

Submission

to

Senate Employment, Workplace Relations and Education
References Committee

Inquiry into indigenous education funding arrangements

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Minister For Education and Training



Please quote

Our REF: 68326 - DO05/049019

Your REF:



Senator Trish Crossin
Chair
Employment, Workplace Relations and Education
References Committee
Suite SG 52
Parliament House
CANBERRA ACT 2600

Dear Senator Crossin

I am pleased to enclose a submission from the Department of Education and Training of Western Australia to the Employment, Workplace Relations and Education References Committee Inquiry into new Indigenous education funding arrangements.

As previously advised, Mr Robert Somerville AM, Director, Aboriginal Education, Training and Services will be available to meet and discuss these matters.

Mr Somerville can be contacted on (08) 9264 4913.

Yours sincerely

The Hon. Ljiljanna Ravlich MLC
MINISTER FOR EDUCATION AND TRAINING

Enc.

29 MAR 2005

INQUIRY INTO NEW INDIGENOUS EDUCATION FUNDING ARRANGEMENTS SUBMISSION FROM THE DEPARTMENT OF EDUCATION AND TRAINING OF WESTERN AUSTRALIA

INTRODUCTION

This submission to the Employment, Workplace Relations and Education Committee of the Australian Senate is made in response to a request to the Hon Alan Carpenter MLA, the then Minister for Education and Training in Western Australia, for comment on the implications arising from changes made in 2004 to targeted assistance in Indigenous education, notably amendments to the Indigenous Education (Targeted Assistance) Amendment Bill 2004. This Act and the Funding Agreement between the Commonwealth of Australia (as represented by the Department of Education, Science and Training) and the Western Australian Minister for Education and Training, is the key vehicle delivering national Government funding and other input to the improvement of Aboriginal education and training in Australia.

Although the Australian, State and Territory Governments have agreed the key policy objectives in Indigenous education and training, known as the National Aboriginal and Torres Strait Islander Education Policy and Partners in a Learning Culture, Australia's National Strategy for Vocational Education and Training 2000–2005, the responsibility for education and training has traditionally been State and Territory based. As direct funding for Aboriginal education and training has increasingly been provided by the Commonwealth Government, differences have arisen between the jurisdictions about the implementation of the agreed policy objectives. The present Agreement relates to a new quadrennium and the negotiation of more complex operating procedures for this period is continuing.

Terms of Reference 2 and 4 are not directly addressed in the submission. Term of Reference 2 is not applicable to this Department at this time. Term of Reference 4 is addressed under Term of Reference 1 as Aboriginal Student Support and Parent Awareness (ASSPA) committees have since been replaced by the Parent School Partnership Initiative (PSPI).

1. PROPOSED CHANGES TO THE IEDA AND IESIP PROGRAMS

1(a) The new tutorial assistance arrangements and Whole of School intervention strategy under IEDA

Indigenous Tutorial Assistance Scheme (ITAS)

Western Australia has achieved agreement with the Department of Education, Science and Training in relation to the Indigenous Tutorial Assistance Scheme, which replaced the Aboriginal Tutorial Assistance Scheme. The ITAS program is no longer available for every year of schooling. Instead, the targeted focus is now upon students who have not met literacy and numeracy benchmarks in Years 3, 5 and 7.

All schools with students in the eligible Years (4, 6 and 8) attending schools in non-metropolitan locations are entitled to apply. However the Department of Education, Science and Training requires that schools in the metropolitan area must have a total Aboriginal student enrolment greater than 20 to be able to apply.

Using a standard two page format, schools apply for funding to the Aboriginal Education, Training and Services Directorate of the Department of Education and Training. The application process is a proposal for funding and must demonstrate

the need for tuition in school hours as well as a strategy for using ITAS funding. The Aboriginal Education, Training and Services Directorate then evaluates the applications and offers funding to successful schools based on student numbers.

Two progress reports are required from schools on the implementation of the program. At the completion of the program each school will also be requested to complete a School Performance Report on student learning outcomes and other matters required by the Department of Education, Science and Training.

The exclusion of Indigenous students enrolled in the Vocational Education and Training sector from ITAS in the new *Indigenous Education Programs Provider Guidelines* is a major anomaly. Various categories of Indigenous students in the schooling sector can access tutoring support as can students attending universities, but those attending Vocational Education and Training institutions are excluded from the support of a tutor through the program.

