and Child Wellbeing Reform across Australia

30 June 2023

*We are in the midst of a societal and public health crisis. We are losing our most vulnerable kids, largely due to perspectives that are outdated and counterproductive, and disciplinary practices that are punitive and exclusionary.*

*With each time-out, detention, suspension, expulsion, paddling, restraint, seclusion, and arrest at school, there are children who aren't getting the help they need and are being pushed away from caregivers who could instead be helping them.*

*The cost to all of us is profound. Overwhelmed, discouraged educators. Frustrated, desperate parents. Expensive placements. Disenfranchised, marginalized, alienated kids. A pipeline to prison.*

*It doesn't have to be this way. - Dr Ross Greene, [livesinthebalance.org](https://livesinthebalance.org)*

## Who we are

Square Peg Round Whole (SPRW) is a national, **neuro-affirming parent advocacy group** pursuing the goal of **inclusive education in Australian schools**. Our group was founded by parent advocate, Lou Kuchel, who also runs the Square Peg Round Whole Podcast.

SPRW has around 2000 members across Australia, almost all of whom have lived experience of parenting neurodivergent children, and often with our own lived experiences of neurodivergence and other disabilities. We also welcome neuroaffirming professionals and experts in the field of inclusive education and related fields in our group.

We are particularly concerned with **neurodivergent students' right to inclusive education**, and the fact that genuinely inclusive education requires a **significant lens shift in** the way we approach children generally, and children with 'challenging behaviour' in particular.

Our guiding principles are:

1. **Inclusive education** – it is every student's human right to be educated alongside their peers at their local school, in accordance with the UNCRPD, not segregated to special education.
2. **Neuroaffirming behaviour support** – behaviourism, including PBL, should be phased out of schools due to the harm it causes neurodivergent students, and replaced with neuroaffirming practices such as Collaborative Proactive Solutions (CPS).

3. **“Nothing about us without us”** – neurodivergent voices must be heard in regards to issues that affect neurodivergent people.

Our members are parents, and they are also teachers, doctors, researchers, lawyers, healthcare workers, etc., who are raising children who are autistic, have ADHD, dyslexia, anxiety, giftedness, trauma, and dyspraxia among other conditions and disabilities. Although their demographics are varied, their experiences of navigating school are strikingly similar, in that they have struggled to get the understanding and accommodations necessary from schools in their jurisdiction/s to enable genuinely inclusive education for their children.

Often, the children of our members are the ones labelled ‘disruptive’, or ‘challenging’. They are routinely informally pushed out of school, restrained, isolated, suspended and expelled.

The experiences of our children and our own families have led us to provide support for other families struggling in this space, including empowering them to advocate for themselves to schools and departments of education. It has also led us to use our professional skills to research how we, as a society, can be getting our approach to children and to ‘discipline’ so wrong. The result has been that we **collaborate with many academics, researchers, health professionals, child psychologists**, etc., who DO understand the behavioural responses of our children and many others. And they DO have alternatives which benefit not only our children, but all children.

We endorse, and urge the Commission to closely read, the Australian Coalition for Inclusive Education’s 10-year plan for realising inclusive education: [\*Driving Change: A roadmap for achieving inclusive education in Australia\*](#)

## **Our submission**

This submission is written on the **understanding of the intersectional contributions** to a child or young person’s involvement in the youth justice system. That is, we already know that many vulnerable groups are more likely to become involved in the juvenile justice system. Those factors include having ADHD, Autism, cognitive disabilities, intellectual disabilities, being Indigenous, and having a trauma background (which often First Nations children and children with disabilities have). Of course, we also know that poverty and associated factors are also important.

We are particularly submitting in relation to the need for **reform of the approach to ‘behaviour management’ in education and youth justice settings**.

In summary:

1. From our lived experience and our research, one significant factor which contributes to children’s and young people’s involvement in youth justice systems in Australia and elsewhere in the world is the way they are responded to at school. Indeed, the way we parent our children, the way schools incentivise our children and ‘discipline’ them, and the way our youth justice system treats them when they become involve all contribute to ongoing involvement in the criminal justice system.
2. Reform of the behaviourism-based models of ‘behaviour management’ in schools and in youth justice centres would have a significant impact on disrupting the school to prison

pipeline in the first place, and on genuinely helping young people escape the cycle of the criminal justice system once they have entered it.

3. Collaborative and Proactive Solutions (CPS) is a method of behaviour support which provides a ready-made, evidenced, viable way to reform our approach to behaviour management. CPS (amongst other research<sup>i</sup>) has shown that children with challenging behaviours are responding to their environment and the way they are treated; and that a change in our understanding of their behaviour and therefore the way we approach it as adults in charge, results in first and foremost, an improved engagement with school and increased capacity for learning (as is their right), but also as a bonus, the challenging behaviours disappear. This disrupts the school-to-prison pipeline in the first instance. When used in youth justice centres, CPS has been shown to significantly reduce incidents and recidivism.
4. We believe there are benefits in taking a national approach to youth justice and child wellbeing reform in Australia. If there were enforceable national standards to ensure that all Australian jurisdictions complied with Australia's obligations under the CRPD and CRC (among the other relevant treaties), there would at least be a centralised way of recording data and most importantly, of holding our education and youth justice systems accountable.

## The link between disengagement and exclusion from school and involvement in the criminal justice system

As the Commissioner knows, there is an established link between disengagement and exclusion from school and involvement in the criminal justice system. This is why SPRW is making this submission – because a change in the approach to behaviour management in schools would have a direct and significant impact on the school-to-prison pipeline.

The implementation of Collaborative Proactive Solutions (CPS) in Juvenile Justice Centres directly has resulted in huge reductions in behavioural incidents in those centres, reduced recidivism, reduced fear of guards, and, after 3 years of implementation in Maine, NJ, it resulted in the closure of an entire Juvenile Justice Centre.<sup>ii</sup> CPS is discussed in detail later in this submission.

