

**GOVERNMENT RESPONSE**

**TO THE**

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND  
EDUCATION REFERENCES COMMITTEE'S REPORT**

***Education of students with disabilities***

July 2003

## LIST OF ACRONYMS AND ABBREVIATIONS

AESOC	Australian Education Systems Officials Committee
ANTA	Australian National Training Authority
ASSDP	Additional Support for Students with Disabilities Programme
DCO	Disability Coordination Officer
DDA	<i>Disability Discrimination Act 1992</i>
DEST	Department of Education, Science and Training
ECEF	Enterprise and Career Education Foundation
HEEP	Higher Education Equity Programme
ISCA	Independent Schools Council of Australia
MCEETYA	Ministerial Council for Education, Employment, Training and Youth Affairs
NCEC	National Catholic Education Commission
NCISA	National Council of Independent Schools' Associations
NHMRC	National Health and Medical Research Council
NLNSP	National Literacy and Numeracy Strategies and Projects
OATSIH	Office for Aboriginal and Torres Strait Islander Health
OHS	Office of Hearing Services
PMRT	Performance Measurement and Reporting Taskforce
QOP	Quality Outcomes Programme
QTP	Quality Teacher Programme
RDLO	Regional Disability Liaison Officer
RIS	Regulation Impact Statement
SAISO	Strategic Assistance for Improving Students Outcomes
SGA	<i>States Grants (Primary and Secondary Education Assistance) Act 2000</i>
Standards	Disability Standards for Education
SWL	Structured Workplace Learning
VET	Vocational Education and Training

## INTRODUCTION

The Senate Committee's report provides a comprehensive assessment of current policies and programmes designed to meet the education needs of students with disabilities and highlights a range of issues and challenges associated with educating these students.

While the Inquiry covered all sectors of education, the main focus of the report is on students with disabilities in the school sector and most of the recommendations relate to that sector. The main areas of concern identified in the report are:

- the failure of the Commonwealth, States, Territories and the non-government sector to reach agreement on the Disability Standards for Education (the Standards) under the Commonwealth's *Disability Discrimination Act 1992* (the DDA); and
- that because of inadequacies in university teacher training courses and limited professional development opportunities, many regular classroom teachers do not have the skills or confidence to involve students with disabilities in the full curriculum.

The Senate Committee made a number of recommendations relating to these issues which together with the other recommendations in the report have been considered fully by the Government in formulating this response.

The Government has been a driving force in developing draft Standards and welcomes the Committee's call for their finalisation. It is committed to improving the education and training outcomes for all students and people with a disability and ensuring maximum compliance with the DDA.

The Government is working closely with education providers and stakeholders to address outstanding legal and financial issues associated with the draft Standards with a view to achieving agreement to their implementation.

Overall, the Government considers that many of the recommendations should be pursued, particularly those concerning definitional issues, issues relating to teacher training and development and the provision of services for school students with disabilities living in rural or remote areas. While these matters are not ones for which the Commonwealth has direct responsibility or could act on alone, the Government undertakes to work with the States and Territories to achieve a more consistent and focussed approach to supporting students with disabilities across jurisdictions, particularly in the school sector. This reflects the Government's ongoing commitment to this group of students.

### School education

In the school sector, improving the learning outcomes of educationally disadvantaged students, including students with disabilities, is a major priority of the Government. The Government makes a significant financial contribution to States and Territories through the *States Grants (Primary and Secondary Education Assistance) Act 2000* (the SGA) to assist government and non-government schools to achieve this purpose.

Commonwealth funding for school students with disabilities is provided primarily through a combination of General Recurrent Grants, the principal source of Commonwealth funding for all students, and additional targeted assistance under the *Strategic Assistance for Improving Student Outcomes (SAISO) Programme* which education authorities may use to improve outcomes for educationally disadvantaged students, including students with disabilities. The Government is providing \$1.4 billion under the SAISO programme over the 2001-2004 quadrennium and in the 2003-04 Budget announced some \$172.3 million over the next four

years to continue funding at existing levels. State and Territory government and non-government education authorities are responsible for the detailed administration of the SAISO programme in their systems and schools, including the quantum of funding allocated to support students with disabilities.

In addition, the Government is providing approximately \$100 million over 2001-2004 under the *Special Education – Non-government Centre Support Programme* for non-government centres that provide services to improve the educational opportunities, learning outcomes and personal development of children with disabilities. Funding is targeted to a range of purposes including supporting learning and educational development for below-school-age children (0-6), improving school-age children's access to educational programmes and assisting children with disabilities in residential care.

The *Quality Outcomes Programme* (QOP) and the *National Literacy and Numeracy Strategies and Projects* (NLNSP) *Programme* support strategic and collaborative initiatives to further the Government's agenda for schools.

