

Review of the loading for students with disability 2019–public submission

Australian Council of State School Organisations

Stakeholder type: Peak Body

Jurisdiction: National

Submission

Introduction

Australian Council of State Schools Organisations Ltd (ACSSO) welcomes this opportunity to contribute to the discussion about the loadings for Student with Disability

About us

ACSSO represent the interests of the families and communities of more than 2.53 million children attending government schools in Australia. We are one of the oldest continuously operating parent organisations in Australia and possibly the world. We were formed in 1947 to bring together various state and territory parent groups to develop national policies reflecting the way families wanted public education to be offered for their children. ACSSO is managed by a board consisting of member directors and externally appointed directors. The Board elects from itself a Chair / President for a period of 12 months. ACSSO employs a Chief Executive Officer who implements the decisions of the board. The CEO is supported by a part time administration officer and a communications officer.

Policy

We believe that the primary obligation of governments, both Federal and State, is to establish and maintain government systems of education which:

- will be of the highest standard and open to all, irrespective of race, gender, religion, social-economic status, geographic location, disability (physical or intellectual);
- can respond to changing circumstances and can develop the flexible and diverse programs necessary to meet individual needs;
- positively discriminate in favour of those schools and individual students facing disadvantage, disability and/or having additional needs;
- provide for participation by parents and community at all levels of education decision making and policy formulation.
- acknowledge that families are the initial and ongoing educators of their child, and engage with them in an authentic process to ensure that there is a shared knowledge of the child to enable the best and most appropriate provision of education opportunity.

ACSSO has long supported advocated for a well over due increase to the loadings for students with additional needs and we welcome the opportunity to make comment at this time.

- Students with disability funding accounted for over 9 percent of Commonwealth funding in 2019 according to the Commonwealth.

The profound disadvantage confronting children and young people with disability in education has been highlighted in many national, state and territory inquiries. The final report of the Senate Inquiry in 2015 into *Current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support*, stated that:

*Throughout the course of this inquiry, the committee received overwhelming evidence regarding the many barriers faced by students with disability and their families. Access to education is a basic human right, but for many students with disability in Australia, it is a right which they are prevented from accessing.*¹

It is imperative that we recognise that the difficulty in obtaining adequate funding to support students with disability plays a major role in these poor experiences.

Students with disability frequently experience discrimination, including denial of enrolment, imposed part time attendance and exclusion. Schools often lack the required expertise in developing educational programs for students with disability. Limited monitoring and accountability for the learning outcomes of students with disability is also a significant issue. There are far too many frequent reports of bullying and abuse, including restraint and seclusion.

Educational outcomes for students with disability are reflected in published statistics researched by Children and Young People with Disability Australia (CYDA); the advocacy group specialising in disability policy we thank them and acknowledge their work in this area

- 7.7% of all children and young people aged 0–24 years in Australia have an identified disability;²
- Children aged 0–12 years with disability have a lower representation in childcare services (3%) than their representation in the community (6.7%);³
- 30% of people with disability do not go beyond Year 10, compared to 20% of people without disability;⁴
- 36% of people aged 15–64 years with disability had completed year 12 compared to 60% of people without disability;⁵
- 15% of people aged 15–64 with disability had completed a bachelor's degree or higher compared to 26% of people without disability;⁶
- 38% of young people aged 15–24 years with disability either work, study, or do a combination of both on a full-time basis compared to 56% of young people without disability;⁷
- 42% of young people with disability neither work nor study (there is no comparative data available for young people without disability);⁸

¹ Senate Standing Committees on Education and Employment 2016, *Access to Real Learning: the Impact of Policy, Funding and Culture on Students with Disability*, Commonwealth of Australia, Canberra, p3.

² Australian Bureau of Statistics 2016, 'Table 1.1 Persons with Disability, by Age and Sex—2003, 2009, 2012 and 2015, Estimate,' *Disability, Ageing and Carers, Australia: First Results, 2015*, Commonwealth of Australia, Canberra.

³ Productivity Commission 2015, *Report on Government Services*, Commonwealth of Australia, Canberra, p. 3.24.

⁴ Australian Bureau of Statistics 2013, 'Table 7 PERSONS AGED 15 YEARS AND OVER, LIVING IN HOUSEHOLDS, Disability status, by selected social characteristics—2012,' *Disability, Ageing and Carers, Australia: Summary of Findings, 2012*, Commonwealth of Australia, Canberra.

⁵ Ibid.

⁶ Australian Bureau of Statistics 2012, 'Disability - Education and Employment,' *Disability, Ageing and Carers, Australia: Summary of Findings*, Commonwealth of Australia, Canberra.

⁷ Australian Bureau of Statistics 2012, *Australian Social Trends*, Commonwealth of Australia, Canberra.

⁸ Ibid.

- 20% of young people with disability either work or study on a part time basis (there is no comparative data available for young people without disability);⁹
- The labour force participation rate for people with disability is 53.4% compared with 83.2% for people without disability;¹⁰ and
- 45% of people with disability in Australia live in or near poverty.¹¹

We do have grave concern that the Australian Education Amendment Bill 2017 has a limited focus on students with disability – and two years on we are still to define the loadings for these students. Their needs have been long neglected in the form of funding loadings. However, the establishment of the independent NSRB as part of the Bill's progress onto the statute book, and the current review of the loading for students with disability (SwD), may now allow this anomaly to be corrected.

*The Review of Funding for Schooling*¹² was not able to design the loading for students with disability. This led to the main recommendation in this area being that Governments urgently work on data collection and design work for the disability funding loading.

The NCCD (National Consistent Collection of Data) was not publicly released until the end of 2016 because of stated concerns regarding the reliability of the collected data. The funding formula, we understand, has remained unchanged to date. Whilst ACCSO appreciates the establishment of the NCCD we have had some concerns. This has since been echoed by other stakeholders. Recent data reports that 18.1% of students with disability received an adjustment to participate in education because of disability. The reported level of adjustments provision does not seem to align with the overwhelming direct experiences of unmet need. We don't feel the NCCD data is reliable enough to be the sole underpinning data framework to funding of students with disability. In particular we advocate for, and there has been a move nationally this way, additional support for students who experience trauma – where do they fit when we are looking at students with additional needs. It could be said that with suitable professional support trauma should not be regarded as having a permanent life changing impact on a student's life. In our view to include students who have experienced trauma in this review would be an error. It is our expectation that this complex topic deserves a separate review; ideally one that should be the next item for the NRSB to address.

It is to be noted that the Northern Territory and Victorian education departments have a clear focus on trauma informed practice in their schools with the Tasmanian Department committing \$7.25m over the next four years to supporting students in its schools that have experienced trauma.

ACSSO has been consistent in advocating for an additional seventh needs-based loading to support the needs of students that have experienced trauma; one that must be regarded as being completely separate from the loadings to address disability. We also bring to the review's attention the recent ['Trauma-Informed Schools Act of 2019'](#) that was introduced as a Bill to the US Congress on the 25th July, 2019 as a suitable example of what is possible to address the complex issue of childhood trauma in a Federal system.

We applaud the recent work that we have had the opportunity to participate in with the changes to the NCCD portal - an important issue that has been addressed in some way regarding the NCCD is that it requires teachers with limited or no training and experience in inclusive education to make sophisticated judgements about the level of adjustments required and provided.

⁹ Ibid.

¹⁰ Australian Bureau of Statistics 2016, 'Key Findings,' *Disability, Ageing and Carers, Australia: First Results, 2015*, Commonwealth of Australia, Canberra.

¹¹ PricewaterhouseCoopers 2012, *Disability Expectations: Investing in a Better Life, a Stronger Australia*, Australia.

¹² Australian Government 2011, *Review of Funding for Schooling-Final Report*, Canberra

It is common for there to be disagreement between schools and families and/or other allied health professionals on the level and type of adjustment required for individual students. Another frequent scenario is that schools are reported to not accurately identify or understand that a child has a disability or learning difference. This is particularly common with children with ADD/HD. There still is limited capacity for families or allied health professionals with extensive knowledge of the student to directly input into the NCCD process.

It is stated that on average, funding for students with disability will grow by 5.9 per cent each year in the available *Fairer Funding for Students with Disability Fact Sheet*¹³ released by the Commonwealth Department of Education and Training. We are unclear as to whether the new funding formula will mean a redistribution of existing levels of funding or if it will involve an increase in funding above the standardized increases which usually occur annually.

The use of the NCCD as the basis for the loading does not articulate what specific expectations there are regarding the use of this refined loading or what outcomes it will achieve in education systems, this should be negotiated within the funding agreement.

If Commonwealth funding is linked to evidence-based reforms to lift student outcomes, then this applies equally to students with disability as all other students. Being subject to a separate loading in the funding model does not mean that education for students with disability is delivered only in the context of the disability loading. We remain somewhat concerned that specific funding for support of students with disability delivered through existing frameworks is not always directly linked to education outcomes.

We are aware that there is high representation of students with disability in distance education and home schooling, and that it is a growing issue of concern. A concern amplified by delegates at this year's Isolated Children's Parents' Association national conference. Consideration needs to be given as to how these students will be adequately funded to be able to access a quality education and how the newly articulated loading will apply to the students concerned.

Education is a key in determining life outcomes and opportunities. The breath of barriers facing students with disability and their educators has been well articulated in the numerous inquiries on education and disability. Adequate funding is a critical enabler of the change needed but the broader reform pathway, expectations and outcomes must be defined.

Children and young people with disability have a right to a quality education and without appropriate and targeted reform students with disability will continue to slip through the cracks.

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?***

The proposal of removing supplementary adjustments for students with a disability is concerning, making this the teacher's responsibility under normal conditions as this is their role in education. There needs to be clarification as to which disability this will refer to, and how the adjustment levels are assessed.

The documentation on classification of disability states that the child/ student has a diagnosed disability under the DSE (2005). This diagnosis is given by a qualified medical practitioner or a specialised psychiatrist, therefore it is confusing that some educational professionals are deemed to be qualified to do this; and then only if they

¹³ Australian Government Department of Education and Training 2017, *Fairer Funding for Students with Disability Fact Sheet*, viewed 28 May 2017, <https://docs.education.gov.au/documents/fairer-funding-students-disability>

<https://traumasensitiveschools.org/wp-content/uploads/2019/08/Trauma-Informed-Schools-Act-7.26.19-f.pdf>

have a Proficient AITSL qualification under the standards. It needs to be very clear as to what qualifications they have in disability assessment in order to do this in a professional manner.

Although the review states that there is collaboration under the evidentiary requirements (page 11 of 14 of the Review), the outline of NCCD (nccd.edu.au) does not emphasize this procedure. Parents must be acknowledged as expert advocates and have to be consulted at each phase, and involved in establishing the learning adjustment recommendations, as they are the people most qualified for this process, in conjunction with the child's medical history.

On consultation with several local Perth schools (Catholic Education), the process for creating the NCCD list does not always follow the evidentiary requirements included. This seems to mainly accredit to insufficient time, lack of availability of classroom teachers to produce notes and personalised learning plans, records of specific resources and inability tailor programs that are specific to different disability requirements.

How does the level of resources required to support a student at each level of adjustment differ?

The range of disabilities require different levels of support, and different resources. As such, it is difficult to ascertain what resources are required to support each student on a generic level. E.g. a student with cerebral palsy may require additional adjustments to material and assistive technology, as opposed to a student with autism and co-morbid diagnoses of anxiety and sensory processing disorder will require a completely different range of resources.

In reference to evidentiary requirements (page 11 of 14), it is difficult to ascertain how classroom teachers and leadership staff are able to consult with health professionals, meet with parents, assess the individual needs of the student as part of a multi-disciplinary team (with reports from medical practitioners, parents/ carers, periodic assessments NDIS documents, teacher reports and diagnosis reports) over a short period of time. Following this, the school team creates reasonable adjustments in each learning area, have multiple meetings to review adjustments, whilst collaborating with parents and school staff over a 12-week period.

Does school setting or context impact on the cost of adjustments provided?

This is largely dependent of what adjustments are needed. Assistive technology may be larger set up costs, but this resource would be sustained for a length of times. School context would be dependent of human assistance, as well. Students needing additional toileting support would need an education assistant to be able to support this, adjustments can be implemented more effectively for some students with additional support in terms of the education assistant.

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?

The calculation was based on a limited group of schools and representative of less than 1% of population of students with disabilities. Recommendation that a more thorough review be undertaken including students within public education as well not just Independent and Catholic schools.

An example may be the reported adjustments that are made available to students sitting year 11/12 exams. There are numerous reports of significantly higher levels of provision being made available to students with a disability in non-government schools over those made for students in government schools – almost in a direct inverse proportion to the actual enrolments of students with a disability in the respective sectors.

This is possibly indicative of the access to resources in non-government schools and systems that are unavailable to government schools to complete the necessary assessments, applications and administration. There has also been speculation that not all of these provisions may have a basis in fact given the direct discrepancy in enrolment levels of students with a disability between the government and non-government sectors. The review gives the opportunity to correct any anomalies, especially in regard to additional support for those missing out and the auditing of possibly mistaken assessments in non-government school sectors.