It is well known that **children with disabilities, children with trauma backgrounds and First Nations children** are disproportionately affected by the current behaviour management policies in place in most Australian education systems today. These existing policies are based on outdated behaviourist approaches, focused on changing the behaviour (compliance) rather than on what is causing the behaviour in the first place.<sup>iii</sup>

Further, the **impact on all students** of these outdated behaviour management approaches is significant because disruptions in the classroom are not sustainably addressed, students are traumatised by witnessing incidents of classmates being treated disrespectfully, handled roughly, restrained and excluded, and the environment is not safe and conducive to learning.<sup>iv</sup> Moreover, all children suffer by being taught to comply at the cost of their own needs – it threatens their interoceptive capacity and could put them at risk of abuse, among other things.<sup>v</sup>

## What's wrong with the status quo approaches to 'behaviour management'?

At SPRW we hear far too many stories of children's behaviour being escalated by unskilled, uninformed or misinformed responses to what is viewed as a student's resistance, defiance or 'disrespect'; adults who are coming from a compliance-based, behaviourist perspective, without understanding what that really means and how it does not align with what we know of the neuroscience of challenging behaviour.

We know that the results of compliance-focused behaviour management approaches on those children who are the most subject to the behaviour management approaches is not improved behaviour and increased capacity for learning<sup>vi</sup> it is escalating behaviour problems<sup>vii</sup> and ultimately disengagement from the education system, with sometimes lifelong disadvantage as a result. This is consistent with the evidence of the impact of suspensions and exclusions on life outcomes, including the school-to-prison pipeline.<sup>viii</sup>

We know that behaviourism-based compliance approaches, including ABA and Positive Behaviour for Learning (PBL) (the Australian version of Positive Behaviour Support (PBS)) are traumatising for neurodivergent students.<sup>ix</sup>

We know that if a child is not developmentally able to meet an expectation then no amount of incentivisation is going to help them to be able to meet it. Once it is understood that challenging behaviour in schools is not a 'choice' that can be incentivised one way or the other, then the approach can shift from purely trying to change behaviour, to trying to help the child identify the unsolved problems causing the behaviour, and how to solve them.

**Appendix A is a list of references** that supported SPRW's recent submission to the Senate Inquiry into disruptive behaviours in Australian classrooms.

## The alternative: we advocate for neuroscience-based, collaborative, respectful approaches to supporting children

There is another way – one that is evidenced to 'work' not just to make children comply in the short term, but to engage them in learning, and to model and teach problem solving, bodily awareness, self-advocacy and compassion.

At SPRW we focus on inclusive education advocacy because it is widely understood from over 40 years of research that inclusive education brings considerable benefits to all students, with and without a disability. Inclusive education results in:

- improved overall development of students with disability, including academic and social development<sup>x</sup>
- improved inclusion of people with disability in the labour market and society as a whole<sup>xi</sup>
- a number of benefits for students without disability, including increased appreciation of diversity and the worth of their peers<sup>xii</sup>

- broader benefits for communities such as acceptance of diversity and improved tolerance.<sup>xiii</sup>

SPRW advocates for a **human-rights based approach** to behaviour support in education and in youth justice as a critical aspect of providing genuinely inclusive education. In practice, a human rights-based approach requires a behaviour support system which is:

- Neuroscience-based
- Culturally safe and responsive
- Trauma-informed
- Neuro-affirming
- Collaborative and respectful

In slightly more detail, any approach taken to behaviour support in an effort to create classroom environments which are conducive to learning, needs to ensure that it:

1. Understands what behaviour actually is (including that a quiet child is not necessarily learning well; just as some children focus best when they are moving). This applies to all children, those with disabilities and without.<sup>xiv</sup>
2. Understands that every individual learns differently and different preferences for learning need to be intrinsically built into schools and lesson plans<sup>xv</sup> via Universal Design for Learning.<sup>xvi</sup>
3. Is accompanied by resources to assist teachers to upskill, and to transition to the ‘new paradigm’ in practice – this includes time and funding for professional learning on an ongoing basis.
4. Acknowledges that departments of education – including ultimately the federal Department and Minister – are responsible for ensuring that schools are inclusive and do not discriminate against children with disabilities; all approaches to creating classrooms conducive to learning must meet the human rights standards that Australia has signed up to, including the right to inclusive education (in the same classroom) and the right to non-discrimination.
5. Recognises that a quiet classroom full of outwardly compliant children is not the end goal – when looking for evidence of ‘what works’, it must acknowledge that we are looking for ‘what works’ to create healthy, happy, resilient, independent humans who feel connected and valued in their Communities, and have the skills to problem-solve collaboratively.

## **Collaborative Proactive Solutions (CPS) – ‘kids do well when they can’**

SPRW strongly supports the implementation of CPS in Australian schools and youth justice settings (indeed in all institutional settings for children and young people) because it fits the above-mentioned criteria for a human-rights based approach to behaviour support.

*The CPS model is a departure from approaches emphasizing the use of consequences to modify concerning behaviors. In families, general and special education schools, inpatient psychiatry units, and residential and juvenile detention facilities, the CPS model has a track record of*

*dramatically improving behavior and dramatically reducing or eliminating discipline referrals, detentions, suspensions, restraints, and seclusions. The CPS model is non-punitive, non-exclusionary, trauma-informed, transdiagnostic, and transcultural.*

[Collaborative Proactive Solutions \(CPS\)](#) is the model designed by child psychologist Dr Ross Greene<sup>xvii</sup>. In Australia, [The Kidman Centre, UTS](#) teaches and practices CPS.

The CPS model involves a significant lens change for adults, from rewards/punishment based ‘incentives’, to compassionate, collaborative problem-solving *with* children.

*Rather than focusing on kids’ challenging behaviors (and modifying them), CPS helps kids and caregivers solve the problems that are causing those behaviors. The problem solving is collaborative (not unilateral) and proactive (not reactive). Research has shown that the model is effective not only at solving problems and improving behavior but also at enhancing skills.<sup>xviii</sup>*

CPS views disruptive behaviour as an indication that that there are expectations that the child is having trouble meeting.

