

Review of the loading for students
with disability

Consultation paper

Review of the loading for students with disability: Consultation paper

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As this is an independent review, the consultation paper does not necessarily reflect the views of the Australian Government.

This document must be attributed as the *Review of the loading for students with disability: Consultation paper*.

National School Resourcing Board

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Context

Australian Government recurrent funding for schools is needs-based

Australian Government recurrent funding for schools is calculated based on the Schooling Resource Standard (SRS). The SRS is an estimate of how much total public funding a school needs to meet the educational needs of its students. It is made up of a base amount for every primary and secondary student and six loadings to provide extra funding for disadvantaged students and schools.

The SRS loadings are intended to represent the additional efficient cost, funded from all sources, to give schools with a particular characteristic or with particular types of students the same opportunity to achieve nationally agreed educational outcomes as schools that do not attract loadings.¹

The SRS includes loadings for socio-educational disadvantage; students with disability; low English language proficiency; Aboriginal and Torres Strait Islander students; school location; and school size.

Responsibility for public funding for all schools is shared between state and territory governments and the Australian Government

States and territories have overarching responsibility for schools in their jurisdiction, including for the registration and regulation of all schools in their jurisdiction (whether government or non-government) and for the operation of public schools. They are the majority funder of public schools, and under the SRS will move to 80 per cent of total SRS for government schools.

The Australian Government does not run any schools or employ any teachers. The Australian Government does, however, contribute significant funding for schooling, including approximately \$17.5 billion in recurrent funding for schools in 2017. This contribution will grow to approximately \$32.4 billion in 2029. From 2018 to 2029 the Australian Government will contribute a total of approximately \$310.3 billion in recurrent funding for schools.²

The Australian Government is moving towards consistently funding 20 per cent of the total SRS for government systems, reflecting its role as a minority public funder of this sector, and 80 per cent of the total SRS for non-government schools and systems, reflecting its role as a majority public funder of this sector.³

As a result of these shared contribution arrangements, changes to the settings for the SRS loadings have flow-on effects for state and territory governments as well as the Australian Government.

¹ Gonski, D., Boston, K., Greiner, K., Lawrence, C., Scales, B., Tannock, P. 2011, *Review of Funding for Schooling—Final Report*, DEEWR, Canberra, p. 166.

² Department of Education and Training 2019, *What is the Quality Schools package and what does it mean for my school?* Australian Government, accessed 30 April 2019, <www.education.gov.au/quality-schools-package-factsheet>

³ Department of Education and Training 2019, *How are schools funded in Australia?* Australian Government, accessed 30 April 2019, <www.education.gov.au/quality-schools-package-factsheet>

Schools are obliged to make reasonable adjustments for students with disability to enable them to access and participate in education on the same basis as other students

The Disability Standards for Education 2005 (DSE) clarify the obligations of schools under the *Disability Discrimination Act (1992)*. The DSE require schools to ensure that a student with disability has opportunities and choices that are comparable with those offered to students without disability—this includes making reasonable adjustments for admission and enrolment, participation, curriculum development, and the use of facilities and services.⁴

An adjustment is a measure or action taken to assist a student with a disability to participate in education and training on the same basis as other students. Schools are required to make reasonable adjustments. Adjustments are considered reasonable where they take into account the student's learning needs and balance the interests of all parties affected, including those of the student with disability, the school, staff, and other students.⁵

The NDIS provides funding for reasonable and necessary supports to enable eligible people with disability to fully participate in the community

The NDIS funds supports for daily living that a student would require in any setting, that is, whether or not the student is at school. The NDIS does not fund activities that are already the reasonable adjustment obligation of mainstream service systems and schools. The NDIS does not change the obligations of schools under the DSE to provide reasonable adjustments to all students with disability.

In its response to the 2015 review of the DSE, the Australian Government agreed further work could be done on the intersection of education providers' responsibilities for the provision of reasonable adjustments and supports under the NDIS.⁶

National policy work regarding the delivery of personal care in schools and specialised school transport, to and from school, through the NDIS, led by the Australian Government Department of Social Services is underway. Recommendations are due to be made to the Disability Reform Council, and are expected to be finalised in 2023. In the meantime, the Disability Reform Council has agreed personal care in schools can be considered as in-kind contributions to the NDIS by states and territories.

The loading for students with disability provides additional funding for educational adjustments schools make, identified through the Nationally Consistent Collection of Data on School Students with Disability

The Nationally Consistent Collection of Data on School Students with Disability (NCCD) reports school students with disability by the level of support they receive to access and participate in learning. The NCCD has four levels of adjustment: support provided within quality differentiated teaching practice, supplementary, substantial and extensive.⁷ Further information is available at www.nccd.edu.au.

⁴ DSE fact sheet—https://docs.education.gov.au/system/files/doc/other/dse-fact-sheet-2-dse_0.pdf, accessed on 2 April 2019.

⁵ DSE fact sheet—https://docs.education.gov.au/system/files/doc/other/dse-fact-sheet-2-dse_0.pdf, accessed on 2 April 2019.

⁶ Australian Government Department of Education and Training (2015), *Australian Government Initial Response to the 2015 Review of the Disability Standards for Education 2005*, Australian Government Department of Education and Training, Canberra, p. 6.

⁷ NCCD website—<https://www.nccd.edu.au/help-and-support/glossary>, accessed 7 May 2019.

Students with disability included in the NCCD at the quality differentiated teaching practice level of adjustment are supported through active monitoring and adjustments that are not greater than those used to meet the needs of diverse learners. These adjustments are provided through usual school processes, without drawing on additional resources.

Supplementary adjustments are supplementary to the strategies and resources already available for all students within the school. Substantial adjustments involve a higher level of support and considerable adult assistance. Extensive adjustments are highly individualised, comprehensive and ongoing and provided to students with disability that have very high support needs at all times.

Using NCCD data recognises the professional knowledge, practice and judgements of teachers and school staff who know the educational needs of their students. Through the collection, teachers make evidence-based decisions about students who are receiving support to access education because of disability and the level of support being provided for each student with disability.

The levels of funding for the student with disability loading increase with the level of adjustment provided

From 2018, Australian Government funding is calculated using the NCCD and based on a per student amount at each of the top three levels of additional support needed by a student with disability—supplementary, substantial and extensive.⁸

Reasonable adjustments made for students assessed at the first level (quality differentiated teaching practice) are expected to be covered by what a teacher would normally do in a classroom to meet the specific learning needs of their students across the full range of abilities, as described in the Australian Professional Standards for Teachers (Proficient).

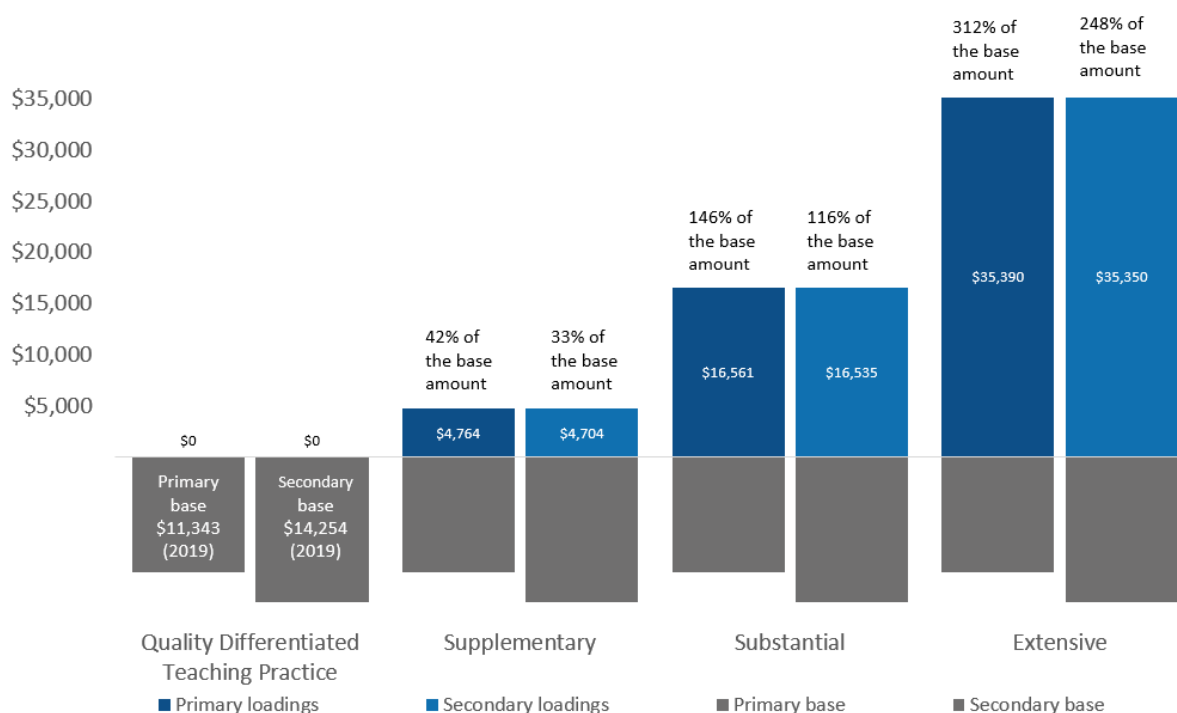
Students receiving a reasonable adjustment in one of the top three levels of adjustment (supplementary, substantial, and extensive) attract increasing levels of funding to reflect the increasing average costs of adjustments for those levels. **Exhibit 1** provides the dollar amounts for the loadings. The loading for students with disability provides the same level of funding for students in a mainstream setting as students in a special school setting.

As the NCCD is a count of students receiving adjustments, the funding for students is based on the reasonable adjustments schools are providing to enable students with disability to access and participate in education, rather than on category or medical diagnosis of a specific disability.

The levels of funding for the loading were informed by research into school spending on students with disability at each level of adjustment.

⁸ Department of Education and Training website—<https://www.education.gov.au/what-government-doing-support-students-disability>, accessed 7 May 2019.

Exhibit 1: The student with disability loading amounts increase according to the level of adjustment



Source: Department of Education website

As the basis for calculating a school’s Commonwealth funding entitlement, the NCCD is subject to quality assurance activities

The Australian Government Department of Education undertakes a range of assurance activities to ensure that the information provided by schools and approved authorities to calculate a school’s Australian Government funding entitlement relating to students with disability is complete and accurate.

In providing the data, education authorities, systems and schools are responsible for quality assurance and undertake activities that support the accuracy of the collection, including a range of moderation processes and validation checks. This data is collated and assured at a national level by the Australian Government Department of Education. For further detail on Australian Government quality assurance activity, refer to **Appendix A**.

Review purpose

The National School Resourcing Board provides greater independent oversight over Australian Government school funding

The National School Resourcing Board (the Board) is responsible for undertaking reviews of different parts of the funding model under the *Australian Education Act 2013* (the Act). These reviews help ensure public confidence in the funding model.

The Board is comprised of members with expertise in education, finance and demography. Over time, the reviews undertaken by the Board will help to ensure the funding model is using the best available data and methodologies, as well as making sure funding is used in line with the Act.

The Australian Government Department of Education is required to monitor and assure recurrent funding

The Australian National Audit Office's (ANAO) 2017 report on *Monitoring the Impact of Australian Government School Funding*, and the Joint Committee of Public Accounts and Audit's (JCPAA) 2019 *Report 476: Australian Government Funding*, both found that the Department of Education needs to strengthen its administrative and assurance arrangements to appropriately monitor the distribution of government funding.^{9 10}

The Board has been asked to consider the current SRS settings and Australian Government assurance processes undertaken for the loading for students with disability

This is not a review of how the funding provided through the loading for students with disability is used. The focus of the Review is the levels of funding for students with disability under the SRS.

In assessing the appropriateness of the levels of funding provided under the loading, the Board has been asked to consider the level of funding for educational adjustment provided by approved system authorities to member schools for students with disability and any significant variations related to school setting or context.

The Australian Government Department of Education quality assures the information reported through the NCCD to ensure Australian Government funding is being provided appropriately. In assessing the appropriateness of the Australian Government's assurance processes, the Board has been asked to have regard to the work of Education Council's Joint Working Group to Provide Advice on Reform for Students with Disability (JWG). The JWG provides advice and recommendations to Education Council on the ongoing implementation of the NCCD to support the development of a high quality, reliable and robust national data collection on school students with disability. The JWG also drives and directs national activity aimed at the continual improvement to the accuracy of the NCCD and the development of processes and resources to support the identification of need, potential adjustments to meet those needs, consultation and monitoring.

The terms of reference for this Review are available at www.education.gov.au/national-school-resourcing-board. A final report and recommendations will be provided to the Australian Government Minister for Education by December 2019.

Focus questions

1. Is the funding provided under the loadings for the top three NCCD levels of adjustment appropriate to support students with disability to access and participate in education on the same basis as other students?
 - How does the level of resources required to support a student at each level of adjustment differ?
 - Does school setting or context impact on the cost of adjustments provided?

⁹ Australian National Audit Office 2017, *Monitoring the Impact of Australian Government School Funding*, Australian National Audit Office, Canberra, p. 10.

¹⁰ Joint Committee of Public Accounts and Audit 2019, *Report 476: Australian Government Funding*, Parliament of the Commonwealth of Australia, Canberra, p. vii.

- Does the stage of education impact the cost of adjustments needed; for example, in the early years and transitioning to secondary education?
 - What costs of supporting students with disability (for example, fixed system costs, costs of collection, assurance and management of the NCCD at a school level) should be factored into the loadings?
 - Are there any other factors that impact on the level of resources required to provide adjustments?
 - Are there any other factors that impact on the level of resources required to provide adjustments?
2. Are Australian Government assurance processes, undertaken to support the accuracy of information provided to calculate a school's Australian Government funding entitlement relating to students with disability, appropriate and sufficiently robust and how might they be effectively improved?

Making a submission

Submissions are to be made through an online form. Each submission is limited to 3300 words. This word limit is inclusive of a summary, up to 300 words, of the key points of your submission. To find out how to lodge your submission, and for more information on the Review and the Board, please visit the website: www.education.gov.au/review-loading-students-disability-swd.

Submissions will close at 5:00 pm (AEST) Tuesday, 20 August 2019.



Appendix 1:

Information paper: Australian Government quality assurance activity—Nationally Consistent Collection of Data on School Students with Disability (NCCD)

From 2018, NCCD data is used to calculate a school's Australian Government funding entitlement. NCCD data for government and non-government schools is reported to the Australian Government Department of Education (the department) as part of the annual Australian Government Schools Census.

Education authorities, systems and schools are responsible for data quality assurance and assessment and undertake activities that support the accuracy of the collection. These include:

- moderation processes at the school/system/sector/state level
- regular training
- technology systems used at schools to assist in the application of the NCCD
- validation checks of the data against other data sets.

School principals are responsible for verifying that there is evidence to support the inclusion of students in the NCCD, including the level of adjustment and category of disability for each student. Schools (or their approved authority) must retain the NCCD student records for at least seven years.

The NCCD validation and assurance process

The cycle of validation and assurance activity starts with notification of the Census process, through collection of NCCD data, escalating levels of data analysis and correction, to evaluation and continuous improvement activities.

Data collection and assurance

The department undertakes assurance activities to ensure that information provided by schools and approved authorities is complete and accurate. This is part of the department's financial administrative responsibilities.

As part of the 2018 Census, in addition to a range of in-built validation checks and declarations, all approved non-government authorities were contacted by the department following submission of their Census returns and verbally asked to assure their NCCD data before they were accepted by the department.

Post-enumeration

The department conducts an annual Census Post Enumeration (PE) process to verify the accuracy of information provided by non-government schools that is used to calculate the school's Australian Government recurrent funding entitlement.

In Term 1 of 2019, the department validated a selection of non-government school 2018 Census returns through its annual PE exercise.

At a minimum, records must be kept for each student reported in the NCCD demonstrating the student has been provided with an adjustment/s for a minimum period of 10 weeks of school education (excluding school holiday periods) over the 12 months preceding Census Day, to address the functional impact of a disability. The evidence validated during the PE needs to demonstrate that:

1. the student has a disability as defined in the *Disability Discrimination Act 1992*, which informs the category of disability specified in the NCCD
2. adjustments are being provided to address the student's individual needs based on their disability
3. adjustments provided to the student are being monitored and reviewed
4. consultation and collaboration with the student and/or parents and carers or associates has occurred.

Examples of the types of evidence sighted during the PE process are included in the table below.

Evidentiary Requirement	Examples of Evidence
1. Evidence that the school has assessed the individual needs of the student	<ul style="list-style-type: none"> • Records of diagnosis (may include specialist medical diagnosis and/or reports) (e.g. reports from medical practitioners) • Reports from guidance officer/counsellor/teacher or allied health professionals • Reports from parents/carers • Records of assessments made over time documenting the student's need/s based on their disability, and • Evidence from external government agencies e.g. NDIS.
2. Evidence that adjustments are being provided to the student to address their individual needs based on their disability	<ul style="list-style-type: none"> • Adjustments to learning materials or individualised supports • Personalised learning plans demonstrating adjustments • Assistive technology • Records of meetings, teacher's notes or the adjustments which have been provided • Therapy or disability-specific programs in place, and • Records of specific resources which have been developed.
3. Evidence that adjustments provided to the student have been monitored and reviewed	<ul style="list-style-type: none"> • Records of meetings to review adjustments • Records of notes made by teachers or other support staff • Updated documents provided by health professionals, and • Records of student progress.
4. Evidence of consultation and collaboration with the student and/or parents and carers or associates	<ul style="list-style-type: none"> • Records of contact with parent/carer (including meeting notes, parent-teacher interviews, signed learning plans and emails).

Additional quality assurance activity

In addition, the Government has allocated \$20 million over four years to strengthen and quality assure the NCCD across all sectors.

The funding supports activities that will improve the quality and consistency of the NCCD and ensure that teachers and schools have the knowledge and evidence required to make accurate assessments under the NCCD.

The Government is working collaboratively with state and territory government and non-government education authorities through the Joint Working Group to Provide Advice on Reform for Students with Disability (JWG) to develop and implement projects. These include:

- an NCCD data validation project to review evidence and data collection and reporting processes in selected schools where major changes have been identified in the 2017–2018 data. The project will support quality assurance but also build capacity in schools.
- development of resources to guide school staff in the collection of evidence to support decisions to include students in the NCCD count
- development of a national NCCD portal that is a single, authoritative information source for school leaders, teachers, support staff and parents/carers on the NCCD, DDA and DSE. The Portal was launched on 16 February 2019 (www.nccd.edu.au)
- consultation with teachers and principals through workshops and an online survey to identify further knowledge and training gaps on the NCCD
- research into the factors that influence the consistency and accuracy of teacher judgements on determining the levels of adjustment and categories of disability for students counted in the NCCD
- development of a post-enumeration and audit framework for the NCCD to ensure compliance by approved authorities for non-government schools.

Further details of the projects are at **Attachment A**. These projects inform future action on policy, updating (or creation of new) resources, other assurance activity and evaluation.

NCCD QUALITY ASSURANCE PROJECTS

2018 NCCD Data Validation Project

The department has engaged a consultant to undertake quality assurance activities to understand reasons for variations in NCCD data from 2017 to 2018.

As the NCCD is used to calculate the Commonwealth funding entitlements for the student with disability loading, there is a need to investigate reasons for the variation as part of our commitment to equitable access to funding, capacity building for schools and continuous quality improvement of the NCCD.

PricewaterhouseCoopers (PwC) was contracted to conduct a review of 2018 NCCD data in selected non-government schools to assure the quality and accuracy of the collection. The department has selected a range of non-government schools in which there were significant variations in 2018 NCCD data compared to 2017 results. In developing the list, a mix of primary/secondary/combined schools, and state/territory/metro/regional locations were considered.

Schools involved in recent assurance activities conducted by the department were excluded from the list to avoid unreasonable administrative burden.

During May and June 2019, PwC visited these schools to assess:

- the type of adjustments identified in student records
- the appropriateness of the adjustments to address the students' functional needs (to the extent possible)
- the adequacy and quality of evidence held by the school
- end to end processes in schools to support the data collection, such as moderation and training.

The PwC team includes Credible Classroom Practitioners (CCP), experts in the education and disability fields, who will, with the approval of the schools and their communities, attend school visits with the intent to build the knowledge and understanding of school staff in the NCCD.

A report to the department is expected to be provided by the end of July 2019.

Development of evidentiary resources

Research has revealed that the collection of evidence to support decisions to include students in the NCCD can be challenging for school staff and appear to be inconsistent across sectors.

As part of the 2018 NCCD Data Validation project, PwC and expert CCPs visiting schools in May /June consulted with school staff on the types and range of resources that could be developed to help school staff understand the NCCD evidentiary requirements and to make evidence collection/documentation process simpler and more consistent.

The 'templates' are due to be provided to the department by the end of August 2019.

NCCD portal

In June 2018, the department engaged ESA to develop a national NCCD Portal.

The Portal (www.nccd.edu.au) is an interactive platform housing information about the NCCD, the *Disability Discrimination Act 1992* and the Disability Standards for Education 2005, along with national training materials and resources for school leaders, teachers, support staff, parents and carers.

The Portal went live on 16 February 2019. Early website analytics indicate very good uptake of the Portal since launch. ESA will track usage of the Portal through to 30 June 2020, when the grant agreement ends.

ESA has undertaken extensive consultation on the Portal design, functionality and content with the department, key stakeholders, the JWG and potential end users at key points throughout the project.

Gap Analysis project

A Gap Analysis project was conducted to explore school staff understanding of the NCCD, drivers/barriers to their confidence in applying the model and perceived gaps in support and resources.

The project delivered workshops with over 500 people involved with the NCCD in their school across all states and territories in Australia, and an online survey completed by over 1200 people nationally.

Many recommendations point to the need for improved resources and better training. The NCCD Portal should address some of these, as will case studies arising from the Monash University on teacher judgement project.

Department officials will work with ESA to address any identified gaps that could be addressed with content on the Portal. Other recommendations support previous research emphasising the importance of leadership in schools.

Teacher Judgement project

The department engaged Monash University to conduct research into the factors that influence the accuracy and consistency of teacher judgement on the NCCD model. PwC was subcontracted to do the data collection and analysis component.

The research examined how teachers from different backgrounds (such as jurisdictions, sectors, levels of schooling and geographic locations) apply their judgement to the complex case studies on students with disability and the extent to which factors such as professional development, years of service and in-school moderation processes influence judgement.

Data was collected via an online survey that closed on 7 April 2019. Initial results suggest that across sectors many school staff are not making accurate judgements and require more training and resources to improve their accuracy.

Assistance in developing whole-of-school approaches including training for school leaders would not only improve accuracy but also embed the notion that the NCCD was more than a compliance activity; it has direct impact on educational outcomes.

The project was completed in June 2019.

2017 NCCD Assurance Pilot Project

In December 2017, the department engaged PwC to develop advice on a best practice post-enumeration and audit framework for the NCCD to ensure compliance by approved authorities for non-government schools.

PwC visited 150 schools, reviewed 3295 sample student records and conducted focus group discussions with approved authorities and Catholic, Independent and special schools in Brisbane, Melbourne, Perth and Canberra to test and validate draft findings.

The project found that in the majority of cases, schools are complying with the evidentiary requirements of the NCCD.

The report delivered in July 2018 recommended:

- the establishment of criteria to be applied through the PE process and/or other assurance mechanisms to assess the validity of evidence maintained by a school
- an evidence framework to assess evidence held by schools against the defined criteria.

The department is working with the JWG to consider the report findings in the context of other quality assurance projects in train.