

# **Senate Select Committee on School Funding**

**Inquiry and report on the  
development and implementation of  
national school funding  
arrangements and school reform**

**Submission**

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## INTRODUCTION

CDA welcomes the opportunity to provide a submission to the Senate Select Committee on School Funding for its inquiry and report on the development and implementation of national school funding arrangements and school reform.

The public interest in education remains a national priority, up there with health and the nation's finances. However, at the centre of this mammoth area of reform are some of Australia's most vulnerable and at risk groups of citizens – children with disability.

At Children with Disability Australia (CDA) we hear daily of shameful education experiences of students with disability. It is extremely hard to convey the breadth of disadvantage students with disability must contend with in the current education system in Australia. A typical school experience for students with disability involves limited choice of school, discrimination, bullying, limited or no funding for support and resources, inadequately trained staff and a culture of low expectations.

The local and international evidence is unequivocal that an inclusive education provides significant benefits for students with and without disability<sup>1</sup>. In a public policy area that prides its adherence to research evidence, the lack of high level policy support and translation of this evidence into practice is shameful, and has resulted in the continued marginalisation of students with disability in many Australian schools.

One of the most common scenarios is that families are often directly told that their child is unable to attend their local school, or another school of choice, because of the child's disability or they are left with a feeling that their child would be such an inordinate burden on a particular school that they feel compelled to seek other options. CDA is told frequently of situations where funding only allows a student to attend part-time.

Basic school choice is thus frequently denied families and students. Whilst it cannot be denied that attitudinal change is also imperative, it needs to be recognised that the difficulty of obtaining adequate funding to support children with disability plays a major role in these poor experiences. Funding inadequacies are a major barrier to the provision of essential resources & equipment, individual support, training and access to other professional expertise. These are all essential components in the provision of an adequate and quality education to students with disability.

While there have been modest investments in these areas through initiatives such as the More Support for Students with Disabilities National Partnerships the ambition has been limited and these programs remain 'bolt-on' programs outside the core funding and policy model for education. They enable self-congratulation from sponsoring jurisdictions that they are doing the right thing, but do not fundamentally change the way education has been delivered or expand the educational opportunities for students with disability.

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<sup>1</sup> Kathy Cologon 2013, *Inclusion in education: Towards equality for students with disability*, Children with Disability Australia, Melbourne, viewed 31 March 2014, <http://www.cda.org.au/cda-issue-papers>.

Every classroom in Australia is likely to have a student with disability.<sup>2</sup> Teachers want and need to be well equipped to teach all students. To this end, it is crucial that they are appropriately resourced, trained and supported. It is time that schools and school communities welcome students with disability, not view them as a burden or place them in the ‘too hard basket’. For this to happen we need cultural change that is mandated by the education funding system with positive policy commitments and adequate resourcing. While around 90% of students with disability attend mainstream schools across all systems in Australia<sup>3</sup>, the poor outcomes being achieved demonstrate that just being counted inside the school gate does not deliver an education for these students.

The area of disability has proven to be of the most difficult parts of the present education reform process to deliver. The Australian Education Act 2013 had only temporary arrangements for the funding of students with disability, while other areas of disadvantage had loadings articulated in the Act. Like many areas of public policy there is no silver bullet. We must begin to approach the funding system for students with disability in a fundamentally different way. It is not simply a political or bureaucratic problem to solve, but a central area of Australia’s education system. As such it needs to be brought to the centre of the funding model, not continue to languish at the periphery where it has been left for more than a generation. We must prioritise the addressing of this gross disadvantage.

CDA notes the discord evident in the overt public (and financial) support shown for the National Disability Insurance Scheme (and the rights of people with disability to participate in Australian society) from the Australian Government and all State and Territory governments – and their reluctance to engage on similar grounds when it came to education reform.

This reform can no longer be placed on the backburner, as we are fast running out of time. There is much work to be done to develop the loading but it must be done right and be a priority for the Government. As the Australian community debates and develops school reforms, students with disability must not be left behind yet again. While there are many issues in education policy that are politically contentious, disability does not seem to be one of them. The opportunity is there, the political will needs to match and it needs to be accorded the priority it deserves.

## **CHILDREN WITH DISABILITY AUSTRALIA**

CDA is the national peak body that represents children and young people with disability, aged 0-25 years. The organisation is primarily funded through the Department of Social Services (DSS) and is a not for profit organisation. Additional project funding is also currently received by the Australian Government Department of Education. CDA has a national membership of 5000 with the majority being families.

CDA’s vision is that children and young people with disability living in Australia are

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<sup>2</sup>See: ABS 2009, ‘Children at school with disability,’ *Profiles of disability*, Commonwealth of Australia: Canberra, viewed 17 March 2014, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4429.0main+features100302009>.

<sup>3</sup> Ibid.

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 purpose is to advocate systemically at the national level for the rights and interests of all children and young people with disability living in Australia and it undertakes the following to achieve its purpose:

- **Education** of national public policy-makers and the broader community about the needs of children and young people with disability.
- **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.
- **Inform** children and young people with disability, families and care givers about their rights and entitlements to services and support.
- **Celebrate** the successes and achievements of children and young people with disability.

## **INADEQUACIES OF THE CURRENT EDUCATION SYSTEM**

### **THE DIRECT EXPERIENCE**

CDA has an abundance of anecdotal experience that details a system which simply does not adequately meet the needs of students with disability. CDA is in frequent contact with students with disability and their families who are exasperated and exhausted through trying to access equal educational opportunities through education systems that are under-resourced and out of step with documented best practice in inclusive education.

CDA recently called for member experiences on for a policy paper that we were developing on education that focused on the educational approaches that did deliver positive experiences and outcomes. However, the overwhelming majority of responses provided were characterised by conflict, misunderstandings and significant differences of opinions with schools, sometimes experienced over many years. Responses detailed situations where there was disagreement regarding the needs of the student, school inaction, and bullying of parents and students, as well as issues regarding poor resourcing of education support. In some cases students changed schools multiple times in order to find a school and a principal that was accepting of students with disability and had inclusive practices. The positive contributions that were submitted shared the experience of being at a school where the leadership actively supported inclusive education and ensured the required skills and resources were in place.

The following are examples of the contributions we received from members in the course of writing the paper:

*Member - NSW*

*I cannot fill this out focussing on positive things. My child being unable to attend school full time for four years broke my family, sent me broke and isolated us from society entirely. I hate the education system with a passion.*

*Member - Victoria*

*It doesn't matter how good the teachers are or how committed the principal of the school is if they themselves are not supported by the Government. Appropriate allocation of funds is the key issue.*

*This year (year 11) they have been shutting him out of classes with an aide. His aides have also refused to do personal care since the beginning of the year even though it is pretty straightforward. My husband was going to the school to take him to the toilet for a while. The principal has promised to get aides to do personal care but never does.*

*Member - Victoria*

*As of 2013 I am home schooling my gifted and son with a learning disability. Why? We tried four schools in four years - two state primary schools, one independent and one Catholic primary school. Right across the board the schools were unable to cope with the variety of needs my son required. One significant issue that caused me to give up on the school system was a request by his psychologist and myself to the school that he be allowed to be on his own at break times on his computer playing games. This was denied and he was made to sit in the play area. He was self harming from the anxiety of these playground times. In three months of being told he had to be in the play area with his computer he had his lunch stood on, spat on, his hat put in the toilet and his computer wrecked. This was a Catholic primary school who prides themselves on a no-bullying policy.*

*Member - NSW*

*We can start with the positives. The parents, the staff and the teachers all [have] positive points to applaud. However it doesn't matter how good the teachers are or how committed the principal of the school is, if they are not supported by government. Appropriate allocation of funds is the key issue.*

*My daughter is seven and for her school to manage her she requires a one-to-one aide. For her prep year she was only able to attend a maximum of 10 hours per week as no more funding would be allocated. For grade one, we want more access to the curriculum.*

*Our daughter does pose challenges for a school but if properly resourced they could easily accommodate her needs as [the school] has the heart and the skills to do so... the education standards all sound too good to be true and indeed they are. Shame on the government for how you treat those who most need education.*

## **PREVIOUS INQUIRIES**

The inadequacies of the education system for students with disability and the need for reform have been well documented over a number of years across Australia. 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<sup>4</sup>
- *Investigating the Feasibility of Portable Funding for Students with Disabilities* (2007) Monash University.<sup>5</sup>
- *Making Progress* (2008) Australian Institute of Health and Welfare<sup>6</sup>
- *Shut Out* (2009) National People with Disabilities and Carers Council<sup>7</sup>
- *Held back: The experiences of students with disabilities in Victorian schools* (2012) Victorian Equal Opportunity & Human Rights Commission<sup>8</sup>

The *Held Back* report in particular documents the stark reality of school experience for students with disability and describes disturbing practices that were taking place in Victorian schools. CDA highly recommend that the Committee read this report closely as part of this inquiry. This report was commissioned by VEOHRC following persistently high rates of complaints to VEOHRC about the treatment of students with disability.

## STATISTICS

Available statistics demonstrate stark gaps in educational attainment, performance, access and outcomes.

- 26% of people with disability do not go beyond Year 10 compared to 18% of people without disability<sup>9</sup>
- 36% of people aged 15 to 64 years with reported disability had completed Year 12 compared to 55% of people without disability<sup>10</sup>
- 15% of people with a disability had completed a bachelor degree or higher compared to 26% of people without a disability<sup>11</sup>
- 53% of people with disability are employed compared to 83% of people without disability<sup>12</sup>
- People aged 16-24 make up 25.5% of the total number of people receiving Disability Support Pension (DSP) due to intellectual/learning disability recorded as the primary medical condition<sup>13</sup>

<sup>4</sup> Australian Senate Employment, Workplace Relations and Education References Committee 2002, *Education of students with disabilities*, Commonwealth of Australia, Canberra, viewed 31 March 2014, [http://www.aph.gov.au/binaries/senate/committee/eet\\_ctte/completed\\_inquiries/2002-04/ed\\_students\\_withdisabilities/report/report.pdf](http://www.aph.gov.au/binaries/senate/committee/eet_ctte/completed_inquiries/2002-04/ed_students_withdisabilities/report/report.pdf).

<sup>5</sup> Frances Ferrier, Michael Long, Dennis Moore, Chris Sharpley, Jeff Sigafoos, *Investigating the feasibility of portable funding for students with disabilities*, Centre for the economics of education and training, Monash University, Melbourne, viewed 31 March 2014, <http://arrow.monash.edu.au/vital/access/manager/Repository/monash:38357>.

<sup>6</sup> Australian Institute of Health and Welfare (AIHW) 2008, *Making progress: The health, development and wellbeing Australia's children and young people*, Commonwealth of Australia, Canberra.

<sup>7</sup> National People with Disabilities and Carers Council 2009, *Shut out: The experience of people with disabilities and their families in Australia*, Commonwealth of Australia, Canberra.

<sup>8</sup> Victorian Equal Opportunity & Human Rights Commission (VEOHRC) 2012, *Held back: The experiences of students with disabilities in Victorian schools*, VEOHRC, Melbourne.

<sup>9</sup> ABS 2009, 'Persons Aged 15-64 years, selected characteristics – by level of highest educational attainment,' *Survey of education training and experience 2009: State and Territory Australian tables*, Commonwealth of Australia, Canberra.

<sup>10</sup> ABS 2012, 'Disability – Education and Employment,' *Disability, ageing and carers, Australia, Summary of findings 2012*, Commonwealth of Australia, Canberra, viewed 17 March 2014, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/E82EBA276AB693E5CA257C21000E5013?opendocument>.

<sup>11</sup> ABS 2012, *Disability, ageing and carers: Summary of findings*, Commonwealth of Australia, Canberra.

<sup>12</sup> Ibid.

- The current employment rate of people with disability in Australia is low against the OECD average. People with a disability in Australia are only half (50%) as likely to be employed as people without a disability<sup>14</sup>
- 45% of people with a disability in Australia live in or near poverty, more than double the OECD average of 22%<sup>15</sup>
- Australia has a relative poverty risk (i.e. people with a disability compared to people without a disability) of 2.7, against the OECD average of 1.6.<sup>16</sup>

A good education is fundamental for young people to be able to become contributing adults in society. These statistics paint a picture of systemic failure of preparing young people with disability for adult life compared to their peers. Having a disability does not mean an inability to learn, however there is clearly a problem in Australia that is taking too long to address.

Successive governments have been concerned about the numbers of people receiving the DSP, however the clear link between a quality education and employment for students with disability is something that has not received the policy attention that is needed.

## **CURRENT REFORM INITIATIVES FOR STUDENTS WITH DISABILITY IN AUSTRALIAN SCHOOLS**

There are a number of current reform initiatives in disability and education which have shone a light on some of the structural solutions, and while progress is being made in some areas, it is patchy and slow. The quality of work being done in some of these initiatives is also questionable.

In addition to chronic funding shortfalls, there are also long standing structural barriers to overcome to progress the much needed reform. To date, the education of students with disability has been a 'bolt-on' system, where funding is available for some students based on a strict rationing and the use of a diagnostic based allocation system. There is not a universal understanding about the practice of inclusive education in education systems, resulting in major deficiencies in the funding and provision for mainstream schools. This lack of understanding and commitment to inclusion also means that practices and educational provision in segregated special schools is not well informed, benchmarked or scrutinised.

The quality of inclusive education in Australia is variable - determined largely by individual leadership, attitudes of school staff and the result of effective advocacy. Inclusive

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<sup>13</sup> This statistic has been corrected from the initial submission to the Senate Enquiry on School Funding in April 2014. Australian Government, Department of Families, Housing, Community Services and Indigenous Affairs 2013, Characteristics of Disability Support Pension Recipients June 2013.

<http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/characteristics-of-disability-support-pension-recipients>.

<sup>14</sup> PricewaterhouseCoopers 2012, *Disability expectations: Investing in a better life, a stronger Australia*.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

education is not yet a systemic expectation of every school, but it is essential that it becomes so as an outcome of the reforms.

Students with disability have been marginalised in education for a long time, facing discrimination, abuse, under-resourced schools with a lack of skilled teachers, and enforced part time attendance at school. Although the new funding model promises improvements, CDA believes that deliberate and targeted action needs to be clearly detailed in the reform program to ensure that disability does not become the residual part of this education reform.

Delivering the breadth of reform that is needed for students with disability will be a complex task across all education systems in Australia, and will need more than simple injections of new money. A clearly articulated strategy that can deliver visible and measurable reform is required.

#### **KEY REQUIREMENTS FOR EFFECTIVE REFORM**

- Legislative recognition of the importance of inclusive education
- Adequate funding to implement a needs based support system at the school level for students with disability
- Improvements to pre-service and in service training for school leaders and teachers
- Development of policy coherence and constructive interface arrangements with the NDIS

#### **THE AUSTRALIAN EDUCATION ACT 2013**

The Australian Education Act (the Act) details the new education funding model. This centres on a per student funding amount (School Resource Standard) with additional funding loadings for students with identified areas of disadvantage, including students with disability.

There is no specific information released to date regarding proposed changes to the Act but the Australian Government has identified 'School Autonomy' as a key focus area of its Student First education agenda. It is stated that it "recognises that giving schools and school leaders greater autonomy can help improve student results."<sup>17</sup> It is unclear whether this particular identified focus in education reform will result in amendments to remove the command and control features of the Act.

While the anecdotal reports from CDA members are that the commitment of principals is critical to good school experiences for students with disability, it does not follow that on its own, greater principal autonomy will result in systemic improvements in inclusive practice, given the current patchy skills and knowledge about inclusive education that exists across the principal class. If there is to be a shift to greater principal autonomy, it must be complemented by unambiguous standards, accountability and resources to

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<sup>17</sup> Australian Government Department of Education 2014, *School autonomy*, Commonwealth of Australia, Canberra, viewed 1 April 2014, <http://www.studentsfirst.gov.au/principal-autonomy>.

ensure inclusive education is a feature of EVERY school that attracts government funding. The expectation of inclusion simply cannot be left to chance or the predilections or prejudices of principals and school communities. Our community is not yet at a point where inclusion of people with disability is the norm and discrimination is the exception.

The present education system provides limited accountability mechanisms for students with disability in relation to learning outcomes or in relation to expenditure of specific funding for students with disability. Additionally, despite the existence of the Disability Standards for Education, there is no timely complaints mechanism available to students with disability and families which allows complaints to be addressed within a timeframe that does not then have detrimental impact on long term educational outcomes for students with disability. It is not uncommon for students with disability to miss years of education and/or immeasurable opportunities due to lack of adequate accountability mechanisms and the non-existence of a complaint mechanism that allows clear processes and timely resolutions to complaints.

### Recommendations

1. Conduct a detailed analysis of the provision and funding arrangements for special schools including detailed rationale regarding reasons for the disability loading attracting a higher rate in special schools.
2. Clear accountability mechanisms are contained within the Australian Education Act 2013, related legislative instruments and their consequences that provide transparent processes for monitoring and responsibility of learning outcomes for students with disability.
3. The establishment of a clear formal complaint resolution process which allows disputes to be resolved in a timely manner.

## **DISABILITY LOADING**

The Act contains only temporary provisions for the funding of schools for students with disability. The clear expectation in the Act is that the loading for students with disability would be finalized during 2014 and be implemented in 2015. Given the resources devoted to this within the Department of Education, CDA believe this was a reasonable expectation.

The work on the disability loading and associated policy is running at least one year behind the rest of the reform, and is at risk of slipping further. With the program of work to finalise the loading being fluid, it means that there is significant risk to achieving the required reform outcomes for students with disability. While the legislation sets out a new funding model from 2014 in all other areas of education funding, the status quo has prevailed for students with disability. It was initially stated that the disability loading would be introduced for the 2015 school year but it is presently unclear whether this timetable is still achievable given the present timetable of reform.

CDA appreciates the relative complexity of the work to develop the loading, but the fact that disability is again the residual part of the reform program, combined with the ever expanding timeline for completion, is very concerning.

There is no explanation of why special schools attract a higher loading, or what their provision needs to include and deliver, or on what evidence this decision was based. In June 2013 the Australian Government announced a \$76m funding boost for special schools to assist with their higher costs. A detailed analysis of the provision and funding arrangements for special schools needs to be a key component of the work to design the disability funding model

There is a great deal yet to be finalised and negotiated before the planned introduction of the loading, but what is of central concern is the lack of clarity about the process that will be undertaken to deliver a coherent and effective funding model by 2015. There has never been a clear program of work to develop the loading, and there has only been minimal meaningful consultation and involvement of groups outside of government in this work.

The legislation contains no specific provisions governing accountability for the loadings, including the temporary disability loading. Lack of accountability is a significant issue in state and territory programs that has been identified as a barrier to improved provision and productive involvement of students and parents in schools.

The Australian Government provided a written response to a question on notice during Senate Estimates for the Senate Standing Committee on Education and Employment about the development of the loading. The question was

*“The NERA commits state and Commonwealth governments to applying a loading for students with disability from 2015. What steps is the Department taking to finalise arrangements for this loading? What are the key steps that will be undertaken before implementation and on what date is each step expected to be completed? Will the loading start to flow to schools at the beginning of the 2015 school year?”*

The following response was given:

*“The Australian Government Department of Education is working with states and territories and non-government education authorities through the Strategic Policy Working Group to develop the new funding loading formula.*

*The Nationally Consistent Collection of Data on School Students with Disability (NCCD) is being progressively phased in over 2013-2015 and will form a key piece of evidence for the funding loading formula. Work is also underway to identify the additional resources being provided to support the three levels of adjustment (supplementary, substantial and extensive) as per the NCCD.*

*These two streams of information will inform the new funding loading formula for students with disability from 2015.*

The project to collect data on the additional resources will be undertaken in government, Catholic and independent schools over the period from mid December 2013 to September 2014:

- December to February 2013 – development of the data collection methodology; development, refinement and testing of the data collection tool; development of user guides; establishment of relationships with schools and orientation;
- March 2014 - piloting of the survey instrument in eight schools nationally to collect the data on the costs of adjustment;
- April 2014 - data to be collected about the costs of adjustments for students with disability from a target sample of at least 120 schools (6500 target students) nationally;
- June 2014 - due date for final report for the project; and
- September 2014 - consideration of findings by the Strategic Policy Working Group.”<sup>18</sup>

CDA would like to be able contribute to the development of the loading for 2015. It is vital that the CDA is able to provide representation regarding the direct experience of students with disability and their families and other considerable professional expertise the organisation has regarding children and young people with disability. Both of these processes appear to offer very limited opportunity to consult with CDA or other related stakeholders. They appear to rely on information provided by education authorities.

#### RECOMMENDATIONS

4. The articulation of a clear strategy by the Standing Council on School Education and Early Childhood (SCSEEC) which is publicly available that details how the disability loading is designed, how it will be implemented and what specific outcomes it will achieve in education systems.
5. That clarification be provided regarding whether the implementation of a disability loading will result in nationally consistent implementation and if so it is critical that a clearly articulated transition process is articulated and publicly available.
6. Specific analysis regarding the applicability of the model in relation to special schools where the whole setting is itself adjusted.

#### **NATIONALLY CONSISTENT COLLECTION OF DATA (NCCD)**

The need for an agreed national definition of disability and a better way of understanding the nature of educational adjustments has been on the table for some years. The Review of Funding for Schooling (the Gonski Review) found that the lack of consistency and quality of data about students with disability across education systems was a significant barrier to recommending a funding loading. The review recommended that jurisdictions collaborate to collect national data and agree on a consistent definition of ‘disability’ that could be used in the funding model.

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<sup>18</sup> Senate Standing Committee on Education and Employment 2014, *Questions on notice: supplementary budget estimates 2013-2014*, Commonwealth of Australia, Canberra, viewed 31 March 2014, [http://www.aph.gov.au/~media/Estimates/Live/eeet\\_ctte/estimates/supp\\_1314/answers/ED0022\\_14.ashx](http://www.aph.gov.au/~media/Estimates/Live/eeet_ctte/estimates/supp_1314/answers/ED0022_14.ashx).

The SCSEEC agreed in May 2013 to undertake the NCCD on school students with disability over 3 years to inform the development of the disability loading. The model being developed does not use the traditional diagnostic approach to disability, instead taking a functional approach by seeking data on the level of adjustment required by students. Following two trials in 2011 and 2012, the data collection commenced in October 2013. The evaluation report of the 2012 trial that was prepared by PricewaterhouseCoopers.<sup>19</sup>

Overall it said that the model was robust enough to proceed to full implementation, however some major risks and challenges were identified that needed to be addressed before implementation. There are significant gaps in awareness of disability and adjustment throughout all school systems so targeted training and preparation through detailed preparation for the data collection is required. Two particular problems identified are a) the data collection model requires teachers with little or no training and experience in inclusive education to make sophisticated judgments about the level and types of adjustments students may require and b) the models attempts to collect data about individual adjustments in special schools where the whole setting is itself is adjusted.

Significant levels of training and preparation of teachers and other school staff are needed to ensure quality data is collected. The PricewaterhouseCoopers review stated that 2 hour training accompanies the NCCD.

There is uncertainty within the education community regarding the fundamental question as to whether the NCCD is meant to measure the present level of adjustment provided to students with disability or the actual need. The direct experience of students with disability and their families of a system which has chronically failed to provide crucial educational adjustments is borne out in the initial NCCD trials and in the other reports and statistics available.

The trial report by PricewaterhouseCoopers on the NCCD estimates that the number of students with disability is about 296,417 or 8.4% of the student population<sup>20</sup>. The 2014 Productivity Commission report on government service figures for funded students with disability 140,722 (government 6.1%), 42,888 (non-government 3.4%), and total 183, 610 (5.1% of the student population).<sup>21</sup>

This is also consistent with previous reports and data collection on national and state levels. In the Australian Institute of Health and Welfare's 2008 'Making Progress' report, it was found that 15% of students with disability require additional assistance but only 5% receive funded supports<sup>22</sup>.

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<sup>19</sup> PricewaterhouseCoopers 2013, *2012 trial of the Nationally Consistent Collection of Data on School Students with Disability*, viewed 31 March 2014, [https://docs.education.gov.au/system/files/doc/other/attachment\\_13-2012\\_trial\\_of\\_the\\_nationally\\_consistent\\_collection\\_of\\_data\\_on\\_school\\_students\\_with\\_disability.pdf](https://docs.education.gov.au/system/files/doc/other/attachment_13-2012_trial_of_the_nationally_consistent_collection_of_data_on_school_students_with_disability.pdf)

<sup>20</sup> Ibid.

<sup>21</sup> Productivity Commission 2014, *Report on government services*, Commonwealth of Australia, Canberra, viewed 14 February 2014, <http://www.pc.gov.au/gsp/rogs>.

<sup>22</sup> AIHW 2008, *Making Progress: The health, development and wellbeing of Australia's children and young people*, Commonwealth of Australia, Canberra.

In the Victorian Equal Opportunity and Human Rights Commission Report in 2012, a number of key findings were made:

- In 2011, 20,883 students received PSD funding, which equates to around 3.9 per cent of the Victorian government school population.<sup>23</sup> However, our research indicates that there is a large number of students with disability who do not meet the criteria for Program for Students with Disabilities (PSD) funding but who still require additional support and individualised teaching to maximise their educational outcomes.
- More than half the parents we surveyed said that their child had not been able to fully participate at school because the necessary support, such as integration aides or a specialist service, was not available or because teachers lacked the time or capacity to adjust their classroom practice to accommodate the student.<sup>24</sup>
- Inclusive schools require a teacher workforce that is properly equipped to meet the learning needs of all students in their classrooms. Over half of the educators surveyed said they did not have the support, training and resources they needed to teach students with disabilities well.<sup>25</sup>

Given the NCCD is a key tool being used to inform the development of the disability loading it is crucial that clarity is available regarding whether the NCCD measures present provision levels or estimates of future needs. Furthermore it is vital that the NCCD process is rigorously and regularly evaluated and is appropriately refined to ensure it captures accurately the level of individual adjustment required by students with disability.

The SCSEEC has agreed on the data collection but there is no agreed strategy about how to use or analyse the data or how it will to guide the design and implementation of the loading, or what specific outcomes it will achieve in education systems. A commitment to following through on comprehensive reform in the disability area is yet to be made at SCSEEC. This is clearly a precondition to the delivery of the reform.

CDA has received feedback from families and education providers regarding the NCCD following the initial collection of data in October 2013. Issues raised included:

- Uncertainty as to whether data collected should reflect the present level of adjustment provided or the actual need;
- Difficulties regarding inclusion of data in circumstances where students are defined as having a disability under the NCCD but have never been 'labelled' as such in other circumstances e.g. learning difficulties such as mild dyslexia, asthma or nut allergies;

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<sup>23</sup> VEOHRC 2012, *Held back: The experiences of students with disabilities in Victorian schools*, VEOHRC, Melbourne.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

- Teachers feeling unqualified to make accurate assessments regarding whether a student has a disability and level of adjustment required
- Unwillingness to sign 'blind' consents by families who are not provided with specific details as to what information is ultimately being shared about their child;
- No fact sheets are available for students (seen as very important for older students); and
- There is no capacity for families or allied health professionals with extensive knowledge of the student to directly input into the NCCD process,

### Recommendations

7. Clarification is made as to whether NCCD measures present provision or actual level of adjustments required.
8. Capacity for consultation with families and allied health professionals to provide input into NCCD process and recording of information where there is contention regarding level of adjustment required.
9. Establishment of specific training for teachers in relation to the NCCD which includes disability awareness and adjustment, inclusion in education as well as what is presently in place in relation to data input specifics to the particular IT program involved.

### **MORE SUPPORT FOR STUDENTS WITH DISABILITIES NATIONAL PARTNERSHIPS (MSSD)**

In 2011 the Australian Government announced a 2 year, \$200 million funding package targeting improvements to schools and education systems in their ability to support students with disability in all school systems in Australia. This 2 year funding was been split between independent, Catholic and State/Territory education authorities.

This funding is for system wide improvements to education rather than to provide funding support for individual students. It includes training for teachers and school leaders, equipment and technology, resources for curriculum adaptation as well as the development of specialist centres that can provide resources to schools.

There has been a one-year extension of MSSD in 2014 to cover the gap in the implementation of the disability loading. The range of activities funded by this extension is currently being negotiated, despite the evaluation of the initial partnership activities not yet being completed. The national partnership agreements regarding the extension of this initiative are not available so it is unclear what the objectives and requirements are for this additional \$100m and what priorities have been identified. The Australian Government Department of Education website states "All eight government education authorities and 16 non-government education authorities are developing implementation plans which describe the activities they are undertaking."<sup>26</sup>

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<sup>26</sup> Australian Government Department of Education 2013, *More Support for Students with Disabilities*, Commonwealth of Australia, Canberra, viewed 31 March 2014, <https://education.gov.au/more-support-students-disabilities>.

The capacity building focus of the MSSD has been an important part of the overall reform, but its limited funding and time frame mean that there is an imperative to build in ongoing systemic capacity building expectation in the disability loading.

### Recommendations

10. Release of national partnership agreements and related implementation plans regarding the 2014 provision of the MSSD initiatives.
11. Further valuation of the initiative following the extension period so learning can inform the ongoing education reform for students with disability.

### **DEVELOPMENT OF ON-LINE TRAINING MODULES ON THE DISABILITY STANDARDS FOR EDUCATION (DSE)**

This is a project being conducted by the University of Canberra to provide training modules for teachers, school leaders, parents and community about the DSE. There has been only marginal input to these modules from outside education systems, and the focus simply on the identification and avoidance of perceived discrimination does not adequately address the underlying issues of discrimination in education and understates the importance of good resourcing and an overarching policy framework.

The DSE are part of the Disability Discrimination Act, and exist to provide guidance to education providers about avoiding discrimination against students with disability.

A statutory review of the DSE was completed in 2012 that found there was not high awareness of the standards in all areas of education, including teachers, school leaders, students and parents. The Australian Government responded to the review with a view to increasing awareness of the DSE.

As a consequence governments are investing in developing online training packages and face to face training around the DSE (through MSSD). There is a prevailing view that the existence of the DSE and their requirements to make ‘reasonable adjustment’ is the backbone of education provision for students with disability. In fact the only guidance the Australian Education Act has regarding students with disability is requiring compliance with the DSE.

The DSE are part of an anti-discrimination framework and need to be seen for what they are — a marker of actionable discrimination, not as a guide as to how to provide quality inclusive education.

Without concurrent development of inclusive practices across systems, targeted funding and accountability arrangements, the misunderstanding about the role of the DSE is likely to continue. Anti-discrimination standards are simply the wrong framework to guide inclusive educational practice.

The DSE are certainly important but they are not sufficient to ensure quality provision of inclusive education to students with disability, and are certainly not substitutable for a

detailed set of practice guidelines, performance benchmarks, accountability requirements that are required in this reform for students with disability.

### Recommendations

12. Companion development of inclusive practices across systems, targeted funding and accountability arrangements.
13. Development of detailed set of practice guidelines, performance benchmarks and accountability requirements of best practice in relation to education provision of students with disability.

## **2014 – WHAT DIFFERENCE ARE WE SEEING**

The Australian Government Department of Education, states in its submission to this inquiry that \$398 million has been provided nationally to government funded schools at the beginning of January 2014. CDA has consulted with a range of members and stakeholders including parents, teachers, principals and education authorities regarding the impact of funding arrangements for 2014. Feedback provided informed of no perceived positive change to date but rather continual experience of inadequately funding and resourced education systems with no tangible benefits for students with disability.

Comments included:

*“We are in no better situation than 6 months ago”*

*“We have not detected any changes in school budgets for students with disability”*

*“Budgets seem to have actually been cut for students with disability”*

*“There are no extra teacher aides in our schools”*

*“Teacher aide funding has been cut”*

Discussions with stakeholders from non-government schools revealed considerable confusion regarding how funding is to be distributed, the definitions of disability and application of adjustments.

It is important that the initiatives in place are better evaluated and that there is a strong inclusion of students and families in the implementation. Having these reforms delivered simply as a government-government transaction is deficient and opaque. Given the high level of importance of this reform program and the significant public interest, the process must be opened up for greater participation and scrutiny.

## **RELATED MATTERS**

### **NATIONAL DISABILITY INSURANCE SCHEME (NDIS) AND EDUCATION INTERFACE**

The following is drawn extensively from an issues paper CDA completed regarding the NDIS & education interface. It has been modified slightly from original version to reflect current developments within the Scheme.

There are different scenarios to consider with the interface between the two reform programs. These will involve students who are eligible for both education support and state and territory disability programs and not for the NDIS, or vice versa. Because of the current high expectations across the community about what the NDIS could provide, it is expected that pressure will come from families of NDIS participants for NDIS support where there is a perceived or real gap in educational support. The emerging interface agreements between the NDIS and education authorities will need to be comprehensive and highly cognisant of current arrangements. The Productivity Commission identified that funding partnerships are feasible, but requires a rational connection with education support criteria.

In this context, the NDIS would have a role in meeting some of the needs of students. This would typically be centred on the provision of goods and services that would be needed regardless of whether a person was attending school or not (personal attendant care, a hearing aid, or a wheelchair).

Collaboration between the NDIS and education departments should be based on agreed frameworks and boundaries. It would be odd if children receiving supports through the NDIS were subject to vastly different criteria for school-based supports.

This streamlining of criteria across multiple systems is a live issue for the education sector. How the NDIS deals with the multiple systems and support programs across jurisdictions will be of great interest and concern. The Productivity Commission has stated clearly that the NDIS should not fund supports that are the responsibility of mainstream programs, however where mainstream programs do not have capacity for disability support, there will be argument at the margin about the funding supports for NDIS participants.

The progress of the work on the overall school funding model in Australia and the disability loading is critically important to shape this program alignment with the NDIS. Until the disability loading and its relationship to core school funding is finalised, there will still be significant jurisdictional disparity in the definition of disability and funding methodology. Going into the trial sites with this variation in approaches across education systems is going to be a challenge, particularly for the evaluation of the NDIS, which will have to be sufficiently sensitive and well-resourced to identify and analyse the substantive differences across trial sites.

There has been significant interest in the NDIS from education systems, particularly in regard to services that may be able to be co-funded or fully funded by the NDIS. These will be propositions that hopefully will be tested in the trial sites and in negotiations between systems and the NDIS at the policy level.

In summary there are a number of key issues that that will need to be worked through between the National Disability Insurance Agency (NDIA), Australian Government Department of Education, education authorities and community organisations. Some practical interface elements can be addressed in the trial sites, however the involvement

of schools and authorities in the design, implementation and evaluation of the launch sites is required. It is also important to have family and student representation in this work. The short time frames make this work an urgent imperative for all stakeholders.

Matching the timing and the common interests of the education reforms for students with disability with the NDIS development is a key challenge. The Australian Government Department of Education's continued involvement with the NDIA and its sensitivity to the interface issues will stand to provide leadership for these more detailed negotiations. This leadership is critical for good outcomes for students with disability in a fluid policy environment.

Cost allocations, funding responsibility and new funding possibilities are driving much interest in the NDIS from the education sector. While this is important in looking at how the growing demand for education support for students with disability can be managed in the future, there are other practical dilemmas around definitions, cross program coordination, resource use, school capacity and transition management that are also needing resolution through this process.

These interface issues are critical issues for consideration in the present education reform agenda. At its heart however is the alignment of values across the NDIS and education reform. Aiming to improve life opportunities, social and economic participation and removal of societal barriers must be consistent across both programs. For too long the values underpinning disability programs in education have been underpinned by 'looking after' students rather than being a means to the end of achieving the best possible educational outcomes.

### Recommendations

- 14. The National Disability Insurance Agency and the Australian Government Department of Education continue to work collaborative to define the complex interface issues which exist between the parallel reforms.*

## SUMMARY OF RECOMMENDATIONS

### KEY REQUIREMENTS FOR EFFECTIVE REFORM

- Legislative recognition of the importance of inclusive education
- Adequate funding to implement a needs based support system at the school level for students with disability
- Improvements to pre-service and in service training for school leaders and teachers
- Development of policy coherence and constructive interface arrangements with the NDIS

1. Conduct a detailed analysis of the provision and funding arrangements for special schools including detailed rationale regarding reasons for the disability loading attracting a higher rate in special schools.
2. Clear accountability mechanisms are contained within the Australian Education Act 2013, related legislative instruments and their consequences that provide transparent processes for monitoring and responsibility of learning outcomes for students with disability.
3. The establishment of a clear formal complaint resolution process which allows disputes to be resolved in a timely manner.
4. The articulation of a clear strategy by the SCSEEC which is publicly available which details how the disability loading is designed, how it will be implemented and what specific outcomes it will achieve in education systems.
5. That clarification be provided regarding whether the implementation of a disability loading will result in nationally consistent implementation and if so it is critical that a clearly articulated transition process is articulated and publicly available.
6. Specific analysis regarding the applicability of the model in relation to special schools where the whole setting is itself adjusted.
7. Clarification is made as to whether NCCD measures present provision or actual level of adjustments required.
8. Capacity for consultation with families and allied health professionals to provide input into NCCD process and recording of information where there is contention regarding level of adjustment required.
9. Establishment of specific training for teachers in relation to the NCCD which includes disability awareness and adjustment, inclusion in education as well as what is presently in place in relation to data input specifics to the particular IT program involved.
10. Release of national partnership agreements and related implementation plans regarding the 2014 provision of the MSSD initiatives.
11. Further valuation of the initiative following the extension period so learning can inform the ongoing education reform for students with disability.

12. *Companion development of inclusive practices across systems, targeted funding and accountability arrangements.*
13. *Development of detailed set of practice guidelines, performance benchmarks and accountability requirements of best practice in relation to education provision of*
14. *The National Disability Insurance Agency and the Australian Government Department of Education continue to work collaborative to define the complex interface issues which exist between the parallel reforms for students with disability.*

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