The model involves an [Assessment of Lagging Skills and Unsolved Problems \(ALSUP\)](#) by the adults/teachers, which identifies the expectations that the child is having trouble meeting, and then a [Plan B meeting](#) with the child in which the following steps are worked through:

1. [Empathy Step](#): the expectation that the child is having trouble meeting is named and the child is asked to talk about that, and why they think they are struggling with that expectation. ‘[Drilling](#)’ helps the adult gather information from the child.
2. [Adult Concerns Step](#): the adults involved tell what their concerns are – essentially why they feel it is necessary that the child meet the expectation.
3. [Problem Solving Step](#): the adult sets out the child’s concerns and the adults concerns and engages the child in collaboratively coming up with a mutually acceptable solution to try and help solve the child’s unsolved problems so that they can meet the relevant expectation. A ‘[problem solving referral form](#)’ can be used to help schools shift from discipline referrals to Plan B referrals.

All CPS materials and instruments are free and online and there are many instructional videos available.

The CPS model has dramatically reduced discipline referrals, detentions, suspensions, restraint, and seclusion in schools as well as juvenile justice centres,<sup>xix</sup> all of which we know cause significant trauma to children – particularly children with trauma backgrounds and children with disabilities such as autism and ADHD. [Published and unpublished research and evaluations](#) are online.

#### **Recent developments in the campaign for CPS in schools in Australia:**

- SPRW founder Lou Kuchel’s [petition to implement CPS in schools](#) has over 21,000 signatures.

- The NSW Government had been engaging via former Education Minister Mitchell's office and officials in the Department, with Square Peg Round Whole regarding implementing a pilot of CPS schools in NSW. The Education Department has agreed that individual principals and schools may trial CPS and provide their data for the Department to consider implementing a formal pilot program.
- In 2022, Dr Ross Greene met with the NSW Education Department and SPRW and has offered free training to any school piloting CPS in NSW.
- In early 2023, the NSW Minister for Education, Sarah Mitchell, committed to having all 200+ 'behaviour specialist' roles in the Department of Education trained in CPS. A core group was trained in May 2023 with the rest to follow.
- In early 2023, Dr Ross Greene met with the SA Education Department and is engaged in ongoing discussions on how CPS could be used in the SA context, particularly in the context of the new Autism Strategy.
- After significant [grass roots campaigning by parent advocates of neurodivergent students in WA](#), the WA Department of Education has released a new Education Strategy that specifically refers to the need to introduce collaborative problem solving into schools.
- There are already Australian schools who have begun implementing CPS with success, for example St Philip's Christian College (SPCC) DALE [Scan 40-7 August2021 AEM \(1\).pdf](#) and Mosman Church of England Preparatory School.
- Many more allied health professionals and neurodivergent educational consultants are implementing CPS in individual cases across the country.

## A national approach

At SPRW, we believe in, and assist our members to pursue, collaborative approaches with teachers and schools to work for the benefit of their children.<sup>xx</sup> Many of us have experienced that 'lighthouse' teacher who has made all the difference and saved our children's education, and in some cases their lives. However, sadly, as a national advocacy group, we hear experiences of schools and departments of education across the country failing neurodivergent children constantly.

From the experience of our members, including those who are teachers themselves, teachers are not given adequate and up-to-date training on ways to approach classroom management and ways to address challenging behaviours. Teachers are rarely if ever able to implement Universal Design for Learning in classrooms. We hear from new teachers telling us that they arrive for their first full time teaching job and have to use outdated behaviour management strategies like rewards systems and traffic light displays. They often know these are not effective tools but they have no choice. If given the choice, they don't have any support to implement the more effective approaches they want to use.

Departments recommend behaviour management approaches which are outdated and based on behaviourism – claims that certain approaches such as PBL are 'evidence-based' do not appear to be scrutinised for what they are evidence of.

The experiences which are most distressing to our members and their families, however, are those which highlight how rarely (if at all) state and territory departments of education are held to account for the failures of the education systems towards neurodivergent students. We regularly get requests for help from families who have been fobbed off by their respective Department of Education; of

parents who have been blatantly lied to, and about, threatened with legal action and/or costs orders, gaslit, their children pushed out of school. Some departments are known to refer families to child protective services in retaliation for complaints about disability discrimination.

We urge the Commissioner to look at the evidence submitted to the Disability Royal Commission in relation to this inquiry too.

At SPRW we would like to see a national wellbeing approach to children and young people, including an enforceable standard of 'behaviour support' in all institutional settings for children and young people. That standard should include the requirement to be human rights-compliant, based in the most recent neuroscience, and focused on respectful collaboration and connection, not control and compliance. It should have long term outcomes as the aim, it should be neuroaffirming, trauma-informed, culturally safe, and value the lived experience of children and young people with disabilities and trauma backgrounds, and First Nations children and young people, as an essential part of any assessment of the 'evidence'.



## Appendix A

### References supporting SPRW and SPRWWA Submission to the Senate Committee [Inquiry into the issue of increasing disruption in Australia school classrooms](#)

NB: NSW Student Behaviour Strategy link at footnote 6 is broken – Department of Education has removed the link as the document is no longer in use (as of April 2023).

#### Compliance-based approaches do not improve behaviour or capacity for learning:

Linda Graham and Cullula Killingly, 'Do we really have a frightening school to prison pipeline in this country? Only one way to find out', *EduResearch Matters: A voice for educational researchers*, <https://www.aare.edu.au/blog/?p=12256> (2022) [Good article describing all the problems, with several reference in it].

- Exclusionary discipline is on the rise in Australian schools.
- Suspension does not address the reasons underlying behaviour and can instead exacerbate those behaviours.
- Students who experience exclusionary discipline tend to have lower educational outcomes than might have been expected
- Students who experience exclusionary discipline are far more likely to be involved in the criminal justice system.

Daniel Quin and Sheryl Hemphill, 'Students' experiences of school suspension', (2013) *Health Promotion Journal of Australia* 25(1) 52-58 <https://doi.org/10.1071/HE13097>

- **Results:** While suspended, a minority of suspended students received adult supervision and most suspended students participated in benign leisure activities. Upon return to school, students reported diminished teacher assistance and found that suspension did not help resolve the underlying issues that lead to the suspension.
- **Conclusions:** Removal of a student displaying problem behaviours from the classroom may provide temporary relief to the school community but suspended students report minimal benefits from suspension. Suspension removes the potential pro-social normative influences of school and provides an opportunity to establish antisocial peer networks. Suspended students appear to perceive a stigma upon their return to school, further diminishing an already tenuous school relationship.

