



Review of Funding for Schooling

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Children with Disability Australia

Children with Disability Australia (CDA) is the national peak body that represents children and young people with disability and their families. The organisation is primarily funded through the Department of Families, Housing, Communities and Indigenous Affairs (FaHCSIA) and is a not for profit, community based organisation. CDA has a national membership of 5000 with the majority being families.

Vision

CDA's vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

CDA's Role

CDA has the mandate to advocate for children and young people with disability living in Australia and undertakes the following to achieve its purpose:

1. **Education** of national public policy-makers and the broader community about the needs of children and young people with disability.
2. **Advocacy** on behalf of children and young people with disability to ensure the best possible support and services are available from government and the community.
3. **Inform** children and young people with disability, families and care givers about their rights and entitlements to services and support.
4. **Celebrate** the successes and achievements of children and young people with disability.

Guiding principles

Children the priority: the rights and interests of children and young people with disability are CDA's highest priority consistent with Australia's obligations under the UN Conventions, Convention on the Rights of the Child and the Convention of the Rights of Persons with Disabilities.

Right to childhood: children and young people with disability are children first and foremost and have a right to all aspects of childhood that children without disability are afforded.

Right to participation: children and young people with disability have the right to participate, in whatever capacity, in the decisions that impact on their lives.

Inclusion: children and young people with all types of disability, from all cultural and religious backgrounds and all geographic locations are supported by the work of CDA.

Recognition: for the contributions made by families and care givers to support the rights and interests of children and young people with disability.

Partnerships: CDA works collaboratively with relevant government, non-government and private sector agencies to promote the rights and interests of children and young people with disability.

Transparency: CDA is accountable, effective and ethical as the national peak body charged with the mandate of advocating for children and young people with disability.

Introduction

CDA welcomes this opportunity to provide further feedback to the Review of Funding for Schooling. CDA met with the panel in December 2010 as part of their listening tour, accompanied a panel member on a school visit to a 'base room' for students with Autism Spectrum Disorder and provided a detailed written submission in March 2011 in response to the Emerging Issues Paper. This current submission provides comment on the commissioned research and focuses on the report titled 'Assessment of current process for targeting of schools funding to disadvantaged students' due to it being the research which addresses the issues pertinent to students with disability.

Summary of recommendations of CDA submission made in march 2011

The Commonwealth is responsible for ensuring that the educational rights of children with disability are provided in accordance with relevant human rights conventions. CDA therefore believes that this deferred responsibility needs to be clearly stipulated in the National Education Agreement (NEA) and under a similar agreement with non-government education authorities. To ensure obligations are met funds should be designated specifically to students with disability and additional learning needs. Under these agreements, key performance indicators and specific objectives that enable the provision and measurement of educational and social outcomes for students with disability should be specifically identified.

In this proposed model two streams of funding are recommended for students with disability that would be paid directly to schools. The first stream would be a school payment and would include funding for infrastructure, staff training and development and school based social inclusion initiatives. It would also provide funding to enable schools to provide resources, develop programs and undertake necessary curriculum modification for students with disability. It is proposed that a model similar to the NSW School Learning Support Program be introduced. A funding formula would need to be established to take into account prevalence of disability, total enrolments, socioeconomic status indicators of the school and other relevant considerations.

The second stream would be allocated specifically to the student and managed at the school level. It would look at the individual requirements to ensure each child with disability can access education on an equal basis with other children. This student specific funding would be for the provision of inclusion support, aids, equipment and therapies. This funding would be portable and guaranteed for the student if a decision were made to change schools. The focus of assessment should be a child's abilities and functional level of need.

Summary of recommendations contained in the March 2011 submission

1. A substantial increase in the quantum amount of funding provided nationally to ensure the educational rights of children with disability are realised.
2. Continued funding is available to ensure that a national definition is established and implemented.
3. Establishment of appropriate program model such as the School Learning Support Program.
4. Availability of additional flexible funding pool for schools to be able to access at identified times of 'high need' for individual students.
5. Ensure funding allocated to students allows access to all curriculum. For example inclusion support workers to attend camps and excursions.

6. Establishment of a family/school/community framework specifically aimed at providing ongoing support and expertise in relation to educational needs to students with disability.
7. CDA recommends that children with disability should receive the same level of funding support at school regardless of the school sector (government or non government) or setting (special or mainstream).
8. Establishment of a national website and associated telephone information service, which is independent of educational authorities, regarding school options for students with disability.
9. Funding should be provided to develop a social inclusion indicator for schools that is made available on the MySchool website.
10. Mandatory training and professional development of all State, Territory and Commonwealth Departments of Education on relevant human rights, legislation, disability education standards and the national disability strategy.
11. Provision of ongoing training to all school level staff on rights of children with disability, disability education standards, social inclusion and general training on disability.
12. Development of subject on disability and social inclusion to be included as part of a compulsory national curriculum.
13. Grants for adapting infrastructure to provide physical access for students with disability should continue. All new schools and any current school renovations or extensions should be accessible and comply with the Disability (Access to Premises) Standards 2010.
14. Funding needs to incorporate training and time required for curriculum modification. This should include the provision of assistive technology devices if necessary.
15. Every school should have an accessibility policy that outlines how they provide access to students with disability.
16. A review of transport for children with disability in Australia is needed which results in action being taken to improve this issue. In the interim extra funding to provide more buses or alternative transport options for students with disability is required.
17. The development of alternate tool or system that tracks educational progress of students with disability for those students for whom NAPLAN is an inappropriate measure.
18. The development of a method of determining national literature and numeracy levels of students with disability.
19. The establishment and availability of an electronic form of NAPLAN.
20. The establishment of an independent audit system of individual education plans.

21. Review of post school transitional planning process for students with disability and funding of appropriate action plan and implementation to address emerging issues.
22. Ensure national definition of students with disability incorporates students with disability complete education through distance education and home schooling.
23. Inquiry into reasons why students with disability are completing education through distance education and home schooling. Funding of action plan and implementation to address emerging issues.
24. Identification of strategy for increasing workforce capacity in relation to students with disability
25. Adoption of program model such as the School Learning Support Program which would increase capacity of individual schools to provide improved educational opportunities for students with disability.
26. A requirement for all teachers and inclusion support workers to have a relevant qualification or obtain one.
27. Schools to receive additional funding for ongoing professional development according to number of students with disability enrolled and complexity of needs.
28. Incentives should be available for teachers and inclusion support workers who undertake specific training in disability

FEEDBACK ON COMMISSIONED RESEARCH

Quantum of funding

CDA strongly endorses that there is a fundamental need for an increase in the quantum amount of funding provided nationally to ensure the educational rights of children with disability are realised. This is reflected in paragraph 251 and 252 of the ACER report which highlights an increase in numbers of students with disability and also complexity of need.

The research makes a number of recommendations to address issues regarding funding equity across government and non-government educational sectors. CDA agrees with these recommendations.

It is also imperative that a more effective mechanism is introduced that allows more equitable allocations of funding for relevant infrastructure, teaching and specialist resources as well as what is termed 'management capacity and core sector expertise' in the report (paragraph 190). The redistribution of funding is vital to ensure real choice in education options for students with disability and their families. However, a mere redistribution would not deliver the scale of the reform that is required in this area and would not adequately meet the needs of students with disability. CDA believes that the wholesale reform that is required must include additional funding and specific accountabilities for the delivery of educational outcomes.

Gaps in the research methodology

It is of considerable concern to CDA that there was no provision in the research design to consult with students with disability or their families as stakeholders in the education system. It is stated that an education questionnaire was sent to key stakeholders (paragraph 238). It is the view of CDA that a significant, if not the most significant, stakeholder in relation to education is the student. The survey was sent only to education providers. There was a reference to concerns raised in the National Disability Strategy (NDS) and the disparity to the information obtained through this research.

The ACER report acknowledges that the material collected on the effectiveness of a range of support programs (including for students with a disability) from providers was largely anecdotal due to a lack of evaluation data. It reported that there were positive comments about programs for students with a disability, but did not detail what these referred to. Reference was made to the National Disability Strategy (NDS) being at odds with these comments, but offers no analysis as to why this may be.

Knowing that the NDS was developed through a process of national consultation, it may have been more useful to have chosen an alternative research design that was inclusive and could have used something like a case-study approach to elicit some conclusions about the effectiveness of programs. It is imperative that the direct experience of students and the achievement of educational outcomes be considered when making any assessment regarding the effectiveness of programs if the results are to have any validity.

Overall the Review has received detailed submissions around the effectiveness of disability programs in education, but this is not the same as having targeted research findings. Along with others, CDA's March submission detailed the poor state of education for children with a disability in Australia:

“Education remains one of the most significant issues of concern for children with disability and their families. At best families of children with disability believe that their children have limited opportunities to be enriched and extended through education and that the present system is awash with low expectations and standards for students. At worst, parents are concerned about treatment that could arguably breach the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984. Reports of children being locked in “time out” rooms come uncomfortably close to false imprisonment. Reports of physical restraint and manhandling approach assault, and do not seem to be supported by departmental policy.

In 2009, it was estimated that 492,500 children and young people aged 0-24 years (6.8% of all children and young people aged 0-24 years) in Australia had a disability. Of these, 323,800 children and young people aged 5-24 years were reported as having a schooling or employment restriction. (Australian Bureau of Statistics 2010).

The most recent statistical data (Australian Bureau of Statistics 2004) supports reported family experiences of children with disability and illustrates that there is a significant gap between educational outcomes of children with disability and those without disability:

- 29.6 per cent of people aged 15 to 64 years with reported disability had completed Year 12 compared to 49.3 per cent of people without a disability.
- 12.7 per cent of people with a disability had completed a bachelor degree or higher compared to 19.7 per cent of people without a disability.
- 53 per cent of people with a disability participated in the labour force compared to 81 per cent of people without a disability.
- 8.6 per cent of people with disability were unemployed compared to 5 per cent of people without disability

Further data indicates that an estimated 110,300 students with disabilities were not provided with any special support in school (43% of students with disabilities). Of the 110,300 students not provided with any special support, 55% did not experience any difficulties in school and 45% did. (Australian Institute of Health and Welfare 2006).

The inadequacies of the education system for students with disability and the need for reform have been documented over a number of years. Various reports commissioned by the Australian Government highlight the issue. These include but are not limited to the following:

- “Education of students with disabilities” (2002) Commonwealth of Australia, Senate Inquiry
- “Investigating the Feasibility of Portable Funding for Students with Disabilities” (2007) Monash University.

- “Making Progress” (2008) Australian Institute of Health and Welfare
- “Shut Out” (2009) National People with Disabilities and Carers Council

Many families report that, through their educational experiences, their children are subjected to: limited opportunities; low expectations; exclusion; bullying; discrimination; assault; and violation of human rights.

Increasingly families of children with disability are successfully pursuing legal action against State education departments to have the educational needs of their children recognised and met. In some instances families are taking their cases to the Australian Human Right’s Commission to pursue legal action for breaches of human rights against their children.

How is effectiveness of programs measured?

In addition, the feedback obtained from education providers should also be viewed with careful consideration, given the scope and nature of the information obtained. It was unclear as to how education providers measured the effectiveness of programs for students with disability.

Table 8 in the ACER report states that 121 programs were identified out of the 143 as being ‘good practice’, but this is clearly a result of self-reporting and as such is unreliable. No definition of good practice appears to have been provided to respondents, or described in the responses or the final report. The questionnaire sent to schools simply asked “Is this Program an example of good practice?” (p99). Respondents could then tick a yes or no box and then had the option of providing an example which illustrated why the program was or was not a good example.

The research report stated that that 57% of survey respondents completed evaluations of their programs and that only 27% included an assessment of impact on learning (Table 7, paragraphs 233 & 234) as part of this evaluation. It is the view of CDA that a fundamental aspect of any school based educational program is that students learn and that this learning can be measured. Therefore an evaluation of any program must encapsulate whether this basic aim is being achieved and what component parts of the program are contributing to the outcome. The limited number of evaluations completed by education providers supports a significant concern frequently identified by CDA members regarding limited accountability of educational programs for students with disability.

This admission illustrates the point made in CDA’s March 2011 submission to the review:

“There is very limited accountability under the education system for children with disability and there should be a clear requirement for the implementation of regular and transparent performance monitoring for evaluating educational outcomes for students with disability.

Many students have individual educational plans (IEP) but these contain goals that are established, implemented and evaluated by schools. There is a prevailing concern that there is limited or no objective input into this process.

The ACER report in paragraph 315 recognises a need to monitor the quality of IEPs and to track the individual assessment of progress against the IEPs. CDA supports this as a key reform imperative and also notes that it is vital that the role, contribution and agreement of the student (or their representative) in the IEP process is formalised. CDA believes strongly that the IEP process should be developed with consensus at both the school level and with the student or family representative and 'signed off' accordingly. The delivery of the IEP then must be a key accountability measure for the school for its funding.

Alternative funding approaches suggested

The report recommended two levels of funding. This is broadly consistent with the approach CDA put to the review in March. CDA advocated for two streams of funding, one which covers broader systemic functions and another which focuses on specific individual student requirements and learning needs.

A 'standard disabilities entitlement' was presented as one option in the report. It is not clear in the report as to how such an entitlement would be defined and operationalised. CDA views it as vital that a funding mechanism is available that is sensitive to the individual presentations and needs of individual students with disability and, can provide levels of funding based on intensity and type of support required. This funding mechanism should be universally available to students in different sectors and settings.

Further, CDA supports the availability of a complementary funding stream managed at a regional or sector level which could be accessed to ensure appropriate infrastructure, expertise, resources and equipment are available as required to ensure built school environments and curriculum are accessible.

Addressing unmet need

CDA believes that it is important to consider key areas of 'unmet' need when considering future funding of schooling. This issue is not addressed in the commissioned research reports. It is a fundamental challenge for the review and the larger reform process to address the learning and development needs of all students, and manage the tensions around the margins of a defined disability support program.

A major issue in the system currently is the fact that the disability programs are exclusive and diagnostically driven, so students with a developmental issue or disability that does not fit the criteria does not get the assistance they need. This sometimes puts unreasonable stress on teachers, students and teachers. This points to the need to both expand the disability programs as well as increasing the capacity of schools to deal with the full range of learning needs more effectively in a reformed funding model.

It is acknowledged that existing funding for students with an identified disability does not meet present demand. The ACER research report discusses the work to date of establishing a nationally consistent definition of students with disability which is presently being trialed. The successful establishment of such a definition will enable more comprehensive and thorough information to be obtained but CDA asserts that there will still be gaps.

The proposed national definition is reliant on education providers identifying students with disability and defining required level of support. It is the experience of CDA that many students with disability are not appropriately identified. There is a discrepancy between type and level of need required as defined by the education provider compared to the opinion of families and other professionals involved. It is unclear as to how this 'conflict' will be addressed, articulated and ultimately be managed in any new funding model.

The work on definitions is important but is only a component part of the reform agenda. It cannot be relied upon to deliver all of what is required in this area. In the context of the emerging National Disability Insurance Scheme (NDIS) the review needs to be cognizant of the move in disability services towards a more comprehensive approach to funding support services. The interface between the education sector and any NDIS needs to be complementary and transparent, and the work to negotiate the relationship between the sectors needs to start with this review.

The situation for some students with disability is that they do not have a definitive diagnosis. A student may functionally appear to have a disability but professionals often wish to delay labeling a student so more information can be obtained to ensure the accuracy of a diagnosis. The education system should accommodate this situation and should not deny a student required additional funded support because of hard and fast rules which mandate a definitive diagnosis. This situation needs to be accommodated in any alternative funding system.

The commissioned research did not cover any non-school education options. It is a reality that numerous students with disability complete their education through distance education and home schooling. Reference is made to distance education but this primarily appears to apply to situations in regional and remote areas. It does not refer to students with disability who are accessing education through these programs.

As stated in our earlier submission to this consultation,

"It is imperative that national data is collected regarding the number of students with disability completing their education through distance education and home schooling and the reasons for this. Funding initiatives could then be required depending on the outcomes of the information obtained."

Multiple Disadvantage

An issue which is discussed is the area of multiple disadvantage. Some students with disability also fit within other identified areas of disadvantage. This issue is identified in paragraph 285 of the ACER report.

The merits of narrow versus broadbanded funding are discussed in relation to multiple disadvantage. It is unclear from the report how the implementation of a broadbanded approach to disadvantaged groups would ensure the individual needs of students with disability are identified and addressed.

CDA will continue to work to improve the educational opportunities for students with a disability and we appreciate the opportunity to provide further feedback. We are happy to provide more information on request if required.

References

- Australian Bureau of Statistics 2010, Disability, Ageing and Carers, Australia: Summary of findings 2009, Cat. No. 4430.0, Australian Bureau of Statistics, Canberra, viewed 22/3/2011 <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0>
- Australian Bureau of Statistics 2004, Disability, Ageing and Carers, Australia: Summary of findings 2003, Cat. No. 4430.0, Australian Bureau of Statistics, Canberra, viewed 22/3/2011 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4430.02003>
- Australian Institute of Health and Welfare (AIHW) 2008, Making Progress: The health, development and wellbeing of Australia's children and young people, AIHW, Canberra.
- Australian Institute of Health and Welfare (AIHW) 2006, Disability updates: children with disabilities, AIHW, Bulletin, issue 42, July 2006, Canberra, Australia.
- Council of Australian Governments (COAG) 2011, National Disability Strategy 2010-2020, COAG, Canberra, Australia.
- Council of Australian Governments (COAG) 2008, National Education Agreement, Canberra, Australia 2008 viewed 22/3/2011 http://www.federalfinancialrelations.gov.au/content/national_agreements/downloads/IGA_FFR_ScheduleF_national_education_agreement.pdf
- Department of Education Employment and Workplace Relations (DEEWR) 2010, Review of Funding for Schooling: Emerging Issues Paper, Canberra, Australia. Viewed 22/3/2011 http://www.federalfinancialrelations.gov.au/content/national_agreements/downloads/IGA_FFR_ScheduleF_national_education_agreement.pdf
- National People with Disabilities and Carers Council 2009, Shut Out: The Experience of People with Disabilities and their Families in Australia, Canberra, Australia.
- New South Wales Government 2011, Inquiry into the Provision of Education to Students with a Disability or Special Needs, NSW Government response to the report of the Legislative Council General Purpose Standing Committee No.2, Sydney, New South Wales, Australia.
- Office of the United Nations High Commissioner for Human Rights 1989, Convention on the Rights of the Child 1989, viewed 22/3/2011 <http://www2.ohchr.org/english/law/crc.htm>
- United Nations 2006, Convention on the Rights of Persons with Disabilities 2006, Viewed 22/3/2011 <http://www.un.org/disabilities/convention/conventionfull.shtml>
- United Nations 1984, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, viewed 23/3/2011 <http://www.hrweb.org/legal/cat.html>
- United Nations 1948, The Universal Declaration of Declaration of Human rights 1948, viewed 22/3/2011 <http://www.un.org/en/documents/udhr/>