The second key objective of Australia's National Aboriginal and Torres Strait Islander Strategy for Vocational Education and Training 2000-2005, *Partners in a Learning Culture*, is the achievement of participation in Vocational Education and Training for Indigenous people equal to those of the rest of the Australian community. This objective provides a strong emphasis on increasing the proportion of Indigenous students doing higher level and industry relevant courses and increasing support services for Indigenous students, especially those undertaking apprenticeships and traineeships. ITAS allows the employment of a tutor who can provide invaluable support of an academic nature as well as potentially being an important mentor who can make a great difference to students' retention in courses and the results they achieve.

To deny support to Indigenous students in the Vocational Education and Training sector, when their support has clearly been flagged as a national priority, is difficult to comprehend. The anomaly is underlined by the new guidelines allowing Indigenous students enrolled in Vocational Education and Training in schools programs to access tutorial support through ITAS, while students undertaking similar studies within the Vocational Education and Training sector are not.

Parent School Partnership Initiative (PSPI)

Western Australia was the first State to reach agreement with the Department of Education, Science and Training about the implementation of the Parent School Partnership Initiative program. The program replaced the previous grant based Aboriginal Student Support and Parent Awareness program with a competitive submission based program which it was envisaged would be administered by the Department of Education, Science and Training. However, it has been argued that submission based programs are inherently bureaucratic, reward articulate, well resourced schools and communities and disadvantage those with limited capabilities to compete successfully.

The education system in Western Australia has been devolved to school-based decision-making. Schools know best how to achieve results in their particular location/clientele and hence these decisions are best taken at the local level. Accordingly, expenditure decisions are now made at the individual school level from a global budget allocation to each school. Each school is already required to have a School Plan for Aboriginal Education. Schools are also expected to operate on a

continuous improvement basis and should therefore have a general understanding of initiatives that they would like to undertake.

As these procedures are already in place the Department has negotiated an administrative arrangement with the Department of Education, Science and Training which reflects the current procedures for the allocation of IESIP funds to Districts. Using the Department of Education, Science and Training paperwork, schools will submit a Concept Plan and a copy of the School Plan for Aboriginal Education to the District Aboriginal Council. The Concept Plans are ranked by the District Aboriginal Council and forwarded to the Department of Education, Science and Training State Office which will then advise schools and District Councils of the outcome, with funding forwarded to schools by the Department of Education and Training.

The arrangements reduce the complexity of the competitive bidding process and enable the District Councils to prioritise bids. The objective is to preserve what works best in Western Australia while meeting the Objectives of the Act.

3. ACCOUNTABILITY REQUIREMENTS APPLYING TO FUNDING AGREEMENTS MADE UNDER IEDA AND IESIP PROGRAMS

3(a) The new framework of performance monitoring and reporting on educational outcomes

The Indigenous Education (Targeted Assistance) Amendment Bill 2004 introduced three new types of accountability provisions in relation to agreements made under section 10 of the principal Act between the Commonwealth of Australia as represented by the Department of Education, Science and Training and funding recipients, in this case the Department of Education and Training of Western Australia. The new accountability provisions in the Act and agreements relate to commitments and general conditions, more specific conditions affecting educational accountability and, thirdly, specific conditions about financial accountability.

The commitments and general conditions reaffirm the Objects of the Act, achieving the goals of the National Aboriginal and Torres Strait Islander Education Policy and require commitments to seek to enhance communication of the objectives of the Act between the parties, achieve performance targets specified in the Agreement, recognise the importance of the National Report to Parliament and ensure that government agencies involved in the collection or processing of performance information comply with the Agreement.

The educational accountability conditions require compliance with reporting requirements on performance against specified performance indicators and targets, which are now required for different geographic regions. Another new condition enables the Commonwealth Minister for Education, Science and Training to direct a party to the Agreement to take action specified in the direction and report on the action taken if a party is not achieving the performance targets.

The educational accountability provisions in the 2004 Act and the proposed Agreement raise significant issues, including the appropriateness of performance indicators and targets embodied in the Framework, the introduction of regional geographic data categories, the extent and efficacy of reporting requirements, the use of reported information and the consequences when targets are not achieved. These matters have varying implications for the delivery, administration and evaluation of programs and are further discussed below

The financial accountability provisions of the Act and Agreement have been made more specific. In addition, parties to the Agreement are now required to report how they intend to advance the objectives of the Act from funds ["Other Funds"] derived from sources other than the Act and other specified legislation.

Appropriateness of performance indicators and targets

The policy framework for the achievement of equality in education and training outcomes for Indigenous Australians was originally established when all Australian Governments agreed in 1989 to implement the National Aboriginal and Torres Strait Islander Education Policy. The 21 national goals in this policy have an overarching objective to bring about equity in education and training outcomes for Indigenous Australians. Subsequently the Ministerial Council on Employment, Education, Training and Youth Affairs developed eight priority areas for Indigenous education and training.