NSW Department of Education has published '[Developing behaviour programs](#)', which includes reference to the elements of what works for students with additional behaviour needs. It is clear that collaboration between school and families, and with students, relationships between students and teachers, and an understanding of the child's individual characteristics and needs are critical. It does not include anything punitive or rewards-based.

## Compliance-based behaviour management approaches including suspension exacerbate behaviour problems and disengagement from the education system:

Sheryl A Hemphill, David J Broderick and Jessica A Heerde, 'Positive associations between school suspension and student problem behaviour: Recent Australian findings', 531(2017) AIC Trends and Issues, <https://www.aic.gov.au/sites/default/files/2020-05/tandi531.pdf> ;

Graham, L. J. (2018). Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms: A Queensland case-study. *International Journal of Inclusive Education*, 24(14), 1473–1493. <https://doi.org/10.1080/13603116.2018.1540668>

K Wilkerson, K Afacan, 'Repeated School Suspensions: Who Receives Them, What Reasons are Given, and How Students Fare', (2021) 54(3) *Education and Urban Society*, [https://journals.sagepub.com/doi/abs/10.1177/00131245211009854?casa\\_token=CXfvK\\_U-WJEAAAAA%3AtgO\\_RhttHE4XVVbsxpAzGNgwI339koJ1LkNWvSmOdYV65Ss1qtwETehTBFSpqqJarTQ0L6WGcecP&journalCode=eusa](https://journals.sagepub.com/doi/abs/10.1177/00131245211009854?casa_token=CXfvK_U-WJEAAAAA%3AtgO_RhttHE4XVVbsxpAzGNgwI339koJ1LkNWvSmOdYV65Ss1qtwETehTBFSpqqJarTQ0L6WGcecP&journalCode=eusa)

- We found that a high number of male and Black students, as well as students with disabilities, received repeated suspensions with minor infractions reported as the most common reasons. Regression analyses revealed a significant and negative relationship between repeated suspensions in the early grades and the number of suspensions students received in secondary school.

J Rosenbaum, 'Educational and Criminal Justice Outcomes 12 Years After School Suspension', (2018) 52(4) *Youth & Society*, <https://doi.org/10.1177/0044118X17752208>

- After accounting for potential selection bias, twelve years after suspension (ages 25-32), suspended youth were less likely than matched nonsuspended youth to have earned bachelor's degrees or high school diplomas, and were more likely to have been arrested and on probation, suggesting that suspension rather than selection bias explains negative outcomes.

## Applied Behaviour Analysis is traumatic for autistics and considered abuse

H Kupferstein, 'Evidence of increased PTSD symptoms in autistics exposed to applied behaviour analysis', January 2018 (4(3) *Advances in Autism* [https://www.researchgate.net/publication/322239353\\_Evidence\\_of\\_increased\\_PTSD\\_symptoms\\_in\\_autistics\\_exposed\\_to\\_applied\\_behavior\\_analysis](https://www.researchgate.net/publication/322239353_Evidence_of_increased_PTSD_symptoms_in_autistics_exposed_to_applied_behavior_analysis)

- 46% of participants in a study who were enrolled in ABA meet the diagnostic criteria for PTSD
- Exposure to ABA created a significantly increased risk of meeting PTSD criteria (86%)
- Based on the findings, the author predicts that nearly half of ABA-exposed autistic children will be expected to meet the PTSD criteria four weeks after commencing the

intervention; if ABA intervention persists, there will tend to be an increase in parent satisfaction despite no decrease in PTSS severity.

‘The Great Big ABA Opposition Resource List’

<https://stopabasupportautistics.home.blog/2019/08/11/the-great-big-aba-opposition-resource-list/>

- Includes links to testimonies from autistic people who were subjected to ABA therapy.
- Includes article by former ABA practitioners

Alex Kronstein, ‘Treating autism as a problem: The connection between Gay Conversion Therapy and ABA’ (2018) [https://nsadvocate.org/2018/07/11/treating-autism-as-a-problem-the-connection-between-gay-conversion-therapy-and-aba/?fbclid=IwAR2yzbyrDcHI5dNKD4afHtO5\\_vtz3TMD7JcEbW1khCwlyz6F-GDP7fy5nTw](https://nsadvocate.org/2018/07/11/treating-autism-as-a-problem-the-connection-between-gay-conversion-therapy-and-aba/?fbclid=IwAR2yzbyrDcHI5dNKD4afHtO5_vtz3TMD7JcEbW1khCwlyz6F-GDP7fy5nTw)

By apreneraquererme, NeuroClastic, ‘On ABA: Evidence-based Doesn’t Mean Good Therapy’ (2019) <https://neuroclastic.com/on-aba-evidence-based-doesnt-mean-good-therapy/>

A Sandoval-Norton, G Shkedy, D Shkedy, ‘How much compliance is too much compliance: Is long-term ABA therapy abuse?’ (2019) 6(1) *Cogent Psychology*, <https://www.tandfonline.com/doi/full/10.1080/23311908.2019.1641258>

The evidence is that PBIS / PBL is outdated and does not ‘work’

Therapist Neurodiversity Collective, ‘Why not Positive Behavior Support (PBS), Positive Behavioral Interventions and Supports (PBIS), or Positive Reinforcement?’ <https://therapistndc.org/positive-behavior-support-pbs-positive-behavioral-interventions-and-supports-pbis-or-positive-reinforcement/>

- PBS, PBIS and Positive Reinforcement are forms of ABA. These practices will always be based upon a foundation of compliance, coercion, and behaviorist principles.

