

# **Children with Disability Australia**

## **National Education Summit**

**18 July 2013**

# **1. INTRODUCTION**

## **1.1 Purpose of the Summit**

Children with Disability Australia (CDA) hosted a Summit in Sydney to discuss key issues and priorities for the disability components of the current reforms in education. Following the passing of the Australian Education Bill (2013), it is acknowledged that there is a substantial amount of work to do to develop the loading for students with disability and to ensure that there is an agreed strategy for the implementation of the system wide reforms that can build capacity across all education systems in Australia.

## **1.2 Key issues**

The Summit considered and discussed the following issues:

- Alignment of the current education reform program with Australia's commitments under the United Nations Convention on the Rights of Persons with Disabilities.
- Key opportunities, gaps and risks in the new reform program for students with disability.
- The role of the Disability Standards for Education (2005) in the broader reform program.
- Critical pieces of work required to inform the delivery of the disability funding model, and the importance of the timing commitments for implementation of the loading.
- The need for a national action plan to support the implementation of a comprehensive reform agenda for students with disability.

## 2. DISCUSSION AND RECOMMENDATIONS

### 2.1 Current features of the national education reform program

It is a unique time for policy reform and disability is high on the agenda. This is reflected by the establishment and implementation of the National Disability Strategy which provides the policy context for a national disability insurance scheme. CDA and participants at the Summit acknowledged and welcomed the increased public and policy attention for children and young people with disability.

The current national key education reform initiatives are:

- The *Nationally Consistent Collection of Data (NCCD)* on school students with disability.
- The *More Supports for Students with a Disability* national partnerships which provide a much needed and overdue focus on capacity building for schools.
- The implementation of actions in response to the 2012 review of the Disability Standards for Education. The Standards provide an important legislative framework for recognition of educational rights for students with disability.

The Summit acknowledged that these initiatives are necessary and important components of the overall reform, but noted that the links between these projects are unclear, as is how they will inform the design of the disability loading.

The introduction of a National Disability Insurance Scheme (NDIS), now referred to as *Disability Care Australia*, will deliver much needed services and supports to individuals was acknowledged as an extremely significant reform which has dominated community attention around recognition of the rights of people with disability. Education reform for children and young people with disability to date has not gained as much attention despite disability being in the public policy spotlight in recent years.

It is important that the two areas of reform complement each other in supporting children and young people with disability. The new funding model detailed in *the Australian Education Act 2013* in response to what the *Review of Funding for Schooling* (also known as the "Gonski Review"). It details a School Resource standard amount plus a per student loading when there is an identified disadvantage. Although funding is not the only requirement for inclusive education, additional financial resources are a critical enabler.

Attendees at the Summit agreed that the major priority for the next year was the development of the loading for students with disability so it can be implemented as intended for the 2015 school year. Related to this was imperative that the whole funding system provides for both individual student support as well as systemic improvements such as improved training for teachers and school leaders, increased accountability and school accessibility. Participants felt that it may be unrealistic to expect all reform objectives to be included in the scope of the loading, but that it was essential that these be addressed through specific complimentary initiatives.

## **2.2 Key points of discussion**

Summit participants covered a range of topics related to the reform projects listed above, the wider reform needs and the links with other social policy including Disability Care Australia. Some key priorities in each of the reform projects were identified, and it was emphasised that the implementation of these important reform projects be undertaken with maximum transparency and enable participation by the key stakeholder groups.

### **2.2.1 Communication and Stakeholder Engagement**

Summit participants recognised that the Australian Government was driving much of the reform program in education and had well developed relationships with these key stakeholder groups. The cross-jurisdictional nature of the reform made it difficult for the Australian Government to maintain consistency of communication with stakeholders and to create opportunities for meaningful ongoing participation. To date the lack of information about the process to develop the loading, the Nationally Consistent Collection of Data and the MSSD initiatives in particular has made it difficult for stakeholders to make any meaningful contribution.