- The *Quality Teacher Programme* (QTP) component of QOP, is a key element of *Teachers for the 21<sup>st</sup> Century* which is the Government's initiative to improve teacher quality and increase the number of highly effective schools. The programme has been extended until June 2005 bringing the Government's commitment under the programme to \$159.2 million. The QTP provides for teachers in disadvantaged schools, as well as other teacher target groups.
- In 2002, the Government announced a major initiative to be funded under the NLNSP programme that will focus on more effective teaching and learning practices for students with disabilities and learning difficulties. Funding of \$4.5 million will be provided for projects at the national and State levels. The initiative, which will build on recent research projects which have explored issues relating to students with specific educational needs, is currently being implemented. Projects that focus on "what works", that is, effective classroom practice are being given priority.

#### *Commonwealth funding for the non-government school sector*

Chapter 7 of the Senate Committee's report includes a discussion of arguments put by the National Catholic Education Commission (NCEC) and the National Council of Independent Schools' Associations (NCISA) for revised funding arrangements to support the education of students with disabilities in the Catholic and independent sectors respectively. The Committee noted that implementation of the proposed funding models would result in significant funding increases to the non-government sector.

Appendix 6 of the report contains an analysis of the total resourcing for non-government schools. Based on estimates of enrolments and projected levels of total income for the Catholic and independent sectors compared with the recurrent costs of educating an equivalent number of students in government schools, the Senate Committee extrapolated that the Catholic and independent sectors will, in 2004, have a level of total income some 11.7% and 7.8% respectively above the resourcing of a comparable number of government school students. (A Corrigendum issued by the Senate Committee revised these figures to 15.2% and 52.2% respectively).

The Department of Education, Science and Training (DEST) has examined Appendix 6 and considers that its conclusions are based on a methodology that is significantly flawed. In particular:

- the private and state government income for the Catholic and independent sectors has been understated;

- figures on total income (Commonwealth, state government and private) for the non-government sector and the government sector are not compiled on a completely comparable basis, in particular, the total income for the non-government sector includes capital funds which is not included in the income for the government sector;
- private income to government schools, although modest, has not been included in the figures for the government sector;
- supplementation estimates used in calculating the 2001-2004 government funding are conservative; and
- the enrolment estimates used were not the latest available at the time.

Using the underlying methodology in Appendix 6, adjusted for the above factors, DEST estimates that, in 2004, the independent sector will receive total recurrent funding from all sources on par with the government sector, while the Catholic sector will be funded at a level some 20% below the government sector.

While the DEST analysis presents a very different picture to that in the Senate Committee's report, the Government does not accept that this necessarily lends support to claims for additional Commonwealth funding to be provided to the non-government sector for students with disabilities.

Nevertheless, the Government acknowledges the concerns expressed by the Catholic and independent sectors in relation to the Senate Committee's comments about the income available to their respective sectors and the sectors' capacity to adequately address the needs of students with disabilities. The sectors will have an opportunity to raise issues relating to Commonwealth funding for students with disabilities in non-government schools in the context of planning for the 2005-08 quadrennium.

### **Post-school education and training**

In 2000, the Australian National Training Authority (ANTA) agreed to *Bridging Pathways*, a national strategy and blueprint for 2000-2005 with the aim of increasing opportunities for people with disabilities in vocational education and training (VET). The Government has provided \$2 million to ANTA for national actions outlined in the Disability Blueprint. Funds have also been provided for ANTA to manage the Commonwealth's *Equity Development and Training Innovation Programme* which is being used to achieve the outcomes of the Blueprint.

In addition, the Government funds a range of initiatives to improve access by people with disabilities in VET. These include the *Disabled Apprenticeship Wage Support Programme* which provides weekly wage support to employers who take on an apprentice with a disability and the *New Apprenticeships Access Programme* which is designed to assist job seekers, including people with disabilities, who experience barriers to skilled employment. As part of the *Australians Working Together* package announced in 2001, the Government is providing \$28.2 million over three years from 2002 to increase participation by people with disabilities in mainstream VET and to improve service coordination. This includes \$3.7 million to establish a *Disability Coordination Officer (DCO) Programme* to assist people with disabilities move between school, VET, higher education and employment, and to succeed in their chosen studies. The programme, which commenced in July 2002, is aimed at increasing the awareness of post-school options, supports and services available for people with a disability, their families and support networks.

The Commonwealth Government provides the bulk of public funding for universities which are responsible for ensuring that higher education is accessible to people from all equity groups,

including students with disabilities, and that these students receive a quality education. Universities are required to report to the Commonwealth as part of accountability arrangements.

In 2003, the Government is providing \$6 million in supplementary funding under the *Higher Education Equity Programme* (HEEP) to encourage universities to undertake strategies aimed at increasing the participation of higher education students from equity groups, including students with disabilities. As part of the *Backing Australia's Future* initiatives announced in the 2003-04 Budget, additional funding of \$2.3 million per annum will be provided through HEEP from 2005.

The *Regional Disability Liaison Officer (RDLO) Programme*, which is funded under HEEP, provides practical support and assistance to students with disabilities making the transition from school to university or TAFE and then on to employment.

Supplementary funding has also been provided under the *Additional Support for Students with Disabilities Programme* (ASSDP) to assist universities with the costs of providing high-cost support, such as specialist services or equipment, to the growing number of students with disabilities who are participating in higher education. In the *Backing Australia's Future* package, funding for this programme has been increased by \$1.1 million per annum from 2005, which will take the total funding to \$4.1 million per annum.

### **Response to recommendations in the report**

The Government's response to each of the recommendations contained in the Senate Committee's report is set out below. Seven of the recommendations propose that action should be taken under the auspices of the Ministerial Council for Education, Employment, Training and Youth Affairs (MCEETYA). The Government will formally refer these recommendations to MCEETYA, or, where considered more appropriate, to school education authorities and/or peak bodies in the higher education sector. In addition, the Government will refer a number of the other recommendations in the report to relevant bodies for consideration.

## **Recommendation 1**

*The Committee recommends that:*

*Within a reasonable period, all teacher aides working with students with disabilities should be qualified in special education from an accredited teacher aide training course, and that this should be a condition of additional Commonwealth funding for disability education.*

## **Response**

The Government supports, in principle, training programmes for teacher aides. Accredited training courses for teacher aides represents one means of producing a more knowledgeable and skilled pool of people to support teachers in the classroom.

State and Territory government and non-government education authorities are responsible for the employment of school staff and for determining the qualification required for different categories of staff. Accordingly, the Government will refer the first part of the recommendation to the heads of education departments in each State and Territory, the NCEC and the Independent Schools Council of Australia (ISCA), formerly known as NCISA, for consideration.

The Government does not support the second part of the recommendation to impose a condition on Commonwealth funding for special education linked to reporting about teacher aide qualifications as this runs counter to the emphasis on student outcomes which has become a key feature of Commonwealth programmes and State-Commonwealth relations in school education.

Under the SGA, all State and Territory education authorities are required, as a condition of funding, to commit to the *National Goals for Schooling in the Twenty-First Century* and achieve any performance measures, including targets, incorporated in the SGA. The Government will continue to support the development and implementation of comparable performance measurement and reporting for students with disabilities through MCEETYA.

## **Recommendation 2**

*The Committee recommends that:*

*The Commonwealth should commission a study to develop a best practice funding model to support the needs of students with disabilities in schools.*

## **Response**

The Government is providing \$1.4 billion over the 2001-2004 quadrennium to school education authorities under the SAISO programme to provide for educationally disadvantaged students. In the 2003-04 Budget, the Government announced some \$172.3 million over the next four years to continue funding at existing levels.

A significant portion of the money provided under the SAISO programme is used by school education authorities to provide additional support for students with disabilities. Moreover, Commonwealth targeted funding is only one source of assistance available to education authorities to provide for educationally disadvantaged students and constitutes a small component of the total resources used to support them.

The allocation of funding to support the needs of students with disabilities in schools is the responsibility of State and Territory government and non-government school education authorities. While recognising this, the Government believes that processes used by jurisdictions to distribute assistance for students with disabilities should maximise the effectiveness of this assistance for those students most in need of additional assistance and to improve student outcomes.

The range of models in place across jurisdictions to allocate support to schools reflect the diversity of influences and issues that education authorities must take into account in providing support for this very heterogenous group of students, not least the available resources within a sector to support these students.

Given the above, the Government believes that the appropriate course of action would be for State and Territory government and non-government education authorities to consider whether a study that informs improvements in the processes used by jurisdictions to distribute assistance for students with disabilities should be undertaken. The Government will therefore refer the matter to MCEETYA for consideration.



### **Recommendation 3**

*The Committee recommends that:*

*MCEETYA should develop nationally agreed definitions of disabilities.*

### **Response**

The Government acknowledges that the lack of consistency in the definitions of disability across jurisdictions has implications for the allocation of resources and therefore for individual students and their families as well. In addition, lack of consistency affects the capacity to monitor the outcomes of students with disabilities at a national level.

With regard to funding for students with disabilities, there are two elements - firstly, which students are accepted as having a disability, which triggers the possibility of additional support and, secondly, how the levels of additional support provided for these students are determined. The two issues are linked in that the provision of additional support is contingent upon an assessment of the existence of a particular impairment and the extent of that impairment. Differences in the levels of support provided for students with disabilities are due mainly to differences in the criteria used to assess a student's impairment and the resources available to the education system or school to provide additional support for students with disabilities.

It would be appropriate for MCEETYA to consider the extent to which States and sectors might be prepared to work towards adopting a more uniform approach to defining disability and assessing student needs.

With regard to the reporting of educational outcomes for students with disabilities, the *National Goals for Schooling in the Twenty-First Century* provides the framework for nationally comparable reporting of educational outcomes for all students. The intention is that performance information should be disaggregated by various sub-groups in the student population, including students with disabilities. A nationally agreed definition that can be applied uniformly is needed before comparable data on the educational outcomes of students with disabilities can be collected.

As noted in the report, the MCEETYA Performance Measurement and Reporting Taskforce (PMRT) has commissioned a project to identify definitional issues relevant to nationally comparable reporting of educational outcomes of students with disabilities. The PMRT's objective is to develop a definition of "students with disabilities" as opposed to a definition of "disabilities" as set out in the recommendation. There are major conceptual and practical issues that need to be addressed in seeking to develop a common definition for reporting purposes, and the process is not a simple one.

The Government will refer the recommendation to MCEETYA for consideration.

#### **Recommendation 4**

*The Committee recommends that:*

*MCEETYA should investigate the development of teacher exchange programs for staff of 'lighthouse' special schools and mainstream schools.*

#### **Response**

The Government considers that this recommendation is worth exploring. Programmes of the type proposed have the potential to improve the quality of the teaching workforce, particularly teachers in mainstream schools. They could provide a useful mechanism for teachers in the various educational settings to develop closer links and collaboration and for systems to make better use of available expertise.

Arrangements of the kind proposed are primarily the responsibility of State and Territory government and non-government education authorities who employ teachers. These authorities are best placed to develop exchange programmes to address the needs in individual jurisdictions. Accordingly, the Government considers that this is a matter more appropriate for State and Territory education authorities than for MCEETYA.

The Government supports the thrust of this recommendation and will refer it to the heads of education departments in each State and Territory, the NCEC and the ISCA for consideration.

## **Recommendation 5**

*The Committee recommends that:*

*MCEETYA should commission an assessment of the outcomes of inclusive policies for students with disabilities; and devise implementation and professional development strategies for teachers and school administrators to improve these outcomes.*

## **Recommendation 6**

*The Committee recommends that:*

*MCEETYA should develop a policy on inclusive education that recognises the importance of having a range of schooling options for students with disabilities.*

## **Response**

With regard to the proposal to assess the outcomes of inclusive policies for students with disabilities, the Government believes that, until such time as reliable performance outcomes data are available for this group of students (currently under investigation through MCEETYA), any broad-level study to investigate the benefits or otherwise of inclusion versus non-inclusion is unlikely to provide useful information.

The development and implementation of professional learning strategies that may flow from such a study would be best undertaken by State and Territory government and non-government school education authorities in consultation with their teachers in order to meet the individual needs of their student communities. The Commonwealth could support that process through its QTP.

The recommendation to develop a national policy on inclusive education needs to be viewed in the context of the fact that individual school authorities already recognise the importance of having a range of schooling options for students with disabilities.

Notwithstanding these concerns, the proposals contained in the recommendations are matters which should be considered by MCEETYA. The Government will refer them to MCEETYA for consideration.

## **Recommendation 7**

*The Committee recommends that:*

*Subject to assessment under Australian trials currently being conducted, routine screening of the hearing of all Australian newborn children should be adopted.*

## **Response**

The screening for newborn children is a responsibility of State and Territory governments.

The National Health and Medical Research Council (NHMRC) report, *Child Health Screening and Surveillance: A Critical Review of the Evidence 2002*, recommended that “Hearing screening before discharge for all neonatal intensive care unit neonates, and preferably all neonates admitted to special care nurseries for more than 48 hours, is now accepted best practice and should become a high priority at State level.”

The Australian Health Ministers have requested the Medical Services Advisory Committee to undertake a full health technology assessment, including cost effectiveness of a universal neonatal hearing screening.

In addition, the Commonwealth Department of Health and Ageing is working closely with States and Territories to progress the findings and issues raised by the NHMRC report.

Except for Queensland and Tasmania, all States and Territories have implemented or are planning to introduce universal newborn hearing screening programmes, at least in a pilot form.

The Government supports, in principle, routine screening of hearing of all newborn children and will refer the recommendation to State and Territory departments of health for consideration.

## Recommendation 8

*The Committee recommends that:*

*MCEETYA should examine options to re-introduce some form of regular screening for sensory impairment for school and pre-school age children, either within schools or as part of community health and immunisation programs.*

## Response

Under the Australian Health Care Agreements, service delivery for community child health screening and surveillance are a State and Territory government responsibility. The Commonwealth Government considers that ideally such services are best provided in family focused centres that are multi-dimensional and community based.

The Commonwealth, through the Office for Aboriginal and Torres Strait Islander Health (OATSIH) does, however, provide a specific ear and hearing health programme targeting the 0 - 5 age group, as well as an eye programme for all Aboriginal and Torres Strait Islander people.

A review of *The National Aboriginal and Torres Strait Islander Hearing Strategy 1995-99* released in 2002 has recommended that ear health should be positioned within a comprehensive, population-based approach to family, maternal and child health. The OATSIH and the Office of Hearing Services (OHS) within the Commonwealth Department of Health and Ageing are developing implementation strategies for the report recommendations. It is expected that DEST will participate in this process.

Support for screening for hearing impairment in the pre-school period has received varied support generally but is strongly supported for Aboriginal children. *The Systematic Review of Existing Evidence and Primary Care Guidelines on the Management of Otitis Media in Aboriginal Populations (March 2001)* recommends routine screening for otitis media in Aboriginal and Torres Strait Islander infants both opportunistically and during well baby clinics. The hearing health of older children falls appropriately within the realm of jurisdictional health service provision in collaboration with schools and Aboriginal Community Controlled Health organisations.

As a result of the findings of the *Report on Commonwealth Funded Hearing Services to Aboriginal and Torres Strait Islander Peoples: Strategies for Future Action*, the Office of Hearing Services is developing options for lowering the eligibility age for Indigenous Australians to access the Commonwealth Hearing Services Program. The OHS is also considering how to streamline access to the Commonwealth Hearing Services Program for Indigenous Australians and is working with Australian Hearing to simplify the processes required.

In 1998, the Government funded the *National Aboriginal and Torres Strait Islander Eye Health Program* which seeks to increase the capacity of Aboriginal Community Controlled Health Services in eye health. The programme is based on a regional model of eye health service delivery focusing on increasing access to eye health services (particularly specialist support) in Aboriginal and Torres Strait Islander primary health care settings. A review of this programme is currently being undertaken and the report is due in mid-2003.

As this recommendation is primarily a matter for health authorities, the Government will refer it to the Australian Health Ministers Conference for consideration as well as to MCEETYA.

## Recommendation 9

*The Committee recommends that:*

*The transition of students with disabilities from school to further study, employment and lifelong learning should be the subject of further inquiry.*

## Response

In June 2000, MCEETYA made a five-year commitment to improving opportunities for people with a disability in VET by endorsing the Australian National Training Authority Disability Forum's national strategy: *Bridging Pathways: national plan of action for increasing opportunities for people with a disability in vocational education and training* and the accompanying Blueprint, which provided a clear approach for training providers to accommodate the needs of people with a disability.

The MCEETYA Transition from School Taskforce, which is responsible for undertaking the relevant VET in Schools actions in the Blueprint, is currently undertaking national research into the participation of students with a disability in VET in Schools programmes. The project will assess the current performance and future priorities of these programmes with regard to achieving improved outcomes for young people with a disability.

The *Enterprise and Career Education Foundation (ECEF) Disability Initiative*, launched in 2000, supported three "lighthouse" projects to increase structured workplace learning opportunities for students with a disability. The projects, which involve an alliance of education, industry and Commonwealth Employment Placement and Training agencies, have identified a range of models that can be incorporated into mainstream structured learning programmes. These projects will continue to be funded under existing Structured Workplace Learning (SWL) contractual arrangements, following the 2003-04 Budget decision which will result in the transfer of all SWL programme functions from ECEF to DEST.

In addition, the Government is providing \$3.7 million over three years under the DCO programme to assist people with disabilities move between school, VET, higher education and employment, and to succeed in their chosen studies. The programme, which commenced in July 2002, is aimed at increasing the awareness of post-school options, supports and services available for people with a disability, their families and support networks. This programme complements the RDLO programme which provides practical support and assistance for students with disabilities in higher education.

The Government considers that further inquiry into issues related to the transition of students with disabilities from school to further study, employment and lifelong learning is not necessary at this stage given the body of work already underway.

## **Recommendation 10**

*The Committee recommends that:*

*All university teacher training courses should include a mandatory unit on the education of atypical students (including students with a disability and gifted students), to familiarise trainee teachers with classroom methods appropriate for students across the spectrum of ability.*

## **Response**

The provision of pre-service teacher training programmes is largely a matter for State and Territory government and non-government school education authorities.

Pedagogical issues, such as curriculum and course design, are matters for university providers of pre-service teacher training programmes and it could be expected that these providers would be cognisant of employer requirements in determining course content.

As the employers of teachers, State and Territory governments and non-government education authorities are in a strong position to influence teaching course requirements, including any requirement for a focus on the learning needs of atypical children such as those with a disability or those who are gifted.

While only two States (New South Wales and Western Australia) have mandatory requirements that ensure pre-service teacher training programmes include course components in special education, institutions in other States and Territories provide non-mandatory course components in inclusive education. Consequently, if all State and Territory education authorities were to require new teachers to have received this training it may be a quite straight forward matter to adjust course structures.

The Government will refer the recommendation to the heads of education departments in each State and Territory, the NCEC and the ISCA for consideration. It will also undertake to bring these issues to the attention of the higher education sector through the Australian Vice-Chancellors' Committee and the Australian Council of Deans of Education.

## Recommendations 11

*The Committee recommends that:*

*The Teachers for the 21<sup>st</sup> Century—Making the Difference program should be extended as a national professional development scheme, with funding augmented to target improved performance outcomes for teaching and learning especially for atypical children in all education settings.*

## Recommendations 12

*The Committee recommends that:*

*The Commonwealth, through MCEETYA, should set out broad guidelines on the duration and structure of courses to be implemented through this national professional development scheme, and establish an appropriate evaluation process.*

## Response

The central purpose of the Commonwealth's *Teachers for the 21<sup>st</sup> Century* initiative is to improve teacher quality and increase the number of highly effective Australian schools in order to maximise student learning outcomes. The QTP, which is the primary funding source for the initiative, primarily seeks to improve teacher quality by developing, refreshing and deepening the professional skills of all teachers through targeted professional development. The QTP has been extended until June 2005, bringing the Commonwealth's commitment to the programme to \$159.2 million. The programme currently provides for teachers in disadvantaged schools, as well as other teacher target groups.

The QTP has the flexibility to provide professional learning opportunities for teachers which are intended to improve performance outcomes of students with disabilities. The Government will be examining ways to further support professional learning for teachers of students with disabilities.

Current programme guidelines allow for the structure and duration of courses to be determined by the State and Territory education authorities in consultation with teachers; this ensures the programme is best placed to meet the local needs of teachers, schools and students. Initial outcomes from the programme review indicate that the programme has been successful in increasing teachers' skills and understanding and enhancing the status of the profession. There would be no additional value in seeking to have MCEETYA establish guidelines on the duration and structure of professional learning opportunities. The QTP will continue to be rigorously evaluated over the extended funding period.

It should also be noted that the interim report, *Attracting and Retaining Teachers of Science, Technology and Mathematics*, which has been released by the independent Committee for the Review of Teaching and Teacher Education, supports career long professional learning both in discipline and pedagogy to encourage, support and improve student learning.

As outlined in the Introduction, the Government is taking specific action to increase teachers' knowledge and understanding of how to enhance the literacy and numeracy development of school students with disabilities and learning difficulties. Funding of \$4.5 million is being provided under the *Effective Teaching and Learning Practices for Students with Learning Difficulties Initiative* for projects at the national and State levels aimed at improving outcomes for students with disabilities in mainstream schools.



As demonstrated by the programmes and initiatives outlined above, the Government is strongly committed to improving professional development opportunities for teachers of educationally disadvantaged groups, including students with disabilities. As the outcomes sought through these particular recommendations are, to a large extent, already being fostered under existing programmes, the Government does not support implementation of the recommendations.

## **Recommendation 13**

*The Committee recommends that:*

*MCEETYA should undertake a study to identify deficiencies in service provision for students with disabilities in rural, regional and remote areas, as part of a project aimed at addressing the overall shortage of specialist educators.*

## **Response**

In recent years there have been many studies and inquiries into the needs of rural students and the additional disadvantage experienced by students with disabilities in rural areas continues to be highlighted as a major issue.

It is apparent from previous investigations that it is not just the area of education that needs to be involved. For the needs of rural students with disabilities to be better addressed a more holistic, co-ordinated, cross-government approach should be adopted, including health and community services. The Government acknowledges the need for this approach in developing policy directions in a number of areas.

In 2001, MCEETYA published a report on *Demand and Supply of Primary and Secondary School Teachers in Australia* which found that there were ongoing recruitment difficulties in a number of specialist areas including for schools in rural and remote regions. In relation to special education teachers, the report noted that recruitment difficulties were being experienced in all States and Territories except New South Wales and Western Australia.

The next MCEETYA report, focussing on 2002, is currently being finalised and is expected to be released later this year.

Given the above, it would be important that any new study should not merely go over old ground in identifying problems, but should develop strategies and action plans for education authorities and other relevant departments and areas of government to make a genuine difference to the educational opportunities of these students.

The Government will refer the recommendation to MCEETYA for consideration.

## **Recommendation 14**

*The Committee recommends that:*

*MCEETYA should commission research to evaluate the effects of changes in the role and employment conditions of special education teachers, and to assess the adequacy and appropriateness of current specialist consultation models.*

## **Response**

The Government has a keen interest in shaping future national directions of the teaching profession in a way that will develop a culture of lifelong learning and innovation and strengthen the appeal of a career in teaching in a way that will be of benefit to all Australian school students. The Review of Teaching and Teacher Education, for example, is currently investigating how talented people are attracted to teaching as a career.

The Government is aware that the integration of students with disabilities into mainstream schools in recent years has meant significant changes for many teachers. In addition, more rigorous curriculum requirements, increased parental expectations, the need to manage students from a wide range of social and cultural backgrounds and problems with teacher morale have increased pressure on all members of the teaching profession.

However, as responsibility for determining the specific roles and responsibilities and employment conditions of teachers rests with State and Territory government and non-government school education authorities, the Government believes that it would be more appropriate for any work which examines the changing roles and responsibilities of specialist teachers in a detailed way should be undertaken at the level of individual jurisdictions.

Accordingly, the Government will refer the recommendation to the heads of education departments in each State and Territory, the NCEC and the ISCA for consideration.

## Recommendation 15

*The Committee recommends that:*

*The Department of Education, Science and Training should explore options for the establishment of a scheme designed to assist students with disabilities to purchase assistive equipment.*

## Response

The issue of providing assistance equipment to support the education of students with disabilities is discussed in Chapter 6 of the Senate Committee's report relating to post-secondary education. Given this, the recommendation has been interpreted to relate to students with disabilities in both VET and higher education, but not schools.

State and Territory training authorities have responsibility for the delivery of VET, including any assistance to individual students. The Commonwealth is providing \$24.4 million over 3 years from July 2002 under the *Australians Working Together* package to increase participation by people with disabilities in mainstream VET. These funds are being distributed to State and Territory training authorities through the Australian National Training Authority to contribute to their efforts to assist people with disabilities to enter and complete VET. The funding covers the cost of training places as well as associated learning supports, including any assistive equipment that may be needed to support students with a disability.

Higher education institutions receive Commonwealth funding to ensure that higher education is accessible to people from all equity groups, including students with disabilities, and that these students receive quality education. In addition to general recurrent funding, in 2002 the Commonwealth commenced the ASSDP. Higher education institutions may apply for additional funding under this programme to assist with the costs of purchasing special equipment, such as assistive technology equipment, for use by students with disabilities. Institutions may choose to lend this technology to students with disabilities for home use, but that would be a matter for the institutions as the owners of the equipment.

While access to assistive technology is an important factor towards achieving successful outcomes for students with disabilities, the Government considers that current programmes and arrangements provide adequate scope for institutions to meet the particular needs of these students.

For the reasons above, the Government does not support this recommendation.

## Recommendation 16

*The Committee recommends that:*

*The Commonwealth should fund universities to develop long-term strategies to improve the physical environment and pedagogy of universities to ensure equality of access for students with disabilities.*

## Response

Under existing arrangements, the Government expects higher education institutions to be taking a strategic approach to ensuring a physical environment and pedagogy that are appropriate to the needs of all their students, including students with disabilities. Funds are provided for the full range of university activities.

In addition, the Commonwealth provides funding to universities under HEEP to reward good practice in assisting disadvantaged students and provides for specific equity initiatives, including work to develop strategies to assist disadvantaged students. HEEP funding is also used to operate the network of Regional Disability Liaison Officers, who work with universities and other service providers in particular regions to coordinate services to students with disabilities.

In the *Backing Australia's Future* package announced in the 2003-04 Budget, funding under HEEP has been increased by \$2.3 million per annum from 2005, which will take the total funding provided for equity initiatives to \$8.3 million per annum. In addition, universities will be required to meet minimum criteria in order to receive HEEP funding, including the implementation of outreach and support services for disadvantaged students. Funding will then be allocated on the basis of the participation of, and outcomes for, disadvantaged students.

The ASSDP was introduced to assist universities to provide specific types of educational support and equipment for students with disabilities. The funding provided under the programme helps defray the costs of providing such support, which for some students can be quite significant. In the *Backing Australia's Future* package, funding for the programme was increased by \$1.1 million per annum from 2005, taking the total amount to \$4.1 million per annum.

Given the current level of Commonwealth funding support for students with disabilities in higher education and that programmes are already in place to provide for the outcomes sought by this particular recommendation, the Government does not accept the need for its implementation.

## **Recommendation 17**

*The Committee recommends that:*

*The Attorney-General should formulate the Disability Standards for Education 2002, under paragraph 31 (1) (b) of the Disability Discrimination Act 1992; and the Commonwealth should take the necessary legislative action to put the education standards beyond legal challenge.*

## **Response**

As outlined in the Introduction, the Government is working closely with education providers and stakeholders to address outstanding legal and financial issues, with a view to achieving agreement to implement the Standards.

At its July 2002 meeting, MCEETYA “expressed concern over the delay in finalising the Standards but agreed that outstanding legal and financial issues be addressed by December 2002 prior to the introduction of legislative amendments to the DDA if necessary, and to the implementation of the Standards, and urged all jurisdictions to work cooperatively on this matter”.

At its meeting on 18 December 2002, the MCEETYA Taskforce on Targeted Initiatives of National Significance, comprising representatives of all jurisdictions and stakeholders, agreed on the final draft form of the Standards. This draft, and the respective positions of the parties, was considered by the Australian Education Systems Officials Committee (AESOC) at its meeting on 21 February 2003. Following a further request from AESOC, the draft Standards have been slightly amended to better reflect the relationship between some key concepts. This version of the Standards will be considered by MCEETYA at its meeting on 10-11 July 2003.

While there was broad support for the Standards at the AESOC meeting, the support of a number of jurisdictions and stakeholders was subject to the finalisation of the Regulation Impact Statement (RIS), particularly in terms of a quantitative analysis of the costs and benefits of introducing the Standards. AESOC agreed that the draft Standards would be used as a basis for an independent analysis of the costs and benefits arising from compliance with the Standards over and above the costs of compliance with the DDA. In line with the Government’s position that any further work on the costs of implementing the Standards should be independent, robust and transparent, it commissioned a consultant to undertake the cost-benefit analysis, with a view to drawing upon its outcomes to complete the RIS. This matter is discussed further in the response to recommendation 18.

The major purpose of the Standards is to provide greater clarity of rights and obligations current under the DDA. The draft Standards would vary the operation of the DDA in three areas by extending the defence of unjustifiable hardship beyond the point of enrolment to include other areas of the Standards, by including, in the definition of “education provider”, “bodies whose purpose is the development and accreditation of curricula, training packages or courses” (including statutory authorities), and by broadening the scope of the harassment and victimisation provisions. The Government has received legal advice that the Standards are able to validly alter the operation of the DDA in the ways set out above. However, to put these matters beyond doubt, it will consider the need for any minor amendments to the DDA as part of the implementation of the Standards.

## Recommendation 18

*The Committee recommends that:*

*Commonwealth, state and territory governments should share the cost of implementing the education standards. MCEETYA is the appropriate forum to determine the extent that these costs should be shared.*

## Response

In relation to the implementation of the Standards, the Government is aware of the concerns of stakeholders including those of the non-government school sector regarding potential costs to school communities in terms of ensuring access to facilities and supporting the specific educational needs of individual students with a disability. It should be noted that the Standards would only require education providers to take *reasonable* steps and to make *reasonable* adjustments. In addition, the Standards seek to extend the 'unjustifiable hardship' provision beyond the point of enrolment (as under the DDA) to also apply to the areas of participation; curriculum development, accreditation and delivery; students support services; and elimination of harassment and victimisation. This provision has the potential to minimise costs for providers.

As the draft Standards would clarify rights and obligations under the DDA in the area of education and would not alter the definition of 'disability', the Government believes that the implementation of the Standards should not involve significant costs for education and training providers who already comply with the DDA.

The draft RIS, prepared in 2002, included cost estimates provided by a number of state jurisdictions, based on the assumption that 18 per cent of school students would fall within the DDA definition of 'disability'. There is no substantiated evidence for this assumption. (State and Territory jurisdictions and the non-government sector currently identify 3.4 per cent of the overall school student cohort as students with disabilities for support under the SAISO programme). As the Standards would not change the definition of 'disability', there should not be an increase in the cohort of students with disabilities, and adjustments beyond current provisions would not be required.

The cost-benefit analysis mentioned in the response to recommendation 17 takes account of both quantitative and qualitative data provided by education providers and stakeholders as well as relevant research and supporting information. In preparing their report, the consultants estimated costs and benefits for each of the areas of the Standards (enrolment; participation, curriculum development, accreditation and delivery; student support services; and elimination of harassment and victimisation), and addressed a number of conceptual challenges in assessing the reasonable marginal costs of the Standards over and above the costs of compliance with the DDA.

In undertaking their analysis the consultants found that as the definition of disability applying to the Standards is identical with that underpinning the DDA, there is no validity in the assumed increase in the size of the cohort of students with disabilities. They also found that many providers attributed to the Standards, costs that should be attributed to compliance with the DDA. Key outcomes of the study are that:

- the net impact of the Standards would be positive with the overall benefits of the Standards exceeding the costs;

- professional development to support the introduction of the Standards is a reasonable cost attributable to the Standards; and
- the principal impact of the Standards would be to provide increased clarity for education providers as to their obligations under the DDA and for students with disabilities as to their entitlements under the DDA.

The Government has referred the findings of the independent cost-benefit analysis to MCEETYA for consideration at its meeting on 10-11 July 2003.



## Recommendation 19

*The Committee recommends that:*

*The conditions on which financial assistance is paid to state and territory education authorities, and the supporting guidelines for quadrennial funding, should be strengthened to include reporting processes that ensure that Commonwealth funds for students with disabilities are spent on students with disabilities.*

## Response

A key priority for the Commonwealth is to drive improvement in learning outcomes through better accountability and reporting. The *National Goals for Schooling in the 21<sup>st</sup> Century* provide the framework for nationally comparable reporting of the outcomes of schooling. The MCEETYA Performance Measurement and Reporting Taskforce (PMRT) is responsible for developing and implementing measures in priority areas identified by Ministers. In relation to literacy and numeracy, minimum standards (benchmarks) for Years 3, 5 and 7 have been agreed by Ministers and students are being tested at these year levels using existing State tests.

Under the SGA, the States and Territories are required to commit to achieving performance targets and measures and to report against these measures through the Annual National Report on Schooling.

Currently, some States/Territories report an individual student's national literacy and numeracy benchmark results to his/her parents. The Commonwealth is committed to securing State and Territory reporting to all parents of their child's skills in literacy and numeracy against national standards.

It has also been agreed that performance information should be disaggregated by various sub-groups in the student population, including students with disabilities. Before educational outcomes for students with disabilities could be reported on a nationally comparable basis, an agreed definition for students with disabilities for reporting purposes is required. The PMRT has commissioned a project to examine the feasibility of developing such a definition.

Given these developments, the Government believes that the way forward is not to impose input reporting requirements but to continue with work to develop comparable performance measurement and reporting in relation to students with disabilities, which would provide an indication of the effectiveness of the targeted funding for students with disabilities.

The Government believes that strengthening the financial accountability for Commonwealth funding in the way proposed by the Committee would significantly increase the reporting burden on schools and systems for questionable benefit. It would be possible to require schools and systems to report annually on the expenditure of Commonwealth grants for students with disabilities. However, the reporting process would be burdensome for the schools and systems. It would also present a number of practical difficulties, for example, in estimating what proportion of literacy funding at school level has benefited students with disabilities, or identifying what proportion of total funding supporting students with disabilities was provided by the Commonwealth.

Furthermore, the recommendation runs counter to the broadbanding provisions of the States Grants schools' legislation. It is questionable whether the reimposition of input reporting requirements would assist in ensuring "that Commonwealth funds are being used as Parliament intended" (paragraph 7.54 in the report), given that broadbanding of funds under the SAISO

programme is an integral part of the legislation which Parliament passed in 2000. A requirement that schools report to the Commonwealth on expenditure for one specified purpose runs counter to the spirit of operational flexibility contained in the legislation.

For the reasons outlined above, the Government does not support this recommendation.

This response is available in electronic form at: [http://www.dest.gov.au/edu/gen\\_ed\\_pubs.htm](http://www.dest.gov.au/edu/gen_ed_pubs.htm)