Beth Tolley, ‘Questioning the Evidence Behind Evidence-Based Approaches’, Alliance Against Seclusion and Restraint (2020) <https://endseclusion.org/2020/10/10/questioning-the-evidence-behind-evidence-based-approaches/>

- Explains why calling ABA (and PBIS) evidence-based is meaningless.
- Evidence-based qualifications are meaningless without consideration for the quality of evidence and whether it supports the purpose for which it is being used.
- ABA and PBIS are harmful
- Behaviourism ignores the differences between deliberate behaviours and involuntary behaviours.

David Armstrong, 'Addressing the wicked problem of behaviour in schools', (2017) 22(9) *International Journal of Inclusive Education*

<https://www.tandfonline.com/doi/abs/10.1080/13603116.2017.1413732>

- PBS does not appear to have been successful (in use since the 1990s)
- Recommends wholehearted rejection of the manage-and-discipline model by practitioners; targeted support for teachers experiencing (or at risk of experiencing) occupational burnout; and the introduction of tangible educational policy incentives intended to encourage schools to include students who might otherwise face suspension or exclusion on behavioural grounds; finally, advocates radical change in attitudes by teachers towards student conduct in schools and argues that educational practice should align with insights about human behaviour arising from research in developmental psychology.

Alliance Against Seclusion and Restraint, 'The problem with behaviorism',

<https://endseclusion.org/articles/the-problem-with-behaviorism/> (relating to the US version of PBL – PBIS):

- Provides a history of positive behaviour intervention and supports (the 'solution' recommended for schools and school systems where there are issues with disruptive behaviours), and the harm and contribution that approach is making to the disproportionate rates for children with disabilities.
- The evidence of long-term effectiveness is not available. On the contrary, after 22 years, our country's schools continue to struggle with restraints, seclusion, suspensions and expulsions. In some cases, these statistics are increasing, even in schools where PBIS is in place. (The PBIS.org website cites the effectiveness of the PBIS framework and lists many references. However, a look at the references reveals that most are not recent, are limited in scope, and do not reflect research about long term outcomes of implementation of PBIS).
- **The documents on PBIS.org imply that all behavior is willful.** There is no acknowledgement in the PBIS.org literature that behaviors can be **stress responses** (fight-flight-freeze responses). This is a profound omission that does great harm to children whose brains and bodies have **highly sensitive neuroception** of danger. To be punished for a **stress response** is harmful and traumatic.
- There is **no mention of dysregulation which is a major issue with trauma, ADHD, and other conditions. It is an underlying feature of disruptive behavior.** Children must learn how to **regulate their emotions** and their bodies, something that is first learned through co-regulation with a trusted adult.
- Tier 2 and Tier 3 are described as available to students when more support is needed than what is provided through Tier 1. However, **though much is said about PBIS being preventative, Tier 2 and Tier 3 do not seem to be available proactively, but rather after a student has failed to succeed at Tier 1.**
- The last concern is **the use of rewards and consequences to achieve the desired goals. This is a top—down, power over, authoritarian approach that is not in alignment with the rest of the goals of the educational system that is designed to teach children to think and learn.** The PBIS system **expects students to comply.** When they do, they are rewarded. When they do not, they are punished. (They may be taught first, though not necessarily in a way that they are able to learn), but they will be punished if they do not or are not able to comply.

Suspensions and exclusions are correlated with the school-to-prison pipeline:

L Graham and C Killingly (as above) 'Do we really have a frightening school to prison pipeline in this country? Only one way to find out' at <https://www.aare.edu.au/blog/?p=12256>;

Exploring the school-to-prison pipeline: How school suspensions influence incarceration during young adulthood. *Youth Violence and Juvenile Justice*, 18(3), 235–255.  
<https://doi.org/10.1177/1541204019880945> ;

Hirschfeld, P. J. (2008). 'Preparing for prison? The criminalization of school discipline in the USA'. *Theoretical Criminology*, 12(1), 79–101. <https://doi.org/10.1177/1362480607085795> ;

A Novak, 'The School-To-Prison Pipeline: An Examination of the Association Between Suspension and Justice System Involvement', (2019) 46(8) *Criminal Justice and Behavior*,  
<https://doi.org/10.1177/0093854819846917>

- Results of the full model indicate that suspension by the age of 12 is associated with justice system involvement directly and indirectly. Directly, youth who are suspended by age 12 are more likely to report justice system involvement at age 18; indirectly, these youth are more likely to associate with deviant peers in adolescence, increasing their odds of justice system involvement.

**There is a disproportionate impact of suspensions and expulsions on students of colour and from negatively racialized backgrounds, and students with disabilities:**

L Graham and C Killingly (as above) 'Do we really have a frightening school to prison pipeline in this country? Only one way to find out' at <https://www.aare.edu.au/blog/?p=12256>;

- Notes that most of the evidence is from the US, as there has (unbelievably) not been the studies here in Australia. However the disproportionate number of First nations children in prisons, and the disproportionate number of First Nations children suspended from schools is concerning.

Graham, Linda J., Killingly, Callula, Laurens, Kristin R., & Sweller, Naomi (2022) Overrepresentation of Indigenous students in school suspension, exclusion, and enrolment cancellation in Queensland : is there a case for systemic inclusive school reform? *Australian Educational Researcher*. <https://eprints.qut.edu.au/227424/1/104237661.pdf> ;

Graham, L. J., McCarthy, T., Killingly, C., Tancredi, H., & Poed, S. (2020a). Inquiry into suspension, exclusion and expulsion processes in South Australian Government schools. The Centre for Inclusive Education, QUT.  
<https://www.education.sa.gov.au/sites/default/files/report-of-an-independent-inquiry-into-suspensions-exclusions-and-expulsions-in-south-australian-governmentschools.pdf> .