### **2.2.2 Development of the Loading for Students with Disability**

Participants agreed that it was imperative that the loading for students with disability be developed and implemented as planned. While the loading will not solve every problem for students with disability, it is a significant advance and provides an important component of the total funding model. It was agreed that expectations about what the loading would deliver need to be realistic, and that it needed to be recognised that the reform process will be far from complete when it is introduced.

- Participants noted that there are still a number of risks with the delayed introduction of the loading for students with disability until the 2015 school year. This means that the status quo will by and large continue for students with disability as only partial implementation of the new funding model will occur in 2014, leaving expectations in this area relatively unchanged.
- It is crucial to systematically address the need for significant cultural change in schools and this should not be totally dependent on the timing or the scope of the loading. In addition it is believed that the significant amount of work that is required in constructing the loading across all jurisdictions creates a major risk of further delay beyond 2015. The Summit unequivocally agreed that it was essential that the timeline for the introduction of the loading announced for 2015 implementation be guaranteed.
- It also remains unclear what is in scope for the loading. Clarity is required as to whether it will fund individual student support needs, include systemic resourcing or a combination of both.
- Summit participants agreed that the accountability mechanisms that accompany the loading are extremely important particularly if it is calculated on a per student basis, but include non-student expenses, including administration within education systems.
- Overwhelmingly, Summit participants expressed concern about the absence of a robust, meaningful and publicly stated accountability framework to support monitoring, reporting, evaluation and improvements. It is believed that the establishment of such a framework is critical to the success of any major reform.

### **2.2.3 Nationally consistent collection of data on school students with disability (NCCD)**

Participants raised a number of issues in relation to the NCCD. It was acknowledged that although the project has national agreement, there is still a lack of clarity regarding about how the NCCD data will actually be used to inform the loading. Feedback from participants was that there was variability in approaches amongst the education systems as to the conduct of the data collection.

Participants also expressed concern that there may be insufficient time to address some of the issues raised in the PricewaterhouseCooper (PwC) evaluation of the 2012 data collection trial. To date there has been no official Government response to the release of the evaluation report. Issues raised in the report include:

- Questions as to how teachers with inconsistent experience in inclusive education will be able to make critical judgements required about adjustments for their students. The appropriateness of the data collection model in segregated settings.
- How students with disability who are currently ineligible for state/territory support funding will be assessed.
- How the data can be aggregated across government and non-government systems.
- It was also queried how the NCCD model will capture the level of current unmet needs of students with disability. This was of significant concern because many current problems in the current system relate to the highly restrictive diagnostic eligibility criteria of disability support programs in education systems. Unless the NCCD can capture the extent of the gap in provision a key data source for the calculation of the loading will be missed, and the reform will fall short of what is required; and the importance of completing the NCCD in collaboration with Disability Care Australia in relevant launch site areas was discussed. It was believed that this could facilitate improved quality of data and also provide important opportunities to initiate some planning synergies across the two programs.

### **2.2.4 More Support for Students with Disabilities National Partnerships (MSSD)**

The MSSD partnerships have addressed important policy and practice areas, but their true effectiveness is yet to be known as the evaluation has not been completed. In addition, many of the initiatives that have been funded need long term solutions and the partnerships by design are only providing small amounts of short-term funding. The evaluation is keenly awaited to see how useful the initiatives have been and to learn what the recommendations are for achieving longer term outcomes in the key areas. However Summit participants were concerned about how the \$100 million funding extension for 2014 was negotiated before the evaluation was completed.

### **2.2.5 Disability Standards for Education.**

The Disability Standards for Education (DSE) were discussed at length. At one level they were seen as simply a compliance requirement for schools and systems and at another they were seen as an important part of the anti-discrimination framework in Australia. Summit participants did not think that they provided specific guidance regarding best practice in education provision for students with disability.

A number of participants expressed the view that they merely encouraged minimum compliance, and some thought that too much store was put in their influence over educational practice. Schools that did embrace inclusive practice did so for reasons quite apart from the existence of the DSE. These included school leadership with a commitment to inclusion and advocacy over time from parents.