Within this framework the Indigenous Education (Targeted Assistance) Act and Funding Agreement establishes the legislative and contractual framework for the delivery of Commonwealth funding to the States and Territories. In turn, the Commonwealth has developed *Indigenous Education Programs Provider Guidelines* and an *Indigenous Education Performance Monitoring and Reporting Framework – Standard suite of Performance Indicators* for the 2005 – 2008 quadrennium. This standard suite of indicators is intended to track progress, in particular, in the priority areas and more generally toward achieving the objectives of the National Aboriginal and Torres Strait Islander Education Policy.

The Department has reviewed the draft *Indigenous Education Performance Monitoring and Reporting Framework* for the 2005 – 2008 quadrennium and is currently in discussion with the Department of Education, Science and Training about a number of unresolved matters.

For example, achievement against Year 3, 5 and 7 literacy and numeracy benchmarks is the main measure of performance in the *Framework*.

In Western Australia student performance in Years 3, 5 and 7 is measured by the Western Australian Literacy and Numeracy Assessment, known as WALNA. WALNA is primarily used to monitor student performance at system or whole of State basis.

The closer a student score is to the benchmark, then the more uncertainty exists about the classification. In addition, the more the State student population is partitioned, for example into Aboriginal and non-Aboriginal students and into four geo-locations, the greater the confidence intervals are in relation to the percentage of students estimated as being above the benchmark.

The WALNA test provides the school and parents with information about each student based on a single test. Although the WALNA tests were designed to cover the whole range of student performance, particular emphasis has been placed on sufficient information being available at the lower end of the scale to allow estimates of performance in relation to the benchmark.

Information is also collected by each school about individual students and this is sent to parents together with data in relation to the WALNA benchmark. If the data about

the student's position in relation to the WALNA benchmark is inconsistent with school information about student performance then the school can comment on both results to the parents.

THE WALNA assessment has to work for children in all areas of the State and from all backgrounds. However for particular groups, notably Aboriginal students in remote areas (especially where standard Australian English is not their first language), the WALNA test may include some material not familiar to them.

Quite apart from statistical difficulties in dividing the aggregate data into meaningful subcategories and the issues involved in accurately evaluating students near one end of the distribution, it is possible that WALNA underestimates the capacity of Aboriginal children to read and write in English in some cases.

The combination of these factors suggests that while WALNA data is valuable in measuring performance at the system or State-wide level, it is inappropriate as a definitive classification of a student, which is what the Commonwealth is effectively seeking to do. In effect, the Commonwealth wants the States to identify Aboriginal students who are performing below benchmarks determined by the Commonwealth, but Western Australia does not classify students in this way.

Considerable resources have been committed by all states into developing test programmes and national equating processes to enable national reporting against benchmarks with State/Territory comparable data. These processes align the State's tests at the benchmark levels.

The Commonwealth is now insisting on implementing performance measures and targets against an artificial partitioning into quartiles. Western Australia is happy to provide information to the Commonwealth on the full range of student performance but is strongly opposed to setting targets in relation to an artificial population. Moreover these data would not be comparable across States and Territories.

To date, the State and Commonwealth have agreed to use WALNA as the measurement source but modified to be the data reported to the Ministerial Council on Employment, Education, Training and Youth Affairs for the National Report on Schooling in Australia. Negotiations are continuing in relation to modification of the measurement source, the large confidence interval and targets.

Differing views about the appropriateness of performance indicators and targets are also apparent when measuring the involvement of Indigenous people in committees that deal specifically with Indigenous or general educational issues. The Commonwealth has proposed a target of 100% Indigenous membership of committees dealing with Indigenous issues.

Western Australia is mindful of the role that key non-Aboriginal educators can play in these committees as resource participants. The State prefers a target that a 'majority' of members of committees dealing with Indigenous issues be Indigenous. Agreement has also not been reached in relation to performance indicators for Indigenous members of committees dealing with general educational issues.

The Commonwealth has also sought to extend reporting and performance monitoring systems to students in preschools, or kindergartens. There is no systematic testing regime for these students in Western Australia and the State is opposed to the

Commonwealth's plans to compel the introduction of literacy and numeracy tests in preschools or kindergartens.

The introduction of regional geographic data

Previous reporting has been as aggregate State level data. However, as a result of the changed reporting requirements by the Commonwealth Government it is expected that the Department will report outcomes at very remote, remote, rural/provincial and metropolitan levels.