Gardiner, J., Evans, D., & Howell, K. (1995). Suspension and exclusion rates for Aboriginal students in Western Australia. *Aboriginal Child at School*, 23(1), 32.  
<https://doi.org/10.1017/S0310582200005034>;

Hemphill, S. A., Plenty, S. M., Herrenkohl, T. I., Toumbourou, J. W., & Catalano, R. F. (2014). Student and school factors associated with school suspension: A multilevel analysis of students in Victoria, Australia and Washington State, United States. *Children and Youth Services Review*, 36, 187–194. <https://doi.org/10.1016/j.childyouth.2013.11.022>;

Sullivan, A. L., Klingbeil, D. A., & Van Norman, E. R. (2013). Beyond behavior: Multilevel analysis of the influence of sociodemographics and school characteristics on students' risk of suspension. *School Psychology Review*, 42(1), 99–114. <https://doi.org/10.1080/02796015.2013.12087493>;

Sweller, N., Graham, L. J., & Van Bergen, P. (2012). The minority report: Disproportionate representation in Australia's largest education system. *Exceptional Children*, 79(1), 107–125. <https://doi.org/10.1177/001440291207900106> ; NB. The statistics on characteristics of children being excluded are similar in all comparable jurisdictions where the relevant data is collected.

R Skiba, R Horner, C Chung, M Rausch, S May, T Tobin, 'Race is Not Neutral; A National Investigation of African American and Latina Disproportionality in School Discipline', (2011) 40(1) *School Psychology Review*, <https://doi.org/10.1080/02796015.2011.12087730>

- We review the documented patterns of office discipline referrals in 364 elementary and middle schools during the 2005–2006 academic year.
- Descriptive and logistic regression analyses indicate that students from African American families are 2.19 (elementary) to 3.78 (middle) times as likely to be referred to the office for problem behavior as their White peers. In addition, the results indicate that students from African American and Latino families are more likely than their White peers to receive expulsion or out of school suspension as consequences for the same or similar problem behavior.

NSW Ombudsman Inquiry into behaviour management in schools (2017) noted that students with cognitive/learning impairments are over represented in suspensions, along with students with a child protection/OOHC history and Aboriginal students.

- Figures provided by the NSW Department of Education show that for secondary schools in 2019, of the 53,976 suspensions, 27,204 were students with disability or 50.4%. In 2019, of the total 20,482 suspensions for students in primary schools, the number of suspensions for students with disabilities was 15,186 or 74.1%. Furthermore, of the 1,143 suspensions at early stage 1 (Kindergarten), 809 were for students with disability. This means 70% of Kindergarten children being suspended have a disability. Of the 4,028 suspensions at Stage 1 (Year 1 and 2), 3136 were for students with disability, so the proportion rises to 77%

**Genuinely inclusive classrooms result in best outcomes for children with disabilities:**

Richard Reiser, *Implementing Inclusive Education: Commonwealth Guide to Implementing Article 24 of the UN Convention on the Rights of People with Disabilities* (Commonwealth Secretariat, 2008);

Gauthier De Beco, 'The Right to Inclusive Education According to Article 24 of the UN Convention on the Rights of Persons with Disabilities: Background, Requirements and (Remaining) Questions' (2014) 32(3) Netherlands Quarterly of Human Rights 263, 264;

European Agency for Special Needs and Inclusive Education, Evidence of the Link Between Inclusive Education and Social Inclusion: A Review of the Literature (2018)

**Genuinely inclusive classrooms result in best outcomes for ALL children, including those WITHOUT disabilities and communities more generally:**

Spencer J Salend and Laurel M Garrick Duhaney, 'The Impact of Inclusion on Students With and Without Disabilities and Their Educators' (1999) 20(2) Remedial and Special Education 114;

Michael N Sharpe, Jennifer L York and John Knight, 'Effects of Inclusion on the Academic Performance of Classmates Without Disabilities: A Preliminary Study' (1994) 15(5) Remedial and Special Education 281;

Cassandra M Cole, Nancy Waldron and Massoumeh Majd, 'Academic Progress of Students Across Inclusive and Traditional Settings' 24(2) Mental Retardation 136;

Julie Causton-Theoharis et al, 'Schools of Promise: A School District—University Partnership Centered on Inclusive School Reform' (2011) 32(3) Remedial and Special Education 192.

Richard Reiser, Implementing Inclusive Education: Commonwealth Guide to Implementing Article 24 of the UN Convention on the Rights of People with Disabilities (Commonwealth Secretariat, 2008);

Emily Cukalevski and Cátia Malaquias (2019) 'A CRPD analysis of NSW's policy on the education of students with disabilities – a retrogressive measure that must be halted', 25(2) Australian Journal of Human Rights 232. Cited at para 23 of the AHRC Submission on Inclusive Education (2019).

**For understanding the neuroscience of behaviour:**

Dr Mona Delahooke, Beyond Behaviours: using brain science and compassion to understand and solve behavioural challenges (2019) and <https://monadelahooke.com/resources/>

Dr Ross Greene, Lost at School: why our kids with behavioural challenges are falling through the cracks and how we can help them (2008)

Dr Stephen Porges, Polyvagal Theory <https://www.stephenporges.com/>

Greg Santucci, Occupational Therapist <https://gregsantucci.com/>

Kelly Mahler, Occupational Therapist, [The Interoception Curriculum](#)

Dr Lori Desautels, Revelations in Education, <https://revelationsineducation.com/blog/>

Practical resources on how a neuroaffirming, neuroscience-based, trauma-informed, inclusive school and classroom can be created and maintained:

Dr Ross Greene, Lives in the balance <https://livesinthebalance.org/> For Educators and Schools: <https://livesinthebalance.org/educators-schools/> Research is on the website and includes:

- Murrihy, R.C., Drysdale, S.O., Dedousis-Wallace, A., Remond, L., McAloon, J., Ellis, D.M., Halldorsdottir, T., Greene, R.W., & Ollendick, T.H. (2022). Community-delivered Collaborative and Proactive Solutions and Parent Management Training for oppositional youth: A randomized trial. *Behavior Therapy*. [CLICK HERE](#)
- Dedousis-Wallace, A., Drysdale, S.O., McAloon, J., Murrihy, R.C., Greene, R.W., and Ollendick, T.H. (2022). Predictors and moderators of two treatments of oppositional defiant disorder in children. *Journal of Child and Adolescent Psychology*. [CLICK HERE](#)
- Greene, R.W., & Winkler, J. (2019). Collaborative & Proactive Solutions: A review of research findings in families, schools, and treatment facilities. *Clinical Child and Family Psychology Review*, 22(4), 549-561. [CLICK HERE](#).
- Booker, J., & Ollendick, T.H. (2019). Patterns in the parent-child relationship and clinical outcomes in a randomized control trial. Presented at symposium, *Collaborative and Proactive Solutions as an alternative to Parent Management Training for youth with oppositional defiant disorder: A comparison of therapeutic models*. World Congress of Behavioral and Cognitive Therapies, Berlin, Germany. [CLICK HERE](#)
- Greene, R.W. (2016). Collaborative & Proactive Solutions\*: Applications in schools and juvenile detention settings. Presented at symposium, *Advances in conceptualisation and treatment of youth with oppositional defiant disorder: A comparison of two major therapeutic models*, Eighth World Congress of Behavioural and Cognitive Therapies, Melbourne, Australia. [CLICK HERE](#)
- Ollendick, T.H., Greene, R.W., Fraire, M.G., Austin, K.E., Halldorsdottir, T., Allen, K.B., Jarrett, M.E., Lewis, K.M., Whitmore, M.J., & Wolff, J.C. (2015). Parent Management Training (PMT) and Collaborative & Proactive Solutions\* (CPS) in the treatment of oppositional defiant disorder in youth: A randomized control trial. *Journal of Clinical Child and Adolescent Psychology*. [CLICK HERE](#)
- Johnson, M., Ostlund, S., Fransson, G., Landgren, M., Nasic, S., Kadesjo, B., Gillberg, C., and Fernell, E. (2012). Attention-deficit/hyperactivity disorder (ADHD) with oppositional defiant disorder (ODD) in Swedish children: An open study of Collaborative Problem Solving\*. *Acta Paediatrica*, Volume 101, pp. 624-630. [CLICK HERE](#)
- Martin, A., Krieg, H., Esposito, F., Stubbe, D., & Cardona, L. (2008). Reduction of restraint and seclusion through Collaborative Problem Solving\*: A five-year, prospective inpatient study. *Psychiatric Services*, 59(12), 1406-1412. [CLICK HERE](#)

Kelly Mahler, The Interoception Curriculum, <https://www.kelly-mahler.com/>

Shelley Moore, Five More Minutes, 'Removing the Barriers: Planning for All', <https://www.youtube.com/watch?v=MzL8yMBKM7k>

On Universal Design for Learning (which is how to provide a class with a 'buffet' of learning choices so that teachers do not have to differentiate for each student with extra support needs in their class):

- CAST, 'About Universal Design for Learning', <https://www.cast.org/impact/universal-design-for-learning-udl>



- For helpful short videos on UDL see Novak Educational Consulting, 'What is UDL?' <https://www.youtube.com/watch?v=eYN-qrKIIYI> and CAST, 'UDL at a Glance', <https://www.youtube.com/watch?v=bDvKnY0g6e4>

The National Child Traumatic Stress Network (NCTSN), *Creating, Supporting, and Sustaining Trauma-Informed Schools: A System Framework*

[https://www.nctsn.org/sites/default/files/resources//creating\\_supporting\\_sustaining\\_trauma\\_informed\\_schools\\_a\\_systems\\_framework.pdf](https://www.nctsn.org/sites/default/files/resources//creating_supporting_sustaining_trauma_informed_schools_a_systems_framework.pdf)

Trauma Sensitive Schools, *Helping Traumatized Children Learn* <https://traumasensitiveschools.org/>

- Includes tools and resources for creating trauma-sensitive schools

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<sup>i</sup> See for example Dr Mona Delahooke, *Beyond Behaviours: using brain science and compassion to understand and solve behavioural challenges* (2019) and <https://monadelahooke.com/resources/>; Dr Stephen Porges, Polyvagal Theory <https://www.stephenporges.com/>; Greg Santucci, Occupational Therapist <https://gregsantucci.com/>; Dr Ross Greene, *Lost at School: why our kids with behavioural challenges are falling through the cracks and how we can help them* (2008)

<sup>ii</sup> <https://livesinthebalance.org/wp-content/uploads/2021/06/CPS-Maine-1.pdf>

<sup>iii</sup> Eg. Department of Education New South Wales (NSW). (2021). Student behaviour strategy. Department of Education New South Wales. [https://www.education.nsw.gov.au/content/dam/main-education/student-wellbeing/attendance-behaviour-and-engagement/media/Student\\_Behaviour\\_Strategy.pdf](https://www.education.nsw.gov.au/content/dam/main-education/student-wellbeing/attendance-behaviour-and-engagement/media/Student_Behaviour_Strategy.pdf); Graham, Linda J., Killingly, Callula, Laurens, Kristin R., & Sweller, Naomi (2022) Overrepresentation of Indigenous students in school suspension, exclusion, and enrolment cancellation in Queensland : is there a case for systemic inclusive school reform? *Australian Educational Researcher*. <https://eprints.qut.edu.au/227424/1/104237661.pdf>; Graham, L. J., McCarthy, T., Killingly, C., Tancredi, H., & Poed, S. (2020a). *Inquiry into suspension, exclusion and expulsion processes in South Australian Government schools*. The Centre for Inclusive Education, QUT. <https://www.education.sa.gov.au/sites/default/files/report-of-an-independent-inquiry-into-suspensions-exclusions-and-expulsions-in-south-australian-governmentschools.pdf>. Gardiner, J., Evans, D., & Howell, K. (1995). Suspension and exclusion rates for Aboriginal students in Western Australia. *Aboriginal Child at School*, 23(1), 32. <https://doi.org/10.1017/S0310582200005034>; Hemphill, S. A., Plenty, S. M., Herrenkohl, T. I., Toumbourou, J. W., & Catalano, R. F. (2014). Student and school factors associated with school suspension: A multilevel analysis of students in Victoria, Australia and Washington State, United States. *Children and Youth Services Review*, 36, 187–194. <https://doi.org/10.1016/j.childyouth.2013.11.022>; Sullivan, A. L., Klingbeil, D. A., & Van Norman, E. R. (2013). Beyond behavior: Multilevel analysis of the influence of sociodemographics and school characteristics on students' risk of suspension. *School Psychology Review*, 42(1), 99–114. <https://doi.org/10.1080/02796015.2013.12087493>; Sweller, N., Graham, L. J., & Van Bergen, P. (2012). The minority report: Disproportionate representation in Australia's largest education system. *Exceptional Children*, 79(1), 107–125. <https://doi.org/10.1177/001440291207900106>; NB. The statistics on characteristics of children being excluded are similar in all comparable jurisdictions where the relevant data is collected.

<sup>iv</sup> See <https://www.aitsl.edu.au/research/spotlights/classroom-management-standards-aligned-evidence-based-approaches>

<sup>v</sup> J Sparrow, 'Training children to obey authority doesn't keep them safe, it puts them in danger', (8 March 2016) The Guardian online, <https://www.theguardian.com/commentisfree/2016/mar/08/training-children-to-obey-authority-doesnt-keep-them-safe-it-puts-them-in-danger>;

<sup>vi</sup> <https://www.aare.edu.au/blog/?p=12256>

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vii Sheryl A Hemphill, David J Broderick and Jessica A Heerde, 'Positive associations between school suspension and student problem behaviour: Recent Australian findings', 531(2017) AIC Trends and Issues, <https://www.aic.gov.au/sites/default/files/2020-05/tandi531.pdf>; Graham, L. J. (2018). Questioning the impacts of legislative change on the use of exclusionary discipline in the context of broader system reforms: A Queensland case-study. *International Journal of Inclusive Education*, 24(14), 1473–1493. <https://doi.org/10.1080/13603116.2018.1540668>

viii See links to research in 'L Graham, C Killingly, 'Do we really have a frightening school to prison pipeline in this country? Only one way to find out' at <https://www.aare.edu.au/blog/?p=12256>; Exploring the school-to-prison pipeline: How school suspensions influence incarceration during young adulthood. *Youth Violence and Juvenile Justice*, 18(3), 235–255. <https://doi.org/10.1177/1541204019880945>; Hirschfeld, P. J. (2008). Preparing for prison? The criminalization of school discipline in the USA. *Theoretical Criminology*, 12(1), 79–101. <https://doi.org/10.1177/1362480607085795>;

ix <https://therapistndc.org/positive-behavior-support-pbs-positive-behavioral-interventions-and-supports-pbis-or-positive-reinforcement/>

x Richard Reiser, *Implementing Inclusive Education: Commonwealth Guide to Implementing Article 24 of the UN Convention on the Rights of People with Disabilities* (Commonwealth Secretariat, 2008); Gauthier De Beco, 'The Right to Inclusive Education According to Article 24 of the UN Convention on the Rights of Persons with Disabilities: Background, Requirements and (Remaining) Questions' (2014) 32(3) *Netherlands Quarterly of Human Rights* 263, 264; European Agency for Special Needs and Inclusive Education, *Evidence of the Link Between Inclusive Education and Social Inclusion: A Review of the Literature* (2018) <<https://www.europeanagency.org/resources/publications/evidence-literature-review>>.

xi European Agency for Special Needs and Inclusive Education, above n 5.

xii Spencer J Salend and Laurel M Garrick Duhaney, 'The Impact of Inclusion on Students With and Without Disabilities and Their Educators' (1999) 20(2) *Remedial and Special Education* 114; Michael N Sharpe, Jennifer L York and John Knight, 'Effects of Inclusion on the Academic Performance of Classmates Without Disabilities: A Preliminary Study' (1994) 15(5) *Remedial and Special Education* 281; Cassandra M Cole, Nancy Waldron and Massoumeh Majd, 'Academic Progress of Students Across Inclusive and Traditional Settings' 24(2) *Mental Retardation* 136; Julie Causton-Theoharis et al, 'Schools of Promise: A School District—University Partnership Centered on Inclusive School Reform' (2011) 32(3) *Remedial and Special Education* 192.

xiii Julie Causton-Theoharis et al, 'Schools of Promise: A School District—University Partnership Centered on Inclusive School Reform' (2011) 32(3) *Remedial and Special Education* 192; Reiser, above n 5; Emily Cukalevski and Cátia Malaquias (2019) 'A CRPD analysis of NSW's policy on the education of students with disabilities – a retrogressive measure that must be halted', 25(2) *Australian Journal of Human Rights* 232. Cited at para 23 of the AHRC Submission on Inclusive Education (2019).

xiv See for example, Dr Mona Delahooke, *Beyond Behaviours* (2019) and <https://monadelahooke.com/resources/>

xv For practical advice, see Five More Minutes, 'Removing the Barriers: Planning for All', <https://www.youtube.com/watch?v=MzL8yMBKM7k>

xvi See CAST, 'About Universal Design for Learning', <https://www.cast.org/impact/universal-design-for-learning-udl> For helpful short videos on UDL see Novak Educational Consulting, 'What is UDL?' <https://www.youtube.com/watch?v=eYN-qrKIIYI> and CAST, 'UDL at a Glance', <https://www.youtube.com/watch?v=bDvKnY0q6e4>

xvii See [www.livesinthebalance.org](http://www.livesinthebalance.org)

xviii <https://www.cpsconnection.com/>

xix The Collaborative & Proactive Solutions model is recognized as an empirically-supported, evidence-based treatment by the California Evidence-Based Clearinghouse for Child Welfare (CEBC). See for example, Greene, R.W., Ablon, S.A., & Martin, A. (2006). Innovations: Child Psychiatry: Use of Collaborative Problem Solving\* to reduce seclusion and restraint in child and adolescent inpatient units. *Psychiatric Services*, 57(5), 610-616; Martin, A., Krieg, H., Esposito, F., Stubbe, D., & Cardona, L. (2008). Reduction of restraint and seclusion through Collaborative Problem Solving\*: A five-year, prospective inpatient study. *Psychiatric Services*, 59(12), 1406-1412; Greene, R.W., & Winkler, J. (2019). Collaborative & Proactive Solutions: A review of research findings in families, schools, and treatment facilities. *Clinical Child and Family Psychology Review*, 22(4), 549-561;

xx We particularly refer to Family Advocacy's *Conversations with Collaboration* often: <https://conversationsforcollaboration.com/>