It was agreed that taking action via the Disability Discrimination Act (DDA) is rarely an ingredient in achieving a positive relationship with a school. Taking a formal discrimination action against a school is a big decision, and where young people with disability and their families are forced into tribunals and other formal settings to secure the most basic rights is not ever going to result in systemic change.

### **2.2.6 Special Schools**

Some at the Summit believed that the policy settings in the current reform should reflect more closely the provisions of Article 24 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), and the National Disability Strategy. Some concern was expressed with the Australian Government decision in June to provide additional funding to special schools without rigorous costing, which was seen as a mixed response to the goal of inclusive education, clearly expressed in both the UNCRPD, the Convention on the Rights of the Child, as well as the vision and spirit of the Disability Discrimination Act. The Summit agreed that a separate and urgent piece of work needs to be undertaken to consider the cost structure and the capacity of special schools, and how they can be reconciled with the UNCRPD.

### **2.2.7 Alternative funding mechanisms**

A position was put to the Summit that all education support funding for students with disability should be administered outside the education system. This was proposed as a way of locating and enforcing accountability and attention to the goals of support programs that has proved contentious in the current funding model.

This was a total departure from the historical approach that sees education systems responsible for supporting students with disability, but was seen as an approach that needed further examination. Some participants were immediately supportive of exploring this approach as they believed that current accountability mechanisms were poor and there was no overt requirement to provide fully inclusive programs for students with disability. An external funding source was seen by these participants as a possible means of the provision of increased transparency. The Summit agreed that a separate piece of work would be required to detail this alternative proposal.

### 3. FUTURE KEY CONSIDERATIONS

#### 3.1 Next Steps

In response to issues discussed at the Summit, it was acknowledged that there were immediate priorities related to the current reforms and other longer term reform strategies required to deliver on the UNCRPD and to address the entrenched culture of low expectations across all education systems.

Immediate priorities are:

- An articulation by SCEECs of the pathway of work (including milestones) to the development of the loading for students with disability.
- Confirmation of the stated intention to implement the loading by 2015.
- An agreement about how the NCCD data will be used (particularly in relation to the design of the loading) and how inconsistencies across systems will be managed.
- Increased involvement by sector stakeholders in the NCCD and development of the loading.

#### 3.2.2 Longer term Strategy

The Summit acknowledged that there were a number of reform issues that could not be simply rolled into the funding loading, and that given the low base from which the reform is starting, a separate reform agenda was needed. There was strong support for CDA's proposal regarding the development of a detailed national education action plan for students with disability. It was seen as a useful way of identifying key pieces of work and locating the responsibility for implementation. It would enable the establishment of a timeline and objectives that would commit governments and education systems to ongoing reform, and build in roles for the sectors, students and families.

The National Plan for Aboriginal and Torres Strait Islander students 2010-2014 <http://deewr.gov.au/aboriginal-and-torres-strait-islander-education-action-plan-2010-2014> was referred to in discussions regarding what potentially could be achieved through the establishment of like plan for students with disability

It was envisaged that a national plan for students with disability could include:

- Actions to support the development of a nationally consistent framework and conditions for how the student loading for children with disability could be utilized.
- Actions to embed the capacity building efforts under the current More Supports for Students with a Disability National Partnership as a permanent feature of education reform.
- Actions to support the creation of robust accountability measures including a monitoring, evaluation, reporting and improvement framework with commitments from Government to regularly release information about implementation.

- Specific and focused actions to address current seclusion and restraining of children with disability within school settings in response to their behaviour – perceived or actual.

#### **4. CONCLUSION**

The Summit identified a number of significant challenges for the overall reform program in education for students with disability, and the discussion was focused in prioritising realistic approaches to meet these challenges and ensure that the good work in place currently does not dissipate or become diverted.

Summit participants appreciated the valuable opportunity to meet and focus strategically on these issues. They brought extensive experience and insights in this area to the table, and all are committed to contributing to bringing about good policy, funding and practice outcomes.