Discussion is continuing with the Department of Education, Science and Training in relation to technical and other issues. For example, achievement against the Year 3, 5 and 7 literacy and numeracy benchmarks is the main measure of performance. However the geo-location classification adopted by the Commonwealth was designed for reporting in the National Report on Schooling in Australia at the State and national levels. It was not intended for partitioning other sub-groups because the numbers become too small. If Western Australia data on Indigenous and non-Indigenous students is partitioned by geo-location, the confidence intervals around the measures become larger, which reduces the usefulness of the data. In addition, if exemptions and absent/withdrawals are reported by geo-location, enormous data are provided which are both less useful and costly to produce.

Extent and efficacy of reporting requirements

As previously mentioned, the Department is currently in discussion with the Department of Education, Science and Training about the appropriateness of various performance indicators and targets. Quite apart from disagreements between the Commonwealth and the State about the appropriateness of some of the measures, this growing reporting requirement imposes additional costs on the State.

As compliance with the reporting requirements is a precondition of funding, the State has to create this data even where it is not relevant to the Western Australian jurisdiction and there is no existing framework to provide it. Nevertheless, the Department has consistently delivered performance reports and data required for the National Report to Parliament within the time frame laid down by the Department of Education, Science and Training over the previous quadrennium.

The Commonwealth now insists on being provided with an extensive standard suite of performance information. In most cases the data required are relevant to reporting on the achievements of Aboriginal students and other aspect of programs. In many cases, good quality data are now available and State and Territory comparisons are possible.

However, the use of targets with respect to these performance measures is problematic. Targets are useful if decisions about resource allocation are made on the basis of targets and the particular resources directly affect the outcomes. In practice, the Commonwealth will not accept realistic targets in the Agreement and States and Territories have been forced into agreeing to targets that are not achievable. One consequence of this is that Aboriginal communities sometimes gain an unrealistic expectation of the gains that can be made, especially in areas that have a direct effect on the communities themselves, such as the employment of Aboriginal people.

Use of reported information

Clause 13.1 of the proposed Agreement is extremely broad and, if agreed, would permit publication of any information that the Minister for Education or his Department has provided to the Commonwealth under the Agreement. Clause 13.3

empowers the Commonwealth to provide information in Performance Reports to the Productivity Commission to use in reporting to the Council of Australian Governments however the State would prefer that this information be sought from the source, that is, the Western Australian Department of Education and Training and not a third party, in this case the Department of Education, Science and Training. The Department is currently in discussion with the Department of Education, Science and Training about possible alternatives to this and other clauses affecting the release of information.

Consequences when performance targets are not achieved

In practice, the Commonwealth Minister for Education, Science and Training can both unilaterally set or vary performance targets at his discretion, be they realistic or not. Moreover, if the Minister considers that a party to the proposed Agreement is not achieving the performance targets, the Act empowers the Minister to direct that party to take the action specified in the direction and report on it. Under clause 29 of the proposed Agreement the Minister may also terminate the Agreement in various circumstances, including where the State is "unable to demonstrate progress, to Our [i.e., the Commonwealth's] satisfaction, towards achieving the Performance Targets".

When coupled with the Commonwealth Minister's ability to set or vary the performance targets, the powers conferred by the Act on the Minister where performance targets are not met enable the Commonwealth to directly intervene in the State based operating or program delivery agency and conceivably even to abrogate the Agreement based on quantitative criteria determined by the Commonwealth itself.

3(b) The new financial reporting arrangements

In addition to more detailed specification of the audit and reporting requirements, financial accountability provisions of the Act and Agreement have been expanded to include mandatory reporting of other expenditure on Aboriginal education made by the State of Western Australia. The Commonwealth has also imposed a requirement to provide an Indigenous Education Statement under the Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004.

While it is not unreasonable for the Commonwealth to demand that State efforts in the field of Aboriginal education and training do not diminish, it is not appropriate to require additional reporting on "Other Funds" as a precondition of funding under the proposed Agreement. Indeed, meaningful aggregation of data in relation to "Other Funds" applied to Aboriginal education in the Western Australian Education and Training budget is difficult to achieve.

Aboriginal students are unevenly distributed within individual schools but budget allocations are made to schools, not individual students. The resources go to schools and schools then allocate them according to their judgement of student needs. As the State does not allocate funds to individual students it is not possible to accurately attribute funding to Aboriginal education in the way the Commonwealth is anticipated to require. The State is awaiting detailed advice from the Department of Education, Science and Training about the required reporting.

5. THE EXTENT OF CONSULTATION BETWEEN THE COMMONWEALTH AND THE STATES, TERRITORIES, SCHOOLS AND PARENTS, ESPECIALLY ASSPA COMMITTEES, ABOUT POLICIES AND DETAILS OF CