



Australian Government

**Australian Government response to the
Senate Education and Employment References Committee
report:**

*Access to real learning: the impact of policy, funding and
culture on students with disability*

March 2017

Introduction

The Australian Government notes the report by the Education and Employment References Committee on 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, *Access to real learning: the impact of policy, funding and culture on students with disability*.

The Senate References Committee calls on the Government to commit to funding schools on the basis of need. The Turnbull Government is committed to needs-based funding to enable all students, including students with disability, to achieve high quality outcomes and to participate in an inclusive and high quality education system that is responsive to their needs.

Unfortunately, as a result of Labor's negotiations, current funding levels are determined by historic levels, special deals and complex transition arrangements that vary by states and sector. The result is that schools with the same level of need attract different levels of federal funding. The Government is determined to put in place a new, simpler and fairer funding model that distributes funding according to need and will work with states and territories and non-government education authorities to make this happen.

The Australian Government will continue to grow funding to schools each and every year from a record \$16.1 billion in 2016 to \$20.2 billion in 2020. This means that total funding of \$73.9 billion will be provided to government and non-government schools over the period 2016–17 to 2019–20.

This builds on the already substantial increases in Commonwealth recurrent funding from schools over the 2014 to 2017 period during which more than \$5.2 billion has been notionally attributed to the loading for students with disability from 2014 to 2017, including nearly \$1.4 billion in 2016 and almost \$1.5 billion in 2017. In the 2016–17 Budget the Government announced additional funding of \$118.2 million in 2016 and 2017 for schools to support students with disability. This funding is on top of the increases in funding that the Government is providing to all sectors across all states and territories through the existing loading and targeted to those schools with the greatest need.

From 2018 the Government is committed to school funding arrangements that are affordable, include a contribution for every student and are needs-based, transparent and easy to understand as well as predictable and fair. Importantly, funding will be used to drive real reforms that ensure all children have the support they need to succeed no matter what school they go to or where it is located.

The Government will work with states, territories and the non-government sector to deliver on the evidence-based priority reforms set out in *Quality Schools, Quality Outcomes*.

All Australian governments and sectors are working together to reforms aimed at improving the lives of people with disability. This includes broad reforms such as the National Disability Strategy 2010–20 and the National Disability Insurance Scheme, as well as specific reforms to improve education outcomes for students with disability. In particular, the Government put in place the Disability Standards for Education 2005 (the Standards) to ensure students with disability can access and participate in education on the same basis as other students.

In December 2015, revised Accreditation Standards and Procedures were agreed by all Education Ministers that provide specific guidance to providers on how to ensure their students meet the Graduate level of the Australian Professional Standards for Teachers. These include that teachers should demonstrate knowledge and understanding of teaching strategies and legislative requirements to support participation and meet the learning needs of students across the full range of abilities, including students with a disability.

The Government has also supported the capacity of teachers to address the needs of students with disability through: funding the Australian Special Education Principals' Association to lead the development of a suite of national resources to support inclusive learning environments; providing funding to enable free access to an AUSPELD learning difficulties and dyslexia resource; providing additional support and professional development through the implementation on the Nationally Consistent Collection of Data on School Students with Disability (NCCD); and funding the Positive Partnerships program under the Helping Children with Autism initiative.

The Government is disappointed the Committee did not call on state and territory education authorities to appear at the Inquiry to share examples of good education practices providing for the specific needs of students with disability that are currently occurring systemically in Australian schools. While the Senate References Committee heard some examples of schools, principals, teachers and parents creating a positive environment for students with disability, the report primarily focused on the barriers faced by students with disability.

There is considerable work ahead to ensure students with disability are able to achieve optimal educational outcomes. However, it needs to also be acknowledged that there has been significant systemic reform in the education of students with disability over the past decade.

Background

On 17 June 2015, the Senate referred the inquiry 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 to the Education and Employment References Committee for inquiry and report.

The Committee held four public hearings in Sydney, Brisbane and Melbourne between 18 September to 20 November 2015 and almost 300 submissions were received.

The Senate References Committee Report on Current Levels of Access and Attainment for Students with Disability in the School System, *Access to real learning: the impact of policy, funding and culture on students with disability*, was tabled and released on 15 January 2016. The report included ten recommendations.

Response to individual recommendations

Recommendation 1

The Senate References Committee recommends that the government commits to funding schools on the basis of need, according to the Gonski Review.

The Government supports this recommendation in-principle.

The Government strongly believes that funding should be directed where it is needed most, recognising the different costs of educating particular groups of children, including students with disability.

Under the arrangements negotiated by Labor, Commonwealth school funding is currently determined primarily based on history and special deals, not by need. Current arrangements are complex and inconsistent across states and sectors, resulting in schools with the same need attracting different levels of Commonwealth funding depending on which state they are in. Further, under these arrangements, some schools will not reach their theoretical funding allocation this century.

These arrangements are not what were intended by the Gonski review panel, with panel member Mr Ken Boston describing them as a “corruption” of their findings.

This government is committed to moving from 2018 to a fairer and more sustainable funding model that distributes funding to those that need it most. The Government firmly believes that a student should attract Commonwealth funding based on need and not based on where they live in Australia.

Recommendation 2

The Senate References Committee recommends that the government fund all students with disability on the basis of need by reversing its cuts to the final two years of the Gonski Reforms.

The Government does not support this recommendation.

There have been no cuts to funding. Commonwealth schools funding continues to grow each year, including from 2018. In fact, the Australian Government is investing a record level of school funding that is growing from \$16.1 billion in 2016 to \$20.2 billion in 2020.

For the 2018 to 2020 school years, recurrent schools funding will be indexed by an education specific indexation rate of 3.56 per cent, with an allowance for changes in enrolments. This builds on the already substantial increases in Commonwealth recurrent funding from schools over the 2014 to 2017 period during which more than \$5.2 billion has been notionally attributed to the loading for students with disability from 2014 to 2017, including nearly \$1.4 billion in 2016 and almost \$1.5 billion in 2017.

While funding is important, evidence shows that what you do with that funding matters more. Despite significant funding growth over the past decade, Australia is failing to demonstrate progress in improving educational outcomes for our students. This is why the Commonwealth is ensuring that future funding is linked to evidence based priority reforms set out in *Quality Schools, Quality Outcomes*.

Recommendation 3

The Senate References Committee recommends that the government heeds the warnings of witnesses that linking school funding to the Consumer Price Index will result in funding cuts in real terms and reduce access to education for students with disability.

The Government notes this recommendation.

In the 2016–17 Budget the Government committed to recurrent school funding indexed by an education specific indexation rate of 3.56 per cent, with an allowance for changes in enrolments to maintain growth in Commonwealth school funding for the 2018-2020 school years at a rate that better reflects the increasing costs of schooling.

Recommendation 4

The Senate References Committee recommends that the government keeps its commitment to use the Nationally Consistent Collection of Data on School Students with Disability to deliver more funding for students with disability based on their individual needs in 2016.

The Government supports this recommendation.

The Government delivered its commitment to provide funding informed by the NCCD for students with disability from 2016. In the 2016–17 Budget the Government announced additional funding of \$118.2 million in 2016 and 2017 for schools to support students with disability. This funding is on top of the increases in funding that the Government is providing to all sectors across all states and territories through the existing loading. The funding is based on national NCCD data for each sector, in recognition that the quality of the NCCD data at school level is still evolving.

While the Government recognises the potential of the NCCD to better target funding by recognising all students with disability and their diverse levels of need, it also recognises that the NCCD data quality needs to mature. The Government also expects that future tools used

for funding students with disability should, where possible, be applied consistently across both the Commonwealth and the states and territories.

The Government will continue to work with states and territories and the non-government sector to ensure that the NCCD is as robust as possible to inform decision makers on how best to target funding for students with disability.

The Coalition Senators' additional comments highlight an important point that although the Government provides substantial funding for students with disability in government and non-government schools, the majority of funding for students with disability in schools comes from states and territories.

Recommendation 5

The Senate References Committee recommends that the government release the results of the Nationally Consistent Collection of Data on School Students with Disability for 2015, and previous years, as a matter of urgency.

The Government supports this recommendation.

The Government acknowledges that members of the public are interested in the publication of the data collected via the NCCD and has advocated strongly for the release of data which shows the distribution of students with disability across states and territories and sectors. As NCCD data is jointly owned by state and territory governments and the Australian Government, publication of data requires the agreement of all education ministers.

The results of the 2015 NCCD were published on the Education Council website in December 2016.

In December 2012, Education Council agreed that the data for 2013 and 2014 would not be released as these were transitional years and not all schools participated in the NCCD.

Recommendation 6

The Senate References Committee recommends that a dedicated Disability Discrimination Commissioner be reinstated to the Australian Human Rights Commission.

The Government supports this recommendation.

Mr Alastair McEwin was appointed to the position of Disability Discrimination Commissioner commencing on 29 July 2016 for a five year period. Mr McEwin brings to the position both lived and professional experience of disability.

Recommendation 7

The Senate References Committee recommends that the government works with states, territories and school systems to:

- a) Establish a national approach to ending the bullying of students with disability. This should be supported with programs and resources for schools, teachers and students.
- b) Make it mandatory for all initial teacher education courses to ensure beginning teachers enter the classroom with best-practice skills in the inclusion of students with disability. The government should also work with states and territories to ensure current teachers, principals and support staff are supported to develop inclusive education skills in areas such as universal design for learning, differentiated teaching and cooperative learning.
- c) Investigate the establishment a national qualification standard for teacher aids and assistants to ensure they have the knowledge and skills required to support learning for all students. States and territories should also provide guidance on the role of support staff in inclusive classrooms.
- d) Prioritise the development of a national approach to modifying the curriculum for students with disability. This should include implementation tools and professionals development support for teachers to ensure that all students are supported to learn to their fullest potential.
- e) Better support school systems, teachers and principals to continually improve the accuracy and effectiveness of the Nationally Consistent Collection of Data on School Students with Disability program.

The Government supports this recommendation in principle.

The Government is committed to continuing to improve support for students with disability and will collaborate with government and non-government education authorities to identify opportunities to expand and strengthen work already underway in these areas.

The National Safe Schools Framework (NSSF) is a high level framework, endorsed by all Education Ministers, that supports Australian schools to develop and implement whole of school student safety and wellbeing policies and practice. The Government collaborates with government and non-government education authorities to create safe and supportive environments through this framework and the Safe Schools Hub website (www.safeschoolshub.edu.au), which provides a comprehensive range of information and resources on student wellbeing issues.

The Australian Professional Standards for Teachers make explicit the elements of high quality teaching. A national approach to the accreditation of initial teacher education has been in place in Australia since 2013, with revised national accreditation standards and procedures agreed by Education Ministers in December 2015. Both the Professional Standards and accreditation standards and procedures include elements to support the participation and learning of students with disability. Note that responsibility for ongoing professional development for teachers and other school staff rests with states and territories.

Following the Review of the Australian Curriculum in 2014, Education Council approved key areas of further work proposed by the Australian Curriculum, Assessment and Reporting Authority (ACARA) to improve accessibility to the Australian Curriculum for all students, including students with disability. This work is currently underway with ACARA engaging with experts in the field of education for students with disability, states and territories and their curriculum authorities, with an initial focus on assisting teachers to better support students with significant intellectual disability.

As an example, in 2015-16 ACARA partnered with schools in four different jurisdictions to film illustrations of practice that will support students with disability to access the Australian Curriculum.

The Education Council is also progressing work to better support school systems, teachers and principals to improve the accuracy and quality of NCCD data. This includes significant training and support for schools on the NCCD model, *Disability Discrimination Act 1992* and the Standards and independent reviews of the quality and consistency of the data at the national level.

Recommendation 8

The Senate References Committee, in light of the limitations of the evidence presented, recommends the government work with states and territories to establish a process for the collection and publication of information about levels of access and attainment for students with disability. This should include information about:

- a) whether students attend school part or full time;
- b) rates of home schooling and distance education;
- c) educational attainment;
- d) rates of restrictive practices and seclusion;
- e) suspension and expulsion rates;
- f) school completion;
- g) availability of specialist support for teachers and principals;
- h) workforce skills and the availability of professional development in inclusive education for teachers and principals;
- i) access to allied health and interdisciplinary support; and
- j) bullying and wellbeing.

The Government supports this recommendation in principle.

The Government supports the need for better data and evidence about students with disability in school education and will continue to work closely with states and territories through the Education Council to develop a better evidence base to support policy and program responses.

For example, the recent Draft Report by the Productivity Commission into the National Education Evidence Base released on 6 September 2016 recognises that the Nationally

Consistent Collection of Data on School Students with Disability should help to improve the monitoring of outcomes of students with disability and encourage a more consistent approach for planning and accountability of governments and school systems for them.

Recommendation 9

The Senate References Committee recommends the government work with states, territories, experts, stakeholders, school systems, parents and students to establish a national strategy to improve the education of students with disability. The strategy should aim to:

- a) recognise all students with disability as learners and drive the cultural change required to achieve this, particularly at a school leadership level;
- b) define the goals and priorities for improving the educational outcomes of students with disability, set clear timelines for their achievement and report publically on progress;
- c) increase school participation and access rates for students with disability;
- d) close the gap in Year 10 and Year 12 completion;
- e) ensure all students with disability can access adjustments and interdisciplinary support that will maximise their learning potential;
- f) ensure all students with disability benefit from evidence-based, best practice programs which lead to improvements in access and attainment;
- g) improve the accountability at a system and student level for ensuring better learning outcomes for students with disability;
- h) support schools, teachers and principals to close the gap between research and classroom practice;
- i) establish best-practice ongoing professional development for teachers, principals and others who work in the school system;
- j) include students with disability and their families in the development of the educational plan for their child, and encourage the meaningful ongoing engagement of parents;
- k) establish a national inclusion measure for schools; and
- l) establish independent review and complaints mechanisms so parents, teachers and students can have full confidence in the system.

The Government supports this recommendation in principle.

The Government is committed to continuing to improve support for students with disability and will collaborate with government and non-government education authorities to identify opportunities to expand and strengthen work already underway in these areas.

The Australian Government and state and territory governments already have in place the National Disability Strategy 2010 – 2020 (the Strategy) which was signed by COAG in 2011. The Strategy provides a framework for action to be taken at all levels of government across a range of areas including education and training, employment, housing, health and wellbeing, personal and community support.

The *Learning and Skills* policy direction areas under the Strategy encompass: strengthening the capability of education providers to deliver inclusive high quality education programmes; focusing on reducing the disparity in educational outcomes for people with disability and others; ensuring educational reforms are responsive to the needs of people with disability; and improving transition pathways.

Requirements already exist to support the rights of students with disability through the Standards. If parents, teachers or students have complaints under the Standards, they can report to the Australian Human Rights Commission, which is an independent statutory authority. It has the power to investigate and attempt to conciliate complaints of disability discrimination under the *Disability Discrimination Act 1992*.

In terms of the ongoing professional development of teachers, this responsibility lies with states and territories. Schools have autonomy to spend funds received from their state or territory and the Australian Government in line with their local requirements.

The Government contributes to these efforts through a range of activities and initiatives previously mentioned, including: development and provision of professional learning resources for schools, teachers and principals on the NCCD; funding the Australian Special Education Principals' Association to develop a suite of national resources to support schools to build inclusive learning environments; and ongoing funding for the Positive Partnerships initiative which provides professional development for teachers as well as support for parents and carers of students with autism.

Recommendation 10

The Senate References Committee recommends the government works with states and territories to end restrictive practices in schools, consistent with the recommendations of the 2015 Senate Inquiry into violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability.

The Government notes this recommendation.

The Government response to the recommendations from the Senate Community Affairs Reference Committee Report: *Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability* was tabled in Parliament on 3 March 2017.