Bowling Together
Social Equity and the Special School Bus for Students with an Impairment

Report for the Bus Association Victoria Inc.

Janet Stanley
National Institute of Economic and Industry Research
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It is the most vulnerable children the world overlooks – those facing extreme poverty, the young living in fragile states, refugees, and children with disabilities. When it comes to translating commitments into lasting change, we have fallen short and we must do better. This is a moral, legal and economic failure that the world can ill afford.

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Acknowledgements

Table of Contents

1. Background

1.1 Project Aim

The aim of this project, commissioned by the Bus Association of Victoria, is *to better understand conditions of travel for special school students, to establish if inequities exist and to establish if services could be improved notably in regard to student travel time on buses in the state of Victoria*. The project is divided into two parts. Part One is an examination of the journey times of Special School buses that take students to a Special School, in order to determine if there are opportunities to reduce travel time. For this information, two geographical catchment areas for the Special school bus service were examined by PBA Transit. These were the services to Glenroy Specialist School in Melbourne and two Specialist Education Schools in the Bendigo catchment area, Kalianna School Bendigo and Bendigo Special Development School. Part Two of the study is reported in this document.

1.2 Purpose of this document

This document reports on an exploration of equity issues associated with the Special School bus service. The study seeks to:
- better understand the experiences of students in travelling to Special Schools
- explore the equity context of travel for Special School children relative to other students
- place any inequities in the context of wider social and transport policy
- explore the case for inequities to be addressed on a social justice basis
- suggest improvements to services and their priority.

The study planned to investigate the above issues in the case studies examined in Part One, but permission to talk with people associated with the schools (Mainstream and Special Schools) was refused by the Education Department, Victoria. Hence, a slightly different approach was taken in the study method, as outlined in Section 5 of this report.

This document firstly gives a brief overview of the term 'disability', how education is managed in Victoria, and how students travel to school. Section 2 reviews the Victorian Government policies on the Special School bus. Section 3 explores the international and Australian literature on Special School bus travel, including the findings on the travel time in the two case-study areas. The next Section, 4, overviews the literature on how justice and equity is viewed. The process of discussion with stakeholders who have an interest in Special School bus travel is documented in Section 5, while Section 6 draws the findings together, discussing their implications. Conclusions arising from this work are reported in Section 7.

1.3 Disability

The Australian Bureau of Statistics (2020) has adopted the World Health Organisation's definition of disability as "any limitation, restriction or impairment which restricts everyday activities and has lasted, or is likely to last, for at least six months". According to this definition about 18.3% of the population are living with a disability. Of the 14.5% of this group of people who have a "core activity limitation" relating to mobility, self-care or communication:
- 3.1% have a profound limitation (people with the greatest need for help or who are unable to do an activity)
- 2.8% have a severe limitation (people who sometimes need help and/or have difficulty with a core activity task)

- 2.6% have a moderate limitation (people who need no help but have difficulty with a core activity task)
- 6.1% have a mild limitation (people who need no help and have no difficulty but use aids or have limitations).

Almost half of those with a profound or severe limitation are over 65 years of age.

The Interim Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (2020) defines disability as people with any kind of impairment, whether existing at birth or acquired through illness, accident or the ageing process, including cognitive impairment and physical, sensory, intellectual and psycho-social disability. The Australian Institute of Health and Welfare (2020) states that, for 77% of people, their impairment is physical and for 23% of people, their impairment is mental or behavioural. The Royal Commission notes that the incidence of impairment is much higher amongst Indigenous Australians, being about 1 in 3 people. Importantly for this report, the Royal Commission (2020) tells us that 8.2% of children under 18 years of age have an impairment, with 5% of children in this group having a "profound or severe disability".

The Victorian Education Department uses a different approach, stating that 17.7% of children (19 years of age and under) have special health care needs, defined as requiring more extensive health and related services than other young people (Victorian Government 2017). The Victorian Equal Opportunity and Human Rights Commission (2012) says that more than 100,000 students in Victorian Schools (9.9%) have a disability that may affect their learning ability.

Thus, it can be seen that there is wide variation in how impairment is defined, thus how disability is viewed and responded to. Oliver (1992) offers an important framing of this problem, noting that a distinction should be made between i*mpairment* and *disability*. Impairment refers to a person having a physical, sensory, cognitive, or systemic condition which directly imposes a reduction in certain functions. Disability refers to barriers imposed by the physical and psychosocial environment.

Socially defined disability (as is illustrated in the variety of definitions) thus determines what a group or organisation within society views as a disability or handicap and thus how people differ from 'normality'. For example, people with problems with their vision wear glasses, but all people with glasses would not be classified as having a 'disability' (Gibson et al. 2021). In fact, having a disability of some form, is 'normal' for most people. This social construction of disability is supported by social structures of policies, norms and institutions that reinforce systems of privilege and exclusion (Gibson et al. 2021). The term 'impairment' is preferred and used in this report.

1.4 Education in Victoria

Victoria has a total of 2,276 schools, 1,553 being government, 497 Catholic schools and 226 Independent schools, with a total of just over one million students across primary and secondary levels (Victorian Government 2021b). Victorian schools teach children with a range of abilities/needs, although some schools in a particular language, while others, known as Special Schools, only cater for students with an impairment. Victoria has 107 Special Schools, 80 government and 27 non-government run schools, with more Special Schools currently being built.

In Melbourne there are four Special Schools which cater exclusively for students with 'profound' physical disabilities and five Special Schools which cater for students with autism. Special Schools in regional areas tend to cater for a range of impairments. However, in both Melbourne and regional Victoria, Special Schools are not based in the local neighbourhood for the vast majority of students (Lowe, 2014). Some students may have home-schooling or a mix of home and school teaching, due to living in an isolated area, or because this arrangement is considered the best option for some students with an impairment (Victorian Government 2021b).

Table 1 shows the enrolment levels in the different types of schools. In 2021, 13,473 students, or 1.32% of all students in Victoria, attended a Special School. Relating to government schools only, most students who were viewed as having an impairment, 16,429 students, attended a government Mainstream School, representing 4.5% of government school students, while 12,735 students attended a government Special School. Thus, approximately the same number of students seen as having an impairment (16,429) attend a Mainstream School, as students who attend all types of Special Schools (16,261 students). (Victorian Government 2021b). However, a report by the Australian Institute of Health and Welfare (2020) states that 9 out of 10 children with an impairment attend a mainstream school, thus reflecting the various perspectives.

Table 1: Number of school enrolments (FTE) according to type of school, Victoria 2021

No. of school enrolments	Government	Catholic	Independent	Total
Mainstream school	633,135	210,938	152,475	996,548
Special School	13,473	756	2,032	16,261
Language School	1,436	0	0	1,436
Number of pupils in total	648,044	211,695	154,507	1,014,247

Source: derived from Victorian Government 2021b
https://www.education.vic.gov.au/Documents/about/department/summarystatssnapshot.pdf

1.5 How students travel to school

Students in Victoria travel to and from school many ways: school bus, public transport, taxis, community transport, private car and active transport, or a combination of these. The choice is likely to be dependent on the interaction between the available options, distance between the school and home, respective costs, and features/practices of the student and school (age, capabilities, perception of safety, culture associated with the school and family).

An analysis of travel data in Victoria from 1974 to 2003 found that most children travelled to school by car (Peddie and Somerville 2006). Car travel increased over time, while walking to school reduced over time, such that in 2003, 70% of children travelled by car and fewer than 20% walked. Thirty-nine per cent of the car trips to school were dropping off children at school and returning directly home, thus being a significant contributor to traffic volume (Morris et al. 2001, Peddie and Somerville 2006). It is unclear how these figures are

distributed between rural and urban Victoria, and whether the bus is a school bus or public route bus. More recent surveying found that in Melbourne, in 2012, 35.4% of children used active transport, 5.7% public transport and 58.9% were driven by car, independent travel declining from 61% in 1991 to 32% in 2012 (Schoeppe et al. 2016).

A more recent investigation about school travel, that collected data on 2,849 students, found that 66% of students aged 5 to 13, travelled by car to school, 11% by public transport and 23% walked or rode. In relation to older students, aged 13 to 18 years, 46% travelled by car, 38% by public transport and 16% by active transport (Royal Children's Hospital National Child Health Poll 2019). Again, the numbers travelling on the school bus is not clear. Most children (70%) lived less than five kilometres from school, although in regional areas, 27% of all students lived more than 10 kilometres from school, compared to 10% in metropolitan areas. Where a student with an impairment attends a Mainstream School and is able to travel independently, they may use the Mainstream School bus. Lowe (2014) reports that about 7 of 10 students who attend a Special School in Victoria use the Special School bus program. Lowe assumes that the remaining 3 out of 10 students walk or are driven to school.

The Victorian Government subsidises and manages school transport to government and non-government Mainstream Schools and Special Schools in regional Victoria, and bus services to Special Schools in Melbourne. However, many stakeholders are involved: Federal Government, Victorian Department of Transport, Victorian Department of Education, clusters of schools and single schools, bus operators and staff, community transport operators, and taxi services, with the involvement of families.

The Victorian Department of Education and Training (2017) records that the Mainstream School bus network carries over 65,000 students each school day on approximately 1500 school bus routes. The Special School bus service has about 436 routes in 2021, the service being provided by 389 contracted bus services. Each bus has a driver and a student support person who travels with the students on the bus. There is variation between students as to whether they take the Special School bus every day and in both directions.

The Special School bus program costs the government about $70 million per year. Annual travel costs per student vary from an average of $2,500 (for students who are mobile and where large (57 seat) buses can be used) to $25,000 (for situations where all students are confined to wheelchairs, must be picked up from home and hence only 5-6 students can be transported on that service) (Lowe, 2014 p.10). The cost to the families was $480 per year in 2014, if not eligible for a free or discounted rate. The current cost is unclear.

2. Government policies on school travel in Victoria

2.1 Overview

Government regulations and policies affecting school bus safety are common in most countries. In Australia, school bus legislation encompasses matters such as the information and maintenance management systems required of the bus operator, the mechanical integrity of the bus, driver skills and child protection provisions (known as *Working with Children* legislation). Policies also cover matters such as safety management of children getting on and off the school bus when there is/may be other traffic present. There are also policies and regulations about who can travel in a school bus and under what circumstances.

The National Disability Insurance Scheme (NDIS) has largely been implemented in Australia but eligibility under this scheme requires a significant impairment (Australian Institute of Health and Welfare 2020). The scheme will not cover school bus transport in Victoria until 2023.

The Victorian Department of Education and Training has new policies said to improve education outcomes for students. These include *Place-based Education Plans* "to harness collective responsibility for transforming education in a community, with a focus on improving learner achievement, engagement and wellbeing outcomes" (The Education State 2021, p.1). The scheme proposes to collaborate with the local community and industry investing in infrastructure in relation to curriculum, access to local support services and co-location of services. There does not appear to be information under this scheme on transport for students with an impairment.

2.2 Eligibility and conditions for use of school buses in Victoria

The Victorian Education Department has detailed eligibility criteria to travel on a school bus. Regional students are expected to use public transport where a service is available within 1.6km from their home to school (measured by shortest practicable route). Students are able to apply for free bus travel to and from school if they live 4.8km or more from the school (Victorian Department of Education 2021a). While parents are expected to arrange for transport if their residence is within 4.8km, a 'special category' application for the school bus could be made. Eligibility for this includes, being over 1.6km from public transport, that seating is available, the travel is daily, and other arrangements will be made if a smaller bus is used. A student attending a non-government school may be able to access a regular bus service upon payment of a fare paid prior to travel, in addition to meeting the other travel conditions.

Transport services (Mainstream and Special School bus) are not provided for Early Childhood Intervention Services, but they may travel on a school bus service if:
- seating is available after all students with a higher priority of access have been accommodated
- the place is relinquished should a student with a higher priority of access require the seat
- the Department incurs no additional cost, and
- the student resides in the school's designated transport area (Victorian Department of Education 2021).

The policy also states that Early Childhood Intervention students "cannot form part of a case for addition, retention or modification of service" (Victorian Department of Education 2021).

Some separate conditions apply for travel on a Special School bus. A student with an impairment must live in the designated transport area, attend school for three or more days a week, and have moderate to high needs (Victorian Department of Education 2021). The school determines if transport is required. Where demand exceeds seat capacity on the bus, the Principal will give preference to students with higher needs and those travelling five days a week, then to those who need to travel the greatest distance, and the youngest students (Victorian Department of Education 2021).

Students with an impairment attending a government or non-government school, that is 4.8km or more from the student's residence, may also receive a Conveyance Allowance,

designed to contribute towards the full cost of transportation. The conveyance allowance may be available to students:

- travelling by public transport, private car, motorbike, bicycle or bus, and
- whose nearest school is not serviced by a free school bus provided under the School bus program
- If the student is an NDIS participant, school transport should be in the student's NDIS plan. Schools are also responsible for the administration of the conveyance allowance. A claim is submitted by the school four times a year.

Children are expected to board the bus at designated pick-up points and be met by a parent or carer (Victorian Department of Education 2021). "The student may only walk from the drop-off point to their home independently with the written agreement of the school and the parents/carers" (Victorian Department of Education 2021). Subject to approval by the Department, a taxi may be used as a feeder to the drop-off point for the bus service.

Other issues are specified in the policy documents on school buses. The Department doesn't provide travel services between school campuses or other services outside the school site, except in circumstances where the site is on the school bus route. Students will be 'fitted' with an Electronic Student Manifest System that will record student movements on and off the bus in the morning and afternoon. Students are not permitted to have food and beverages on the Special School bus, said to be a policy to minimise the risk of choking, allergic reactions or other adverse situations.

To start a new school bus service, a school must apply to the Department of Education and Training that includes the proposed route map and details of the eligible students (Public Transport Victoria 2021). There is a requirement of 15 students for a new school bus route, and the Department of Transport will undertake the contracting.

3. Research on school travel

3.1 Overview on school travel

There is little in the literature and few conversations about school transport and particularly about transport for students with an impairment, a point acknowledged in the research literature (Howley et al. 2001, Nakamura and Ooie 2017, Ross et al. 2020). An important exception is the interest taken by a group of researchers from Ontario, Canada, who have published a number of articles with colleagues (see, Rothman et al. 2018, Ross and Buliung 2019, Ross et al. 2020, Buliung et al. 2021). Section 3 outlines what information could be found on transport for students with an impairment, particularly as relates to the length of the trip. Section 4 overviews the literature on the issue of equity with particular attention to the trip length.

Student travel to and from school varies between countries. In the UK and Europe, there is greater use of public transport for school travel, most European countries advocating that transport to and from school should be, whenever possible, in regular public transport modes (Directorate-General Energy and Transport 2004). However, some dedicated school bus services in rural areas are available in many countries, although some systems may have use restrictions, such as distance from residence to the school, or age restrictions, present in the UK. There is some use of dedicated school buses outside London, although confronted with

growing funding pressures on local authorities (Stanley and Stanley 2021). In New Zealand, use of the school bus is diminishing, being replaced by private cars (Gristy 2019).

In most industrialised countries, the provision of buses for students with an impairment has the intention of facilitating equal access to education for all children, in line with legislation on justice and rights (Buliung et al. 2021). However, this intention is not always realised. The governance and provision of transport for students with impairments is said to be complex in Canada, involving many stakeholders, including families, schools, or transport operators, and various levels of government (Ross et al. 2020), a situation not very different from Australia.

In Canada, children with an impairment are less likely to achieve their desired level of education and 10% actually stop education because of their impairment (Buliung et al. 2021). Buliung et al. (2021) ask if this is due to the person's impairment as such, or due to the disabling character of the education environment and associated services. They state that the education systems and services are conceptualised and operated to address impairments where a disability is seen as an individual's problem, not as how society views difference. As a result, education and transport services "may be producing unanticipated disabling experiences" for students (Buliung et al. 2021, p. 499). This issue is explored further later in this report.

3.2 Research on the Special School bus trip length and time

Buliung et al. (2021) examined bus records for school children in Toronto for the 2016-2017 school year. Toronto city's population, with approximately 2.9 million people, is smaller than Metropolitan Melbourne. The study only included children who lived in, and went to school, in the city. In-vehicle time only was measured, not the time needed for vehicle boarding, nor the bus waiting time. The researchers found that children with an impairment who attended a Special School had longer bus trips, in terms of time and distance, than school children who travelled by school bus to their local school, including those children with an impairment who attended their local school. Approximately 81% of the travel time and 78% of the distance was in excess of that which would be required if the children attended their local school, rather than a Specialised School, resulting in about double the time and distance. As this data includes only in-city travel and a city with a smaller population than present in Melbourne, Toronto would not be directly comparable with Melbourne.

Buliung et al. (2021) recommend that the risks and effects of long travel on students with an impairment (discussed further below) are such that the travel time needs to be reduced. Buliung et al. (2021) suggest that, internationally, the experiences of children with an impairment has not been taken up as a critique of the interface between transport services and school location. They also note that it is likely that a family with a child with an impairment does not have the opportunity (resources and work flexibility) to simply move their residence nearer a Special School. In Australia, families with a child with an impairment are commonly struggling with both high expenses and low incomes, thus making residential flexibility less possible (Australian Federation of Disability Organisations 2021).

The length of time students with an impairment were spending on the Special School bus was viewed as unacceptable in Belgium (Hope 2021). The problem was seen to be the geographical spread of students and the small number of buses. Thirty-two new buses were recently purchased by the government, so there "will no longer be a large number of students who have been on the bus for far too long, who have been on the bus for more than three hours" (Peeters, Minister for Mobility, reported in Hope 2021).

In 1996, the Australian Disability Discrimination Commissioner summarised 31 areas of discrimination noted by education providers, which included the distance the student has to travel to attend an education centre. The most recent report by the Australian Disability Commissioner, however, doesn't mention school transport (Australian Human Rights Commission 2019).

3.3 Findings from PBA Transit Planning on travel distance, interim report

PBA Transit Planning examined the time for students travelling on the Special School bus to school for three case study schools in two geographical areas. Glenroy, Melbourne, has a Special School with 139 (EFT) students from 5 to 18 years of age. The student population is drawn from across the Northern and Western suburbs of Melbourne and most students travel to and from school by Special School bus. There are 20 Special School bus routes delivering children to the school. Bendigo has two Special Schools, Kalianna School Bendigo and Bendigo Special Development School. Eighteen Special School bus routes take students to the two Special schools, nine routes to Bendigo Development School, and nine routes that take students to both Special Schools in Bendigo. Thus, there comprised 38 drop off times at schools for 297 students on the Special School bus in the two case-study sites. The number of students on each bus varied considerably. There were just under an average of 6 students per bus for Glenroy and 10 for the Bendigo area.

It was found that the average Melbourne Special School bus trip to Glenroy took longer than the average trip in the Bendigo area. The average journey time in Melbourne for all students was 65 minutes, while it was 39 minutes for Kalianna school and 54 minutes for Bendigo SDS school. Except for one shared route, the buses dropped off students at Kalianna school first, adding 15 minutes to the journey to the Bendigo Development School.
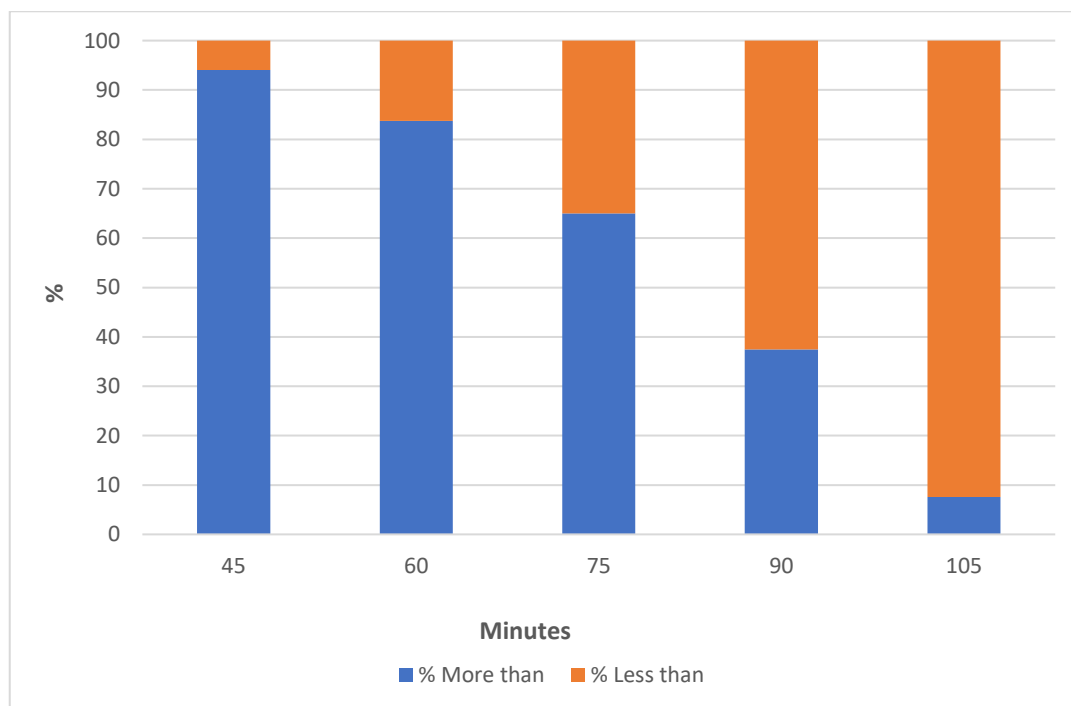

Figure 3.1: Travel times of Special School students
Data source: PBA Transit Planning

Travel times for the three Special Schools is shown in Figure 3.1. 84% of students were on the Special School bus for an average of an hour or longer and 37% for one and a half hours or longer, on the morning trip to school.

The equivalent average passenger car driving time to the Glenroy Special School was also longer than for both Bendigo Special Schools. However, when compared with the bus, car driving was much shorter in time than the bus for the three schools; the bus being 3.7 times longer for Glenroy Special School, 3.4 times longer for Kalianna Special school and 3 times longer for Bendigo Special Development School. However, the school bus and car times may not be directly comparable, as it is unclear if taxis are included, which may pick up more than one student, and there may not be an equivalent distribution of pick-up location (distances) between the two modes. The travel times for public transport and active transport was not noted. Traffic congestion impacted both modes measured in Melbourne, although the distance to be travelled was shorter than that travelled in the Bendigo region.

The students with the 10 highest journey times are shown in Figure 3.2. The figure shows the average and maximum and minimum times over an average of 100 days of records. Of these, 5 routes representing 7 children were for travel to the Glenroy school, and 2 routes to Bendigo Specialist School, representing 2 children. The average time across these 10 journeys was over 1 1/2 hours, with 3 children having an average time of 2 hours or more, with one route to Glenroy having the minimum recorded time (of the ten longest), not much below the two hours.
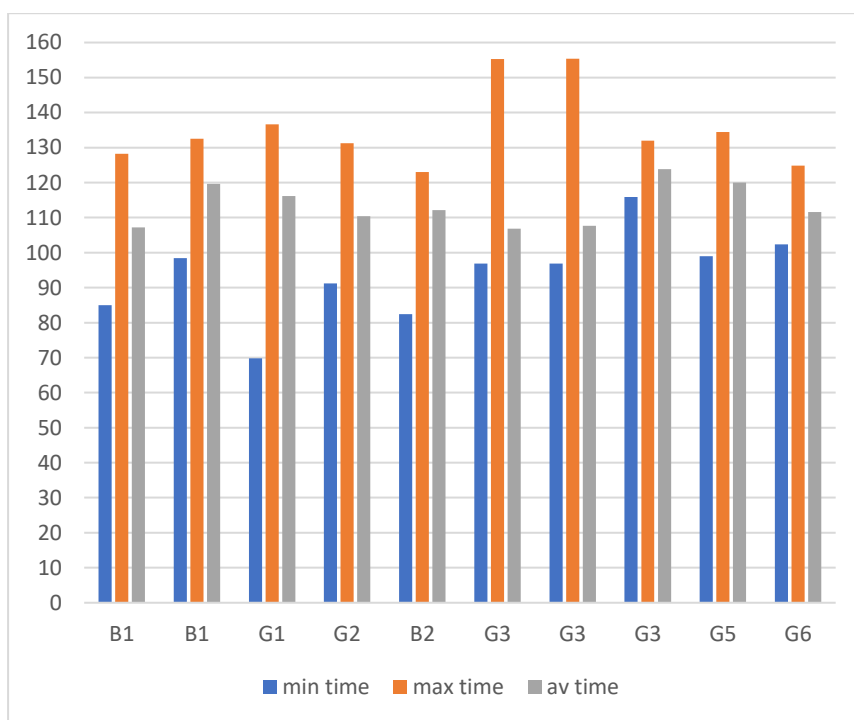

Figure 3.2: The 10 longest journey times for specific children, reported by average, minimum and maximum time reported.
Data source: PBA Transit Planning

PBA conclude that the individual times are influenced by the distance from the school, the pick-up sequence, the traffic conditions and the route path, conditions experienced by the broader bus network. Thus, there is "limited capacity to create major or simple changes to dramatically reduce journey times for a large number of students" (p. 12). They note that a good level of service is offered and the many fluctuations in journey times is managed well. However, there is an opportunity to reduce journey times for some students by changing the distribution of stops and pick-up sequences. PBA also notes that data collected needs to be improved to optimise schedules.

3.4 Commuting times and impacts in Victoria

3.4.1 Learning from elsewhere

The question of equity, the subject of this report, in part implies a comparative framework. There appears to be a lack of comparative figures on travel to Mainstream Schools, although on a logical basis, in Victoria the average distance and travel time would be much shorter when compared with Special Schools. This assessment is based on the number of respective schools and the placement of Mainstream Schools close to the target population.

Travel times to work in Victoria may reveal travel patterns where greater choice is available for many people. Ma (2019) reported on work commuting times, drawing on the survey, Household, Income and Labour Dynamics (HILDA) in Australia. In 2017, the average single direction commuting time in Melbourne was 33 minutes, and about 36 minutes for the rest of Victoria.

This section overviews what the literature says about a long school bus trip, from the perspective of students, parents and teachers (see, for example, Rothman et al. 2018, McMillan 2007). These issues may also encompass the bus stop and access to this stop. Where it could be located, information on commutes to work, is included. However, caution needs to be taken in comparisons, as the experience of travel between students with an impairment and those going to work, is likely to have some considerable variations. There will be less choice available for those with an impairment, in terms of mode of travel, distance to travel and the circumstance of travel, such as the use of safety restraints and the ability to interact with people on the bus. There is also the problem that available information on the impact of long commute trips is limited, for both school and work commutes.

The impacts can be categorised into the following areas:
- what happens during the trip
- how the trip could impact the school/work day
- how the trip could impact interpersonal relationships and community connections
- how the trip could impact life chances, wellbeing, and opportunities
- how the trip could impact on the family life

3.4.2 What happens on the trip

An experience of a trip (irrespective of mode) leads to the development of emotions: feelings around leaving home, of safety, of feeling bored, relaxed or anxious (Fattore et al. 2007). These feelings may not necessarily be manifest in behavioural problems or other distress signs (Ben-Arieh et al. 2001). A study in Sweden on commuting to work found that talking to other passengers has the strongest positive effect on travel satisfaction, although activities that entertained and relaxed the commuter also had a small impact on improved travel satisfaction (Ettema et al. 2012). A literature review by Morris and Guerra (2015) found that

car travel produced more positive feelings than public transport travel, for reasons, such as privacy, control, reliability and comfort, although active travel was also associated with positive emotions. However, longer vehicle trips led to less positive mood levels, in contrast to longer walking trips, which tended to improve the person's mood. A further adverse impact may occur where discomfort may occur with extended sitting times, which may lead to behavioural problems (O'Neil and Hoffman 2018).

3.4.3 How the trip could impact the school/workday

The Australian *Household, Income and Labour Dynamics in Australia (HILDA)* survey data reveals that commuters who have a trip of one hour or more each way were less likely than shorter-distance commuters "to be satisfied with their working hours, work-life balance and even pay" (Ma 2019). They are also more likely to lose their jobs within a year (Centre for Market Design undated). It has been found that long trips sometimes resulted in a loss of educational time at school. The Centre also noted that the children were more 'hyped-up' the longer the travel time, requiring additional supervision and assistance before they were ready to participate in learning activities. This problem was also noted by some parents who reported that their children take a while to settle back at home after a long bus trip (Centre for Market Design undated).

3.4.4 Impact of the trip on interpersonal relationships and community connections

Ross (2020) states that in North America students with an impairment are required to be transported out of their neighbourhood to a subset of schools, which can also separate them from their siblings and peers. A long trip on a Special Bus may be more prone to disruptions than a short trip, thus may risk arriving late at school and require a prompt departure after school, thereby restricting the student's informal time with peers within the school setting (Ross and Buliung 2019). The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (2020) reported that it is common for children with an impairment to lack opportunities to make friends and engage with extra-curricular activities, a view found in other literature (Howley et al. 2001).

The other side of this story is that an education setting that includes all students (regardless of any impairment) builds understanding of diversity that also fosters benefits for the community (The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability 2020). Ross et al. (2020) argues that the integrated school bus that includes students with and without an impairment offers all students the opportunity to socialise with their peers, an important part of the day for students on the Mainstream School bus. Schools a greater distance away risk an erosion in social cohesion and community identity (Witten et al. 2001).

3.4.5 Impact of the trip on life chances, wellbeing and opportunities

A review of the existing literature reported a common finding in many studies that lengthier commutes are associated with lower overall life satisfaction and the longer the commute, the lower the self-rated wellbeing (Stutzer and Frey 2008,). Morris and Guerra (2015) assumed this was due to traffic congestion and discomfort on the trip. O'Neil and Hoffman (2018) identify potential problems that may arise due to sitting postures for students with an impairment, resulting in behavioural problems. The common solution in the literature is to reduce the length of the trip. Howley et al. (2001, p.42) notes that there is a lack of research on the impact of a long trip on academic performance, as well as on time for "recreation and renewal".

Independent travel has been found to be important, especially for adolescents. An Australian survey found that most parents believed that independent student travel would assist in building independence (84% of parents), build problem-solving skills (77% of parents), motor skills, spatial and practical skills, and responsibility, as well as have health benefits (Royal Children's Hospital National Child Health Poll 2019). However, some parents had concerns about independent travel in relation to stranger danger (67%), road safety (59%) and bullying by another child (31%).

Many people, including those with an impairment, are said to be not getting enough exercise (Ross 2020). Based on self-reported data nearly three-quarters (72%) of people aged 15 and over with an impairment do not do enough physical activity for their age, compared with just over half (52%) of those without impairment (Australian Institute of Health and Welfare 2020). For those students able to engage in active travel, walking or cycling to and from school has been found to be an opportunity to increase exercise for adolescents and develop exercise behaviour into adulthood (Carlson et al. 2015). The use of public transport has been found to provide at least 20 minutes of physical activity in a day and the greater the availability of public transport, the more adolescents use this for school travel (Zulkefli et al. 2020). Active travel also promotes positive outcomes arising from an interaction with the natural and built local environments (Curtis et al. 2015). The closer the student lives to the school, the more likely they will walk or cycle to school.

3.4.6 Impact of the trip on family life

For many families with children who have an impairment, the management of their household is inherently complex and stressful, thus transport should not add to this stress (Lowe 2014). However, concern is expressed that it may be that the negative experience of a long ride may undo some of the benefits of school attendance (Howley et al. 2001). The trip may disrupt household activities, the student's sleep time, homework time and recreational time. It may also require a demanding early start for the student and family that may be difficult where extra support is needed in relation to an impairment, such as muscle mobilisation and feeding (Ross 2020).

3.5 Reasons for the trip length

The literature does not have a lot of information about why the Special School bus trip may be long, probably due to the obvious reason that there are fewer Special Schools than Mainstream Schools, thus the average trip will be longer than to a Mainstream School. In Victoria, there are 20 Mainstream Schools for every Specialist School. However, Howley et al. (2001) reports that there is a view that children's time is without value, therefore a long trip does not matter. The literature suggests some reasons why the longer bus trip is undertaken, relating to choice, or lack thereof.

3.5.1 Lack of choice

Persons with an impairment are considered a minority group that has been disadvantaged in most areas of life: economically, politically, educationally, socially, and personally (Olkin 1999). With other minorities, they share prejudice, stigma, and discrimination. Kayess and Sands (2020) report that the isolation of people with an impairment is pervasive today, including with transport, a point recently noted by the Australian Disability Commissioner who raised unaddressed human rights concerns that included segregated education in the list (Australian Human Rights Commission 2019).

The segregation of education based on impairment is an issue discussed fairly widely in the literature, but while educational integration in Canada is common, many children with an impairment don't travel on the school bus, and the issue of "inclusive transport remains oddly unquestioned" (Ross et al. 2020, p.63). Ross et al (2020) discuss the move in Canada and the USA, in the 1960s and 1970s, to provide inclusive education for all children within a Mainstream School setting, a situation they say is present in many educational settings today. The authors believe that integration reduces discrimination of the student with an impairment. They also raise the conundrum that Specialised School transport facilitates access to education, but it also is responsible for some barriers to education (Ross et al. 2020).

Ross et al. (2020) also raise other problems they see as present in the integration of students with an impairment into mainstream schooling in North America. These relate to bullying, poor teacher and bus driver training, costs of additional education assistants and lack of building accessibility. However, they note that these are matters that can be addressed, rather than solving these issues by isolating the student with an impairment and contributing to poorer education outcomes.

Buliung et al. (2021) report similar conclusions. They point out that impairment is seen as the problem, rather than the issue that Mainstream Schools are designed for abled bodies, rather than for all students. Buliung et al. (2021), speaking about Canada, raises the query as to whether the government processes that determine which type of school a child with an impairment should attend, and eligibility for services, may inadvertently be countering the goal of equal access to education for all children. Here, the authors are also referring to inaccessible school designs, the process of labelling children as *exceptional* as distinct from *normal*, resulting in the need for some children to travel a long distance to school. Students with an impairment need to be seen as belonging, rather than being seen as a transportation problem.

Once the boundary has been established, the presence of a *disability* is then viewed as a deficit located in the individual. The term, 'ableism' is used to describe how society is constructed for a particular group of people, separating others, such as those with an impairment, from the general population and marginalising them (Kayess and Sands 2020). The authors say that this includes segregated schools and transport systems, which in turn become 'normalised' and values and thinking remain unchallenged. Ross and Buliung (2018) argue that most school transport research on students with an impairment have ignored the normalcy of the children's exclusionary experiences.

3.5.2 Bullying as a potential reason for separate systems

Internationally, bullying remains a substantial problem with school children (Stanley and Stanley 2021). Most of the research on bullying amongst students is based on the school site, there being little work in association with school bus travel. However, the few articles on this topic report that bullying is also common on a school bus, one study reporting the occurrence of two incidents per 25 minute bus ride (Raskauskas 2005, Vodden and Noret 2019).

Children with physical and/or developmental impairments are bullied at disproportionately high rates. The Canadian Human Rights Commission (2017) reports that one in four students with an impairment is bullied at school. About one-third of Australian children report experiencing bullying, and this is one to two times higher in adolescents with an impairment, also confirmed by other reports who also report younger children as a target (Lindsay and McPherson 2012, King et al. 2018, Royal Commission into Violence, Abuse, Neglect and

Exploitation of People with a Disability, 2020). Bullying occurs where there is low adult supervision (deLara 2008).

Bullying can be a serious risk to mental health. The consequences can be depression and anxiety, low self-esteem, loneliness, insomnia, decreased school performance, disruptive behaviour and avoidance of school (Fleming and Jacobsen 2010, Ford et al. 2017). A large Australian study drawn from the nationally representative Longitudinal Study of Australian Children and Families, found that bullying and discrimination explained about half the findings of poor mental health in adolescents (King et al. 2018). In addition to the immediate psychological and physical risks, bullying can have a pronounced negative affect on a range of long-term personal, social, and educational outcomes. Being a witness to bullying can also lead to negative mental health outcomes (deLara 2012).

Bus drivers often use a variety of strategies to prevent or intervene, such as talking with the student, getting to know their passengers and reporting incidents to the school. Where a bystander intervenes (or bus aide in the US), it is reported that they can stop the bullying about 50% of the time – this increasing where some training is offered (deLara 2008). When the victim is assisted by a bystander, the victim feels safer and at less risk of having negative outcomes. Thus, other passengers on a school bus may reduce bullying.

There is a risk that integrating travel and schooling for students with, and without, an impairment, may expose the student with an impairment to bullying if this issue is not adequately addressed. The participation of all students in recreation and extracurricular activities in order to develop friendships is said to be an important way to reduce the occurrence of bullying.

3.6 Comments on ways to improve the trip

While few comments are made in the literature about improving the student's bus trip, quite a few of the articles suggest the main solution to long commutes lies in urban planning and placing jobs near work, suggestions also relevant to school students (e.g. Morris and Guerra 2015, Ma 2017). Dedicated bus lanes and signal priority are also suggested for bus commuting to work, as well as bus stop improvements in the waiting area, all of which could be used for school buses (Morris and Guerra 2015, Verbich and El-Geneidy 2016). A common suggestion in relation to school buses was the need to put on more buses, however it was noted that the cost is likely to be a barrier, in part due to the limited number of children on the bus and the salary of a carer who travels on a Special School bus (Suttman 2009). The presence of a bus supervisor, however, is also likely to benefit all student school bus riders and assist with reducing the incidence of bullying. The cost of this would be spread where the bus carried more students in an integrated bus.

Nakamura and Ooie (2017) trialled a public transport training program, that is used in Germany, where public transport operators conduct training programs to familiarise students with an intellectual impairment in the use of public transport. The success of this program was significantly aided by cooperation between schools, transport operators, road administrators and traffic administrators, as well as parents and teachers. The Victorian Department of Education and Training offers some travel training (2021) which is delivered by a teacher at the student's Special School. It was noted that training in Japan was more successful when delivered by bus drivers, than by teachers or parents. The use of this training option in Victoria is unclear, but could be offered in association with the school bus system to assist students with an impairment to travel more safely, leading to a reduction in the need for

adults to accompany the student and more adequately prepare the child for independent living as an adult (Access Exchange 2007).

4. How Justice can be viewed

4.1 International perspective on Human Rights, Justice and Equity

The United Nations has a Convention on the Rights of the Child, and a Convention on the Rights of Persons with Disabilities (United Nations 2021a, b). Both Conventions offer similar statements about children with an impairment, saying such children should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community (Article 23 Child Rights, Article 7 Disability rights). Children should be provided with appropriate and equal opportunities for cultural, artistic, recreational and leisure activity (Article 7 Disability rights). Considerable debate has taken place in the United Nations about Mainstream Schools versus the presence of Special Schools, and parental choice between private, religious and government schools.

It is important to note that these recent documents have undergone considerable change over the past 15 years, being "refined, expanded and elaborated" (Kayess and Sands 2020, p. 28). However, despite these changes, Kayess and Sands (2020) still criticise the Convention on the Rights of the Child, saying that its premise is based on a medical model that focuses on *special care*, which emphasises difference. They called on all governments to adopt as a matter of law or policy the principle of inclusive education. Inclusive education was also supported in the jurisprudence of the most recent version of the United Nations Convention on the Rights of the Child (United Nations 2021a).

The Committee on the Rights of Persons with Disabilities (United Nations 2021b, Article 7, p.10) says:
> *1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.*
> *2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.*

Kayess and Sands (2020) note that a clarification of what equality means is given by the UN Human Rights Committee (1994) where the right to equality and non-discrimination has both a formal equality and substantive equality component. Treating people the same to achieve formal equality does not necessarily ensure substantive equitable opportunities or outcomes, when some people need greater resource input to achieve an equal outcome.

The 2030 Agenda for the Sustainable Development Goals recognises impairment as a cross-cutting issue, believing that the key to reducing inequality experienced by those with an impairment is to combat discrimination (United Nations Department of Economic and Social Affairs 2018). The Report by the United Nations states that:
> *Equal access to education is essential and must be ensured. Inclusion of persons with disabilities into mainstream education should be promoted proactively. Schools and educational facilities as well as learning environments must be accessible and adapted for students with disabilities. Improving access to education for persons with disabilities is critical because educational disadvantage often leads to higher*

exposure to social exclusion and poverty, and therefore has a significant impact on capacity and opportunity to participate in society and development, particularly employment (United Nations Department of Economic and Social Affairs 2018, p.324).

The USA and Canada determine eligibility for Special School transport using an Individual Family Service Plan and/or an Individualized Education Plan (O'Neil et al. 2018). The USA Americans with Disabilities Act prohibits discrimination on the basis of impairment, covering "employment, access to State and local government services, places of public accommodation, transportation, and other important areas of American life" (Department of Justice, 2010/17 p. 2). Guidelines and enforcement are overseen by an Access Board. This Board consists of 13 members from the general public, the majority of whom must have an impairment, and the Heads of 12 Federal Departments, including the heads of the Department of Justice and the Department of Transportation. The Canadian Charter of Rights and Freedoms legislation states that all children, including those with disabilities, must be provided with equal access to education.

While all these advocate *equal access* to education, it is not clear what this means: equal access on any mode; equal choice of mode; equal time and distance of the trip; access to the same type of education, or just that the student is offered an education of any standard…?

4.2 Australian recognition of Human Rights, Justice and Equity

In the absence of an Australian Bill of Rights, the Interim report of the Australian Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (2020) offers some valuable insights into equity and justice. The report notes that human rights for this Inquiry are informed by the human rights frameworks developed in various United Nations conventions, particularly the United Nations *Convention on the Rights of Persons with Disabilities.* Australia has ratified this convention and parts have been incorporated in Australian law, such as in the *Disability Discrimination Act 1992* (Cth). The report states that the human rights convention articulates values and practice standards by which people with an impairment should be treated, such as the dignity, autonomy, freedom and equality of all people.

In 2020, the Australian Human Rights Commission produced a document to provide guidelines for public transport operators on the interface between the federal Disability Discrimination Act 1992 (Cth) and the Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3) (Cth). Operators and providers had indicated that they experienced uncertainty about interpretation of equivalent access provisions. The Australian Human Rights Commission (2019) noted that compliance with the Transport Standards is progressing at a slower pace in rural, regional and remote areas, than is happening in an urban setting. In part, this is due to the lower passenger numbers and cost of access changes.

The Commission, in defining "equivalent access", said this referred to "an equivalent standard of amenity, availability, comfort, convenience, dignity, price and safety, but did not include a segregated or parallel service" (p.11). These terms are not defined in the respective Guideline documents. The report notes that:

> *…the segregation of people with disability is inconsistent with the objects of the Disability Discrimination Act and the Transport Standards. The Disability Act and the Transport Standards both aim to remove discrimination and promote access by*

people with disability to the same services and premises as other members of the community (p.17)

The report emphasised the importance of dignity, suggesting it is linked with self-determination, decision-making and choice.

It was felt that this guide may result in "long-term access solutions developed through co-design" arising from "communication and collaboration" between operators and providers and through consultation with passengers with an impairment (p. 1). However, the report excluded school buses and understood equal access to refer to getting on and off the vehicle only.

The Australian Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (2020) expresses the view that the social environment, in which a person lives, should be the focus of impairment policy. Impairment arises because society is not structured to include people, offering justice and empowerment, and arises as a consequence of social exclusion imposed on top of impairment. Society should aim to move people from segregated settings to being included in the community, using a capabilities approach that focuses on what people are capable of becoming or doing. The emphasis is on universal dignity, capacity, equality, education, autonomy, control and choice. The compliance target for all public transport set by the Commission is 31 December 2032 – a whole decade away!

The report lists barriers to justice for people with an impairment. These are:
- choice and control
- attitudes towards impairment
- segregation and exclusion
- restrictive practices
- access to services and supports
- advocacy and representation
- oversight and complaints
- funding.

Some of the comments around these barriers relate to education in general, although they don't specifically mention transport. The report notes that some students with an impairment are educated in separate environments in isolation from students without disabilities. The Royal Commission has been told that this perpetuates the exclusion of people with an impairment and that once a student is placed in a special/segregated school, class or unit, they rarely transition into mainstream education or into mainstream work, thus may not have the opportunity to realise their full potential.

The Victorian Department of Education and Training notes relevant legislation, such as the Equal Opportunity Act 2010 (Vic) incorporating amendments as at 1 July 2021. This includes the "elimination of discrimination", the need to "promote and protect the right to equality", "encourage the identification and elimination of systemic causes of discrimination', and "promote and facilitate the progressive realisation of equality, as far as reasonably practicable" (p.2). It is also noted (p.24) that "indirect discrimination occurs if a person imposes…a requirement, condition or practice" that has "the effect of disadvantaging persons with an attribute" and "that is not reasonable". There is no guidance in the legislation as to what precise issues may cause inequality, discrimination or loss of rights, or what action is not reasonable.

The Children's Rights Report (2019), overseen by the National Children's Commissioner, covers issues that should also relate to transport. It notes the need for "targeted measures" to address inequality experienced by children living in regional and remote Australia and that there is an obligation "to identify individual children and groups of children the recognition and realization of whose rights may demand special measures" (p.8). Indeed, to remove this discrimination "may require changes in legislation, administration and resource allocation, as well as educational measures to change attitudes" (p. 82). In 2012, the Victorian Equal Opportunity & Human Rights Commission stated that:

> Under the Equal Opportunity Act 2010 education providers are required to make changes, known as reasonable adjustments, to allow students with disability to participate in education on the same basis as other students.

A major change in federal impairment policy was introduced with the National Disability Strategy (NDS) 2010–2020, viewed by two major welfare agencies as "a landmark achievement, representing a new, rights-based and whole-of-life approach to disability policy in Australia" (Brotherhood of St Laurence and Mission Australia 2020, p.3). The National Disability Insurance Scheme (NDIS) was established with the aim to promote inclusion and accessibility. This has "elevated the public discourse around disability" and has seen a "gradual shift towards rights-based approaches in disability support" (Brotherhood of St Laurence and Mission Australia 2020, p.3). However, these agencies see that there remains "stark differences in life experiences and opportunities between people with and without disability" (p.3). Importantly, there has not been the "critical improvements in the mainstream services and community life that are essential to the inclusion and participation of all people with disability—particularly the almost 4 million people with disability in Australia who do not get access to NDIS-funded supports" (p.3).

The welfare report makes recommendations, some of which are relevant to the issue of transport equity, although this issue is imbedded in broad recommendations. It recommends that ambitious goals and initiatives be set to drive inclusion, equity and empowerment for all people with an impairment, saying:

> Full inclusion requires structural, systemic and institutional change as well. We urge the government to invest in tangible community capacity building initiatives as a priority. Many mainstream services— including health, education and training, housing, employment services, justice, housing, transportation—continue to be inaccessible or non-inclusive (Brotherhood of St Laurence and Mission Australia 2020, p.8).

The report recommends changing community attitudes and systems, structures and institutions, including all mainstream service systems through a focus on community capacity building to:

- Develop a robust outcomes framework, invest in monitoring and evaluation, and commit to transparent and regular public reporting.
- Consider establishing a central coordination agency with oversight over implementation, data analysis and reporting.

The report recommends that "people with disability achieve their full potential through participating in an inclusive, high-quality education system that is responsive to their needs" (p. 9). This is achieved through mainstream education developing the capacity to support and enable students with an impairment through programs, supports and services.

The report recommends the need for a common vision and rights-based frame which demonstrates how Australia is meeting our obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and

> *mandates for inclusive policy and practice by mainstream portfolios and services—particularly health (including mental health), education, housing, justice, transport and infrastructure, as these are key areas that can enable or alternatively constrain people with disability living a normal life in their community* (p.14).

Finally, the report urges the government to establish a central coordination agency with oversight and responsibility for cross-sectoral implementation, data collation and reporting outcomes.

4.3 Perspectives from the literature on Rights, Justice, Equality and Equity

4.3.1 Positions on equity and justice

There are a few broad theories on equity, overviewed by Pereira et al. (2017), as follows:
- *Utilitarianism*, referring to welfare, wellbeing and utility, proposing the greatest good for the greatest number of people (Jeremy Bentham and John Stuart Mill)
- *Libertarianism*, referring to basic rights and absolute equity in distribution (Nozick 2003)
- *Instuitionism*, referring to basic needs, but no clear distribution (Barry 1965 and Miller 1999)
- *Egalitarianism*, referring to liberties, opportunities and right to basic goods, requiring an equal distribution (Rawls 2005)
- *Capabilities approach*, referring to opportunities to meet human functioning needs (Sen 2009 and Nussbaum 2011)

These all express equity, justice and rights, the difference largely being the implications for distribution between people.

The differing terms of rights, justice, equality and equity have subtle differences in meaning. Equality means each individual or group of people is given the same resources or opportunities. Equity recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome (Milken Institute School of Public Health 2020). Justice occurs when the inequity is solved with long-term, sustainable, equitable access for generations to come. Social justice occurs where there is equity in opportunities between individuals who have variations in mental, physical, and psychological abilities, beyond an individual's control (Sen 1993). Thus, social justice dictates that some people need the opportunities created through equity to facilitate and shape a person's capabilities and choices to enable them to establish the wellbeing and quality of life they desire.

This report draws on the theory propounded by Sen, and contributed to by Nussbaum, the capabilities theory of distributive justice. Sen's theory is said to be an extension of Rawls' Egalitarian theory (Basta 2016). However, importantly, Rawls' theory argues for equality of opportunity by maximising the minimum distribution of primary goods to those in a worst-off position or giving most to those who have least. Sen on the other hand, argues for the provision of whatever it takes to achieve capabilities.

Capability theory has (implicitly) infiltrated contemporary planning theory, with an emphasis on what outcomes, thus plans that people desire, rather than the goal of achieving equality (Basta 2016). However, while it could be argued that planning may adopt this approach,

much of the social impact of projects is not considered when planning is translated into the realisation of projects, that is, the evaluation of the effectiveness of projects or programs. If there is an appraisal, it is commonly based almost solely on economics and market considerations. The next section gives a brief overview of the capabilities approach as it relates to equity.

4.3.2 Sen's Capability Theory

Sen (e.g. 1984, 2009) argues that there are basic human functioning needs and capabilities required to achieve desired life quality. Achievement of this wellbeing is based on the capacity to obtain needs, and this capacity may not be equal between people. Thus, it may be necessary to offer more resources to some people. Sen (1993) argues that a decent society provides conditions to make this possible.

Although Sen argues against listing capabilities, he gives the examples of being able to "live long, escape avoidable morbidity, be well nourished, be able to read, write and communicate, take part in literary and scientific pursuits" (Sen, 1984, p.97, quoted in Clarke and Gough, 2005, p.51). Clarke and Gough (2005) also note that Sen talks about more complex social functioning such as taking part in the life of the community and entertaining family and friends. Importantly, Sen talks about, not what should be the approach, but the need to achieve outcome equity (Basta 2016).

Nussbaum (1999), building on Sen's thinking, lists the rights that underlie the capabilities approach, as summarised below:
1. *A normal length of life*
2. *Bodily health*: including reproductive health, being adequately nourished and able to have adequate shelter
3. *Bodily integrity*: being able to move freely from place to place and secure against violence
4. *Senses, imagination, thought*: being able to imagine, think and reason, informed and cultivated by an adequate education
5. *Emotions*: attachments to things and persons without fear or anxiety
6. *Practical reason*: a conception of the good and critical reflection about the planning of one's own life
7. *Affiliation*: being able to engage in social interaction, have empathy and compassion and being able to be treated as a dignified person with equal worth to others
8. *Other species*: concern for animals, plants and the world of nature
9. *Play*: being able to laugh, play and enjoy recreational activities

This theory is the basis of much of the thinking about the idea of social inclusion, where infrastructure and services need to be accessible to people, so they are able to partake and achieve. Nussbaum (2011) argues that achievement of capabilities is a combination of opportunities available for individuals to choose and to act, as well as the political, social and economic environment being available to choose from.

Maslow (1954) has listed 'needs', rather than the 'rights' approach in Nussbaum's list. This is shown in Figure 4.1, as it relates to students, the subject of this report. Maslow places the most critical needs at the base of the triangle, physiological requirements (food, water, sleep and shelter); followed by safety and security; relationship needs; self-esteem (self-confidence, self-respect, dignity); and self-actualisation or self-fulfilment.

Distributive justice or how equity should be distributed is "perhaps the most overlooked question in the transport literature" (Pereira et al. 2017, p. 178). Weilant et al. (2019), perhaps not very helpfully, states that the main outcome of the transportation system is *equity*, access to movement for all individuals, including the socially vulnerable or economically disadvantaged. Litman (2014) talks of vertical equity, which refers to the distribution between different groups of people, saying that equity involves a consideration as to whether groups with restricted mobility have appropriate access to transportation services, and often subsidies are required for disadvantaged people. This begs the question as to who such disadvantaged groups should be equitable with and what is meant by *appropriate*. Manaugh et al. (2015) points out that social equity goals are, in many cases, not translated into clearly specified objectives; or where there they are, measures for assessing achievement of these objectives are often lacking.

Pereira et al. (2017), referring to Mullen (2012), states that the academic literature has generally assumed that transport decisions are primarily a matter of individual choice and personal responsibility. However, Pereira et al. (2017) importantly observes that it is difficult to tease out which decisions are based in personal choice and which are due to contextual constraints in land use planning and the transport system. Not mentioned are the other barriers could also play into this, many noted in the literature review in Section 3 of this report.

For a person with an impairment, barriers to taking up opportunities may relate to the physical structure of their environment (e.g. if access to a building is only available by stairs and the person uses a wheelchair or is unable to use steps). There may be barriers around resources or around beliefs held by others about abilities of the person with an impairment. The Australian Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (2020) draws attention to the issue that a person may face more than one form of injustice, such as impairment along with racial prejudice.

A recent report in the US notes that systemic bias may be present in government practices, even although they may appear neutral on the surface (Executive Office of the President 2021). It notes that the equity field is still only developing, and measurement is complex, such as disaggregating as to whether the inequity lies in the barriers around eligibility or the application or administrative processes, or whether it is the benefit itself that is exclusionary. "Advancing equity requires long-term change management and a dedicated strategy for sustainability" (Executive Office of the President 2021, p.35). It is said that this may need the establishment of cross-functional agency, equity teams and processes, and stresses the importance of community consultation.

4.3.3 The task of achieving wellbeing

It is argued here that childhood is a critical time to establish equity. Maslow's hierarchy of needs, as it applies to children, is shown in Figure 4.1. Childhood is a time of growing brain development, a time of learning about the world and the establishment of a lens that forms the patterns of interactions between themselves and others. A combination of factors, including personal characteristics and opportunities, influence children's ability to participate in community and society in order to gain positive experiences (reported in Miranti et al. 2018).

A person has good wellbeing where they experience pleasure/happiness and where they feel engaged in life activities (Diener et al. 1999, Eckersley 2013). These eudaimonic aspects of

wellbeing, further defined as self-acceptance, positive relations with others, autonomy, environmental mastery, purpose in life, and personal growth (Ryff 1989), are sought once the critical needs for survival are met. Research has shown the role of infrastructure and government policy in enabling a person to achieve social inclusion and wellbeing (Stanley et al. 2021).
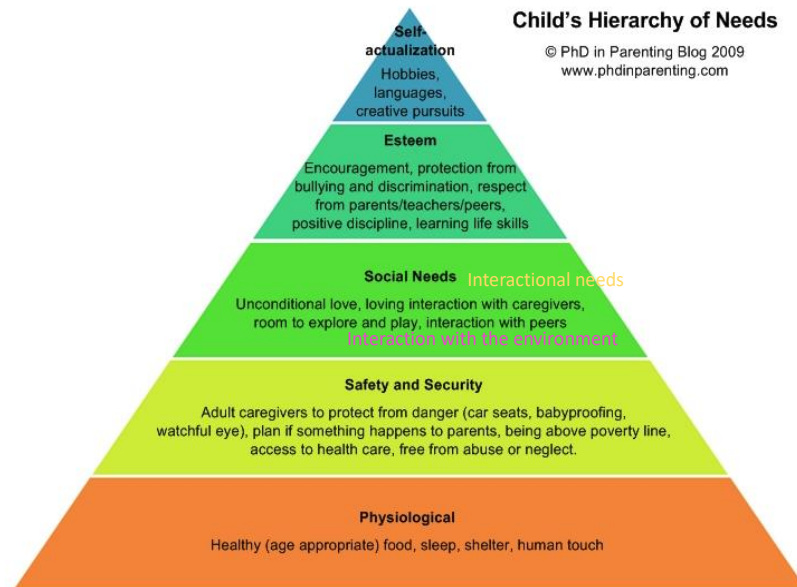

Figure 4.1: A child's hierarchy of Needs
Source: Maslow (1954) reinterpreted by Parenting Blog 2009, www.phdinparenting.com

A child's environment shapes this development and age-appropriate competencies (Moore 2014). Bronfenbrenner (1979) describes the external influencers as the child's family/caring arrangements, the interaction with the immediate and broader community, and the political and social structures. Adolescence is typically a time to develop a sense of self, gain increasing independence and begin to identify values, interests, goals and life purpose. This growth in independence is developed through wider and more complex social interactions undertaken by the adolescent, broadening out to peers, schools and the community (Bronfenbrenner 1976). The formation of high-quality relationships with others is consistently reported to be critical for good health and wellbeing, including the opportunity for the adolescent to develop significant non-familial relationships (Allen et al. 2016). Exclusion by other children due to a perceived lack of competence of the child with an impairment, particularly in education environments, can lead to feelings of powerlessness and humiliation and at times resistance and behavioural problems by children (Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability 2020).

Where there is a failure to provide the structure to enable equity, there arises a barrier to achieving wellbeing or quality of life (Sen 1993). "Being socially excluded during childhood can lead to difficulties in having access to these capabilities which are important for functioning not only during childhood but also in later adult life" (Bynner 2001, p.8). Thus, policy should be targeted towards those children at the greatest risk of social exclusion (Miranti et al. 2018).

Interpersonal relationships and connections are more likely to be achieved where a person has good levels of social capital, connection with community, an adequate income and is able to access activities to foster these conditions (Stanley et al. 2011). The association between wellbeing and other behaviour and interactions, including Locus of Control, was reviewed for this document using data that arose from past social inclusion research (see Stanley et al. 2011 for details of the research methodology). Locus of Control refers to a belief about your personal ability to control your own destiny, or alternatively, a view that your fate is controlled by forces outside yourself. Belief in your own ability to control your own outcomes is important for personal motivation, actions and beliefs. A belief in external control is linked with the development of learned helplessness or feelings of being powerless (Rotter 1966).

In a sample of over 800 people, it was found that those who believed in external control had poor wellbeing, less positive emotions, greater negative emotions, low levels of environmental mastery (the ability to choose or change the surrounding context using physical or mental actions), low elements of personal growth (development of personal potential), low levels of positive relationships with others, low sense of purpose and poor self-acceptance. All these are associations are significant at the 95% level of significance, although some associations are not high. Many of these conditions were found to be highly important (highly statistically significant) for personal wellbeing, self-acceptance and having a positive mood, particularly positive relations with others, autonomy and environmental mastery. This highlights the great importance of facilitating the achievement of these aspects of life, especially for students with an impairment, who may well be starting life at a disadvantage. Particular importance should be given to such children being able to participate in social activities, such as sport and organised leisure (Saunders and Wong 2011, Crous and Bradshaw 2017).

4.4 Outcome equity

Understanding whether there is equity of outcomes can test whether equity of opportunities has been present. To achieve equity in outcomes for a person with an impairment, Tyler (2017) sees that the end point could be described as sustainable, accessible and safe (Tyler 2017). *Safety* is seen as the provision of an environment where any risk is acceptable to individuals in pursuance of their goal, while not increasing risk to others. In Special Bus transport the views of the student about safety need to be taken into account, as perhaps the safety requirements under a duty of care by the bus operator and driver may not align with the risk level desired by the student. *Accessibility* is seen as the ability of a person to undertake an activity they desire and need. This may be easier to assess if the student (or parent of a young child) can freely choose between transport options. *Sustainability* is defined as meeting the long-term ability in terms of social, environmental and the economy to support needs. It is unclear how this outcome would be measured.

One measure of a sustainable outcome for students with an impairment is an investigation of life quality as an adult. A very poor picture of outcomes is presented by the Centre of Research Excellence in Disability and Health (2021), as they say:

> *An Australian with a disability is more likely to be unemployed, live in inadequate and unaffordable housing, have not completed school, and live in financial stress. They may face discrimination in all aspects of their lives including their experience at school, with the health system, getting a job, and their family situation.*

This outcome compares badly with other countries, as Australians with an impairment have the lowest relative income and one of the lowest levels of labour force participation of all OECD countries. This situation is confirmed by the Australian Institute of Health and Welfare (2020) who say that 48% of people aged 15 to 64 with an impairment are employed, compared to 80% of those without an impairment. However, Australia appears not to be the only country with poor outcomes as about 10% of Canadian students with an impairment stopped their education due to the impairment, as noted earlier (Canadian Human Rights Commission 2017). This is despite the average educational attainment level in primary school being higher in children with an impairment (~33%), than for those without an impairment (~24%).

Exploring the issue from a wellbeing perspective, a large household survey in Melbourne found that people with an impairment, who were unemployed, had low scores on the *Satisfaction with Life* measure of wellbeing, when compared with eleven other employment t status groups, including those unemployed and looking for work (Stanley et al. 2021). People with an impairment also had the lowest scores on: *Satisfaction with Personal Relationships*, *Feeling Part of the Community* and *Satisfaction with Achievement in Life*.

5.   Views about the Special School bus

5.1 Approaching stakeholders

To determine whether any particular system of collectively managed social arrangements is just, Rawls (2005) and Sen (2009) believe that the views of the people who are subject to it need to be sought, rather than rely on an objective notion of justice based on ideological grounds. The Australian Human Rights Commission Report (2020) noted the importance of seeking views from operators and providers and organisations representing people with an impairment. Hence, the research sought the views of stakeholders about the Special School bus, particularly in relation to the time some students may be on this bus.

The original intention was to seek opinions about the school bus services associated with Special and Mainstream schools in the two geographical areas used as case-studies by PBA Transit. Views from both Special and Mainstream Schools were sought in order to investigate issues of equity in the bus services between the two school systems. Permission to talk with personnel associated with Victorian Education Department Schools has to be sought prior to approaching the school, thus an application was submitted. This involved the completion of nine documents, the main application form requiring 14 pages of information. After a period of non-contact from the Department, the researcher approached the Department a number of times, eventually receiving notification that permission to contact the schools was refused, as:

> …*the Department does not permit any research activity to be conducted in government schools/early childhood settings, for the time being. This is to help schools navigate the increased pressures and workload resulting from the pandemic* (13 September 2021).

However, this messaging was not available prior to the application process. Difficulties in obtaining permission appears to not be unusual, the Department of Justice (2010/17) in the US stating that there may be systemic barriers to engaging in consultation and participatory processes with government.

An alternative position was adopted where views on the Special School bus trip and length of travel were sought from a range of non-government organisations of relevance to education and impairment, supported by discussions with members of the bus industry. While a list of discussion topics was compiled, the interviews were not fully structured due to the variety of roles people held, the need for confidentiality and a desire to understand the issues most important to the person being interviewed. Approximately 60 requests for a conversation were sent by my colleague who held a senior position in the welfare industry. Table 5.1 outlines the responses.

Broad group	No. people sent an interview request	Interview completed	Interview group identified in subsequent text
Professional groups	16	2	1
Impairment related welfare	7	2	2
Independent schools	4	2	3
Transport groups (operators/ managers/driver/supervisors)	6	6	4
Worker in sector	7	4	5
Parents	2	2	6

Table 5.1: Interviews requested and completed

A total of 42 individuals were approached seeking an interview, 18 people agreeing. There appeared to be a number of reasons for the low response to this request. Special School bus transport did not appear to be an issue that was often considered. Requests for interviews were made during a long COVID 19 lockdown in Melbourne and it resulted in additional tasks for the sector, such as preparing, supporting and delivering educational materials and support deliveries, such as food parcels, for families. A couple of people did not wish to talk due feeling it might jeopardise government support they were receiving.

The following discussion draws on all information sources for this project, including comments from the interviews. The numbering in the last column of Table 5.1 indicates the source of the comment which is noted in the text after the comment.

5.2 Long travel time and distance on the Special School bus

Social equity is a comparative measure between two or more groups of people, where there is equal fairness or justice between the groups. The issue of equity examined in this report is between the conditions of travel for Special School students, compared to Mainstream School students, to understand if services could be improved notably in regard to student travel time on buses in the state of Victoria.

The findings suggest that travel to school on a Special School bus can be a long trip for some students. The time limit allowed by the Victorian Government is a maximum of two hours one way[4]. Discussion confirmed that many trips on the Special School bus are quite long; one person saying that 70% of their routes take over an hour in time and another saying that three-quarters of their trips are on the two-hour limit[4], this being verified in Figure 3.1.

The literature doesn't offer a great deal of assistance on school travel time, except for one measurement of Special School bus travel undertaken in Toronto, Canada (Buliung et al. 2021). The researchers found that students with an impairment who attended a Special School had longer bus trips, in terms of time and distance, than students who travelled by school bus to their local school, including those students with an impairment who attended their local school. In Victoria, travel time for some students on the Special School bus is also likely to be longer than for many students who travel on a Mainstream School bus. Due to the fewer number of Special Schools and Special School students, it is logical to assume that the Special School bus has longer to travel to pick up students and travel to the school location. It is also likely that some students on the Special School bus will take longer getting on and off the bus, thus lengthening the time on the bus for other students.

The time on the Special School bus for some students also appears to be considerably longer than most commutes to work, a situation where many work commuters are likely to have greater flexibility and choice in managing their travel time than students on the Special School bus.

Guidance from the equity, rights and justice literature was sought to understand if this longer travel time might be inequitable. Little assistance was given in the International and Australian Rights documentation, it being very broad and general with nothing specific relating to school bus transport except the following statement, referring to transport in general. The Australian Human Rights Commission (2020) noted that "equivalent access", means "an equivalent standard of amenity, availability, comfort, convenience, dignity, price and safety, but did "not include a segregated or parallel service" (p.11). However, in 1996, the Australian Disability Discrimination Commissioner summarised 31 areas of discrimination noted by education providers, which included the distance the student has to travel to attend an education centre.

There is a fairly large amount of academic literature on equity and justice. The major difference between various theories of justice appears to reside in the distribution of rights. This document draws on the theory propounded by Sen, that talks of desired capabilities as the outcome actioned by rights. Thus, resources need to be distributed according to the achievement of the outcome that a person with an impairment wishes to have. Therefore, by implication, equality of capability could be realised if resources are distributed according to the required need, those in a worst-off position obtaining the greatest resources. It is therefore important to understand if, and how, a longer trip may disadvantage the student on the Special School bus.

The little available literature suggests that the risks and effects on students with an impairment of long travel, are such that the travel time needs to be reduced. Thus, the longer travel time may result in inequity. The researcher was told that the impact of a long bus trip varied between children, some having no adverse experience, and others finding it stressful[3]. If adverse conditions are present, there is a risk that the student may feel stressed, disempowered or uncomfortable, made worse if the trip is long, conditions that may be expressed through disruptive behaviour, done to fill in time on a long trip[3]. A really competent bus driver will step in or know how to manage a situation, but it takes his time and energy away from what he is supposed to be doing. Often the school will not get to hear about disruptive behaviours until the bus drivers are pushed to their limit after trying several approaches to address the issue[3]. It was found that the trip itself may have adverse consequences due to the conditions on the bus, such as the need to be restrained, perhaps the

need to use the toilet, boredom, vehicle sickness, bullying or negative interactions from others on the bus, or a poor bus atmosphere.

The author was told that the bus doesn't make toilet stops, so if there is a risk the student wears appropriate clothing[4]. Wearing incontinence clothing may be usual practice for the student or may be needed only because of the length of the bus trip, which in the researcher's view is unacceptable. If adverse conditions are present, there is a risk that the student may feel stressed, disempowered or uncomfortable, made worse if the trip is long, conditions that may be expressed through disruptive behaviour or another stress response.

Wellbeing is achieved if needs are met. These needs range from the most essential, physiological requirements, such as food and sleep, to safety, followed by social interaction, self-esteem and self-actualisation, the latter referring to personal growth and achievement in life. Childhood is a critical time to establish the groundwork for establishing wellbeing. Being socially excluded during childhood can be damaging to the attainment of aspects of life quality as an adult. If reduced opportunities occur, they are more likely to adversely impact a child/youth, than an adult. Thus, it could be argued that equity is especially important during childhood and particularly for children who have a bigger challenge in achieving their desired capabilities. The growth in independence and development of social relationships are especially important for the wellbeing of students in their foundation year and youth, approximately 12 to 15 years of age.

Inequity relating to travel time could be reduced if the travel time can be shortened. As noted above, as there are far less Special Schools than Mainstream Schools, it is likely that the distance to travel will always be longer, at least for some students, than for mainstream schools, which are based in local communities. Thus, the distance between the student's residence and school, places a limit on the amount of adjustment that could be made to the current Special School bus system.

Under the current arrangements, the Special School bus system could make a few changes to lessen the travel time by re-routing and adding buses. It may be possible to find shorter routes, routes with less traffic, or travel outside peak traffic times by adjusting school hours, if this is a feature that is lengthening the trip. Bus stop changes could be considered, such as reducing the bus stop wait if this is an issue adding to the trip time for a student. Moving the bus stop nearer to a student's home may result in shorter travel time, an issue that would need to be explored on an individual basis, with consideration in relation to other students on the bus. These changes can be made if bus operators are allowed the flexibility.

If a longer travel time is due to the number of students being picked up and/or the distance travelled to pick up a student, then one solution would be to change the student to another bus or method of transport or put on another Special School bus. A stakeholder discussion reported that a Special School has small buses driven by staff that pick-up children (no more than five students) to reduce the trip length where a child is struggling[3]. Other considerations would need to revolve around the importance of the student friendship group who travel on the bus, and the implications of the student travelling to school alone, if the bus is replaced by a taxi.

Improvements to the in-bus travel may be possible if difficulties are found. This may be modification of the seating arrangements on the bus to allow passengers to interact more easily; provision of entertainment, such as radio, music, listening to a book being read; or

games with the group or individually, such as on an iPad/iPhone. Such arrangements are provided on some Special Bus trips, initiated by the bus support person[4], although electronic devises on buses have been known to be banned by a Special School[2]. The researcher was told that a blanket ban is not appropriate as individual needs should be considered[2]. Consideration should be given as to which students are finding what difficulties, especially on a long trip. Two other issues were raised in discussion about the trip. There was concern by parents as to whether the bus support person would be able to manage a student who displayed difficult behaviour, and concern that they believed that illegal restraints have been used[2].

A couple of additional issues were discussed about the Special School bus. One conversation suggested that some parents do not mind the length of the school bus trip as it enables them to keep longer working hours[6]. However, this may well reflect the absence of after school care associated with Special Schools, although often available in Mainstream schools, an inequitable arrangement. The researcher was told that sometimes children attend after school care at a Mainstream School, but places are difficult to obtain[5]. The need for longer care to enable longer working hours may also reflect the extra costs associated with caring for a child with an impairment, again likely to be a question of equity. With an issue like this, the difference between personal choice and contextual constraints are often very difficult to disentangle. One discussion related to the positive educational use of travel time[3]. The Special School used its own minibuses to transport some children to and from school; the teachers driving the bus. The time was used in the morning to prepare the students for the day by employing activities such as playing music and discussing the day ahead. The numbers on the bus were kept very low. It was found that this resulted in these students taking less time to settle into the day's program.

5.3 School travel for those with, and those without, an impairment

Even if the travel time on a Special School bus could be reduced, and the student's experience could be improved (if this is needed), it is important to consider whether there may be inequity associated with transport in addition to the issue of long travel time on the Special School bus. Pereira et al. (2017, p. 178) note that distributive justice concerns are "perhaps the most overlooked question in the transport literature". Based on capability theory, outcomes for the sector are a good way to understand if resources are being distributed such that equity with other members of the community is present.

Tyler (2017) proposes three outcome achievements that would be relevant to the Special School bus: *safety*, *accessibility* and *sustainability*.

> *Safety is the ability of society to provide an environment in which risk is acceptable to individuals in pursuance of their desired activities, while ensuring that the risk to any individual does not increase involuntary risk to others.*

> *Accessibility is the ability of a person to reach and undertake the activities they desire and need, such that such accessibility is available in an equitable manner to the whole of society.*

> *Sustainability is the ability of a society to thrive, given the interactions between the equity it affords its population, the impacts on the environment it causes and the ability of its economy to support the needs of the people into the foreseeable future.*

The following sections discuss the issues under these three headings.

5.3.1 Special School bus safety and care

The literature notes that there are high expectations on drivers of Special School buses. They have considerable responsibilities around management of children who may have complex needs, perhaps including complex equipment, behavioural challenges and communication difficulties. Evidence suggests that the Special School bus is very safe in Victoria. Indeed, it appears that the system is of a high quality, with students' safety and comfort being a high priority[4]. The researcher was told that 90% of students on their Special School buses need no assistance to board the bus[4]. From discussions, extra steps are taken by the transport sector to make the travel as smooth as possible, with clear backup systems should an incident or emergency occur[4]. However, this view was not expressed in other discussions, where it was felt that the Victorian Government couldn't manage an emergency, should it occur[4].

The discussions suggested a strong collaboration is present between the Special School and the organisations responsible for the Special School bus[4]. The Special School may prefer that students arrive at school a little late and leave a little early, to give the school staff time to prepare and clean-up after the school day[4], a position supported by the buses. One issue raised was that some parents had concern about the risk of contracting COVID on the school bus[2].

Parents in Canada are reported as having concerns about the bus driver's skill and the ability to respond in an emergency (Ross et al. 2020). It appears that a carer doesn't travel on the Special bus, as happens in Victoria. There is a need to develop the student's and family's confidence and trust (Falkmer et al 2004). Canadian practice is for the bus driver not to have a direct line of communication with the student's parents, and employment conditions for drivers need improvement (Buliung et al. 2021).

Discussions suggested that the relationship with the Victorian Government was not so easy for some operators. However, those supplying services to Melbourne students may be allowed more autonomy, which assisted the relationship, despite some difficulties dealing with Government that may arise around students who are out of the school zone[4]. The administration structure appears to the researcher to be highly complex, at time arduous, and risks inflexibility. This view was often reflected in the discussions. It was said that removal of local decision-making has led to longer bus trips and other poorer outcomes for students[4]. For example, the practice of working out bus routes at the beginning of the year to understand the best options for the student, perhaps with an extra bus being used, is now not possible, as the operator is not allowed to use another bus[4]. As a result, some students cannot be transported by a Special School bus. This view was reflected in other discussions[3]. It was felt that the Department of Education and Training is not in the best position to establish catchment regions and distances for bus travel, and inflexible when it comes to modifying routes or putting on an extra bus, as regulation requires at least five students to use it[3]. In general, more flexibility is required, such as where an older sibling could assist a student to travel on a public bus for one trip direction, with travel available on a Special school bus for the other direction[3].

It was felt that the positive from this is the relationship with bus drivers who can make a difficult system work[3]. However, the move to add GPS trackers to check bus times and bus routes was said to complicate matters and frustrate schools that are stretched trying to make

an inflexible system work[3]. The researcher was told that rural areas often find that parents or even custodial grandparents do not have employment, do not have cars and yet are expected to make a Departmental Conveyance Allowance work for them[3]. As a result, there are many absences from school and frequent suspensions, all of which can impede the learning of so many children[3].

The researcher was told that there has been a growth in bureaucracy, loss of common sense and an absence of putting the students' needs first[4]. The desire for local decision making to enable better solutions for students, was expressed in discussions with other groups[3]. For example, local decision-making can mean that last minute changes can be made if one student is sick, and the transport can easily be diverted to another route. The researcher was told that schools have to justify to the Department of Education and Training which student is entitled to use the Special School bus services. Where the school also has its own buses, maintenance and repairs have to be approved through the Department, which is all very time and cost consuming[3]. Such is the shortage of buses and finances, that in some schools the Principal has done the bus run themselves before starting the day's work[3]. The researcher was told that "the schools need flexibility at a local level to maintain the relationships they can best establish with contract bus drivers locally rather than fixed to a plan"[3].

It was reported that teachers are always extremely helpful in assisting with suggestions for challenging behaviours in the students[4]. While some children are resistant to going to school, it was reported to the researcher that they are generally happy to be on the bus because they find it a friendly environment and familiar routine [4].

The researcher was told that bus supervisors are dedicated and empathetic people who commonly also work at the Special School or have experience or a background in special care needs[4]. However, the view was elsewhere expressed that the bus supervisors are often not trained to manage sexualised or other difficult behaviours, so the school often has to step in to manage training and management[3]. Some supervisors offer activities for the students, such as books for the bus trip[4]. The researcher was told that each student liked their own space separated from others and had their own window. All students on the bus (10 in this particular situation) were fitted with incontinence pads, the trip lasting 1 hour, 35 minutes from the first pick-up. The supervisors are trained in first aide, with the training renewed annually[4].

There also appears to be a mostly positive relationship with the students and widespread parental trust in Special School bus transport[6, 4]:

> *There can be beautiful situations where bus drivers have been on the route a while and are familiar with families and behaviours. Each child may get a High 5 and a welcome as they step on the bus. Children are happy to get on the bus and find someone to sit with*[3].

In another discussion the driver said how "I have a lot of fun with the kids – look forward to it and they are excited to get on the bus… and there is a reason to go to work every day"[4].

Some students, though, may offer particular challenges[4]. For example, occasionally a student refuses to get on the bus[4]. This extends the bus travel time as the driver will put the needs of the student first, waiting with the student and thus increasing the bus trip time and therefore not meeting the departmental KPI's around time. The department was said to not be

interested in the quality of the service[4]. Often an extra service is offered. Drivers will, if needed, travel up a rural driveway to pick up a student, again adding time to the trip[4]. During COVID, one operator of Special School bus transport has been dropping off homework and food packs to students while the students were confined to home[4, 3].

This care is reflected in a report by the CEO of BusVic who writes:

> *Families work with the specialist school, the bus operator and the Department to plan travel arrangements to best meet each student's and family's needs. These can include pick up/drop off times and points; seating arrangements on the bus; medical and behaviour management plans whilst travelling; choice and performance of bus drivers and bus supervisors (every bus has a trained adult who travels on the bus to supervise the students whilst boarding, unboarding and travelling and also liaises with parents and schools); and bus loading/unloading arrangements* (Lowe 2014, p.9).

The task is complex and particular care may be needed with some students who don't handle changes, such as a different bus, or different time, very well[4].

5.3.2 Special School bus accessibility and sustainability

It could be questioned as to whether accessibility and sustainability are fully achieved for some people with an impairment. The Centre of Research Excellence in Disability and Health (2021) has on their webpage that:

> *An Australian with a disability is more likely to be unemployed, live in inadequate and unaffordable housing, have not completed school, and live in financial stress. They may face discrimination in all aspects of their lives including their experience at school, with the health system, getting a job, and their family situation.*

Thus, this evidence suggests that equity in outcome is not achieved for many people with an impairment. The question arises as to why this outcome is present and whether the Special School bus is contributing to this outcome.

It was noted earlier in this document that 18% of all children in Victoria, 175,485 children under 19 years of age, require extra health and related services. Most of these children attend a Mainstream School. The basis for school separation is not clear as there is a lack of transparency in this decision-making[2]. As noted earlier in this report, impairment is a socially derived concept such that the term 'disability' appears to be a universal term that risks a judgement about capabilities in a system that is grounded in ableism.

The researcher was told of 'gate-keeping' by some schools[2], where although schools are required to accept all students, it is sometimes hard to get a Mainstream School to enrol a student with an impairment. There may also be a lack of structural amenities in schools to enable accommodation of a student with an impairment, which also restricts choice[3]. However, students with an impairment may receive extra assistance at a Mainstream School and the researcher was told that sometimes this may be more than they would receive at a Special School[3]. To receive this extra assistance a diagnosis from a professional is required, and there is a very long waiting list for this assessment[6]. The researcher was told that inclusion in a mainstream setting is the best option no matter the student's impairment[2]. There were said to be very few exceptions to this– perhaps if the student had very severe

behavioural problems and was non-verbal, but it was felt that even students with severe impairments can get on well in a Mainstream School[2].

Discussions noted that the complexity and administrative burden in the education and school transport administrative systems[3,4], this being also present in the Australian NDIS, is producing access barriers for some people, with the risk that they may avoid engagement to request a particular outcome desired (Carey et al. 2019).

Indeed, engagement/consultation would seem to be an issue, as although the Victorian Department of Education and Training granted permission to measure Special School bus travel time, the researchers were not allowed to talk with students. As noted earlier, the author of this document was not granted permission to speak with people associated with Government Schools. The lack of consultation by the Victorian Government around transport was raised in a research discussion[4]. As noted from the literature, restrictions around consultations with those directly involved may not be as restricted in other countries (Department of Justice, 2010/17).

A position paper on impairment and discrimination was produced by 42 Australian impairment organisations, saying:

> *People with disability and our representative and advocacy organisations remain extremely concerned by existing law, policy and practice frameworks that maintain the segregation of people with disability from community life* (Children and Young People with Disability et al. 2020, p.3).

The report argues that Special Schools are a segregated setting, often justified by ableist assertions and the language of 'benevolent paternalism', such as in the 'best interests' of people with an impairment. It argues that maintenance of this system does not enable human rights to be distributed on an equal basis, but rather makes adjustments that serve to maintain the existing system. The report gives the principle:

> *Segregation and segregated facilities for people with disability need to be recognised and conceptualised as inherently unequal and discriminatory* (Children and Young People with Disability et al. 2020, p.10).

Again, the problem is highlighted by a major welfare organisation in Victoria:

> **Enrolment discrimination**: *This is a regular occurrence and normally occurs informally ie: the Principal recommends a special school as a better option. Zones can also be used as a reason to refuse enrolment even though non-disabled students from outside the zone will gain entry. Most families will not pursue enrolment in a school where a Principal has made it clear their child is not welcome or raise a formal complaint, so there is limited data, but based on anecdotal evidence this is an endemic practice* (Dimmock 2020, p.3).

This issue is recognised in the literature that notes that, despite Australia ratifying the Convention on the Rights of Persons with Disabilities, "people with a disability continue to be segregated in specialised forms of accommodation, education and employment" (Kayess & Sands 2020 p. 5).

The researcher was told that:

> *All schools should be like special education schools. There needs to be an emphasis that there is no 'normal' and no 'different'*[3].

There is an argument that says that the availability of the two forms of school buses, that currently supports a divided or segregated school system, supports the maintenance of inequity in outcomes. While it appears that there is some variation in the program about what is offered for students attending a Special School, this is not a criticism of Special Schools, rather it is pointing out a system that promotes division. This pattern of separate systems is said to be not only segregating 'different types' of people, but also establishing patterns of interaction, which may be detrimental to students in Special and Mainstream Schools, both while attending school and after they have left school.

Students with an impairment who attend a Special School, risk being removed from friendship groups in their local community[2]. In particular, a long distance to school may also reduce the time available to travel to a friend's place after school, weekends and holidays. The researcher was told that "social connections are highly significant to children with special needs because they can be so hard to establish or maintain"[3]. If there was some flexibility in the Special School bus system, some students could be dropped off at a friend's place on the way home[3]. A further comment was:

> *Every child is entitled to go to a local school of their choice. It should not be dictated by the existing bus route. Why should a child not occasionally go to a parent's workplace for drop off rather than go the opposite, perhaps longer way, to be at home*[6]*?*

This, of course, may be the experience of students in general, who live in rural Victoria, where they have to travel a long distance to a Mainstream School from a farm, and thus have limited opportunities to interact with friends. This is especially so, as the route bus system in most of rural Victoria is very limited, if it exists at all. The researcher was told that new Special Schools are being built on the fringe of an urban area where no route bus system has been established. While some students could travel on public transport, this option is not there, thus an easy opportunity to break down silos is not used[4].

Children with an impairment are already likely to be experiencing disadvantages and reduced opportunities to interact with friends after school and weekends, and may not get a chance to establish friendships in the local community. Similarly, students at the mainstream local school risk the reinforcement of 'difference' as they may lose the opportunity to mix with some sorts of diversity. Students at a Special School also risk re-enforcement of difference and may learn to minimise their abilities, potentially hindering their opportunities around work and leisure, post-school. There is a need to understand impairment as a form of diversity[2].

5.3.3 Overview

At present, the Special School bus is offering some particular advantages for students with an impairment. The Special School bus system appears to be very caring, with an additional person on the bus to support the service. The safety concerns, access and attention as bus stops is reviewed with safety concerns foremost. The issue of bullying on the Mainstream School bus, where the literature says a student with an impairment may be particularly targeted, is unlikely to be an occurrence in the Special bus, thus the students may well be

protected from this distressing behaviour with potentially long-term consequences for the victim.

However, many of these issues could be addressed on the Mainstream School bus, and indeed the bullying should not be allowed to continue either on the bus or in the schoolgrounds, for *all* students. This should not be a reason for a two-tiered system, rather it is avoiding the problem, not solving it. Dual systems could be exacerbating the problem, where all students are not interacting and learning that impairment and difference is part of life, experienced by all people, in some form. However, the researcher was told that:

> *There are many factors to be recognised in integrating children with a disability with children accessing mainstream learning. It is not a simple matter of locating buildings side by side. It is certainly more than creating a fenced off area for one or other[3].*

The following list is reproduced for school students, as determined by families who have a child with an impairment (Dimmock 2020):

- *Embed the expectation that all students can participate in their local mainstream school.*
- *Set ambitious targets to improve the education outcomes for students with disability.*
- *Ensure transparency around use of restraints and seclusion, restricted attendance, suspensions and expulsions of students with disability.*
- *Create accountability around the proactive processes that support students with disability, including Student Support Group meetings, Individual Education Plans and Behaviour Support Plans.*
- *Provide disability rights-based training for school leaders. Good leadership results in good inclusive practices.*
- *Ensure disability is a key component of school based anti-bullying programs and that mental health practitioners across all schools are disability inclusive.*
- *Change attitudes by teaching disability is part of human diversity at school. Embed this in the curriculum and create high quality teaching resources. Include books by people with disability and that represent children with disability in the Premiers Reading Challenge.*

A final point is that the researcher was alerted to the issue that there are many children in Victoria with severe impairment who do not attend any school[3]. It was particularly noted that some of the good habits of school attendance that were set up in the past will have been broken by the incidence of COVID-19 lockdowns, and in many cases these may never be re-started.

6. Conclusions

There are general background conclusions that can be drawn about equity and transport on the Special School bus. There is a lack of research and data on transport of students with an impairment. An exception is the work from a group of Canadian researchers, but this is limited, and the Victorian and Australian situation needs to be better understood. Thus, it is difficult to understand the size and features of the issue, should it be understood that inequity is present.

There is considerable complexity in the issues around impairment, with many groups and organisations involved - families, schools, bus operators, three levels of Government, the welfare sector, community transport… The complexity is compounded by the difficulties disentangling cause and effect and why certain decisions are made across the impairment system, given that the ideas of *disability* is socially constructed. There is ideology, and power and value systems involved, as well as path dependency with established infrastructure and systems and planning failures. These complexities have resulted in strong divisions and legislation that locks in dual systems and complexity, which, in the author's view has not led to the best outcome and left people experiencing on-going disadvantage. Thus, the solution to inequity is likely to be broader than the Special School bus as the bus may be embedded in part of an inequitable system where part of the solution is outside travel.

The broad conclusions for this investigation, as understood by the researcher, are now outlined.

Conclusion 1
There is inequity in the long Special School bus trip, but this is grounded in the system, not the Bus Industry. However, the Bus Industry is propping up the current inequitable system but by doing this, is also supporting the need to facilitate some students with an impairment to obtain an education under the current arrangements. The aim should be to change this inequity in the long term and BusVic is showing considerable leadership in funding a review of the Special School bus system, thereby facilitating further reflections on the impairment system from another perspective.

Conclusion 2
The Special School Bus service appears to be of a high standard. While not reviewed as a whole, the researcher's investigation suggests that the Special School bus service in Victoria offers a safe and caring transport system with the responsiveness and fluidness that is needed in a task that is often not straight-forward but can offer many positives. This responsiveness could be improved if greater delegation in decision-making was passed down to the local level.

Conclusion 3
Reducing the long times on the Special School bus is important. Time reduction is also particularly needed where it is identified that the trip is arduous or stressful for the student, as any single trip over an hour may well be. This trip reduction is also needed in order to allow the student to have greater involvement with after-school activities in their local community and interaction with local friends after school. The option of after-school care should be available for children with an impairment, to enable parents to complete their working day. In some situations, this would necessitate another later scheduled bus trip for students, in the evening.

Conclusion 4
It is the author's opinion that the problem of a long time on the bus can probably be reduced slightly under the current system through scheduling, but not markedly. Some of the Melbourne services to Glenroy, particularly one route, GLEN 16 am, involved a long time on the bus. Changes could be made to the route or an additional bus scheduled. The time difference found for the same route between a car and bus service suggests that the circuitous route of the bus is slowing the trip down. Thus, extra buses are needed. These options could

also be considered in other locations. As Melbourne traffic appeared to slow the bus, another solution may be to alter the start and finish time of the school in order to avoid the peak traffic times. In rural areas, where distance is the major reason for long travel, the author suggests that a review is undertaken about an alternative form of more direct transport, that perhaps doesn't also pick up other children, as a shorter-term solution. However, other circumstances around the individual student will also need to be considered. Attendance at closer Mainstream Schools should be considered, and school building adjustments be undertaken if needed, to facilitate the student's access and wellbeing.

Conclusion 5
On-board conditions for the students should be given further consideration to see if it is possible to facilitate a more pleasant trip, especially for long trips. This could include fostering improved student interaction where in the best interests of the students, additional entertainment, or making the bus trip part of the educational program. Entertainment or school related engagement could be considered, and food and drink allowed in most circumstances. Other adjustments could be made now. An example of this is to provide a Specialist School bus for school excursions associated with a Mainstream School, where a student's impairment prevents access to a Mainstream School bus. The ability of *all* students going on the excursion to travel together would assist integration, thus preventing either the student missing the excursion or the need for a parent to drive the student separately, thus segregation[2].

Conclusion 6
BusVic could continue to play a lead role in change towards long term planning and facilitation of a more equitable transport system. This would involve an integrated approach with cooperation involving all stakeholders, as recommended by the Brotherhood of St Lawrence and Mission Australia and the recent report by the Executive office of the US President. The lack of integrated planning in transport by the Victoria Government was noted by a recent report by the Victorian Auditor-General (2021) who also criticised incremental changes that did not achieve a good outcome. Good planning could lead to the integration/coordination of different transport modes, including school buses (Access Exchange 2007).

New schools should be planned together with route buses. In Victoria, there are 20 Mainstream Schools for every Special School. If every student in Victoria who attends a government Special School was distributed evenly between Mainstream Schools, there would be an extra eight students for each Mainstream School. Teaching staff could also move to Mainstream schools, and the building and maintenance costs of Special School buildings could be used to upgrade Mainstream School buildings and landscapes.

Improvement in public transport that is built to accommodate people with an impairment, would also benefit the general public as well as students, offering universal access. Specialised bus services could be used to also transport other residents in rural areas, along with spare capacity in community transport, for students and the public (Access Exchange 2007). Transport integration, which put a priority on the expansion of route buses, would achieve multiple positive outcomes for all students and the general public, in terms of increasing student independence, reducing traffic congestion and pollution, freeing up parental time and increasing accessibility for the public.

Conclusion 7

Mainstream Schools need to be reviewed as to their capacity to take more students with an impairment. To facilitate this, there is an urgent need for both improved data and transparency in decision-making as to the most appropriate school for the student to attend. It would also include greater representation by the disability sector and people with an impairment. In particular, the Bus Industry should be given greater leadership in transport-related decisions. The Education Department states that it is planning to make more localised decisions, so this shift in decision-making would be consistent with major governance changes. This would enable advantage to be taken in relation to the social capital at the local level that has been developed by the bus industry over the years, as the drivers, the supervisors, the Principals and the school co-ordinators have developed a reciprocity, trust and network with the students and their families (Lowe 2014). It is important that the voices of those with an impairment are heard, unfortunately largely omitted in this report.

Conclusion 8
Urgent attention needs to be given to prevention of bullying on the Mainstream School bus and within the school grounds. Little appears to be done that is currently effective towards this significant problem which needs to be resolved for particularly students with an impairment, but also all students in general.

While these suggestions will involve considerable time and absorb resources, this may not seem so arduous and high-cost when the cost of exclusion for the person with an impairment, their family and society is factored in.

7.Postscript

On December 5, 2021, after the completion of this report, the Victorian Government announced the following:

> *The Victorian government has launched Disability Inclusion, a landmark reform that will invest almost $1.6 billion to assist every government school to deliver the best possible experience for every student with disability and additional needs.*
> (Carey, p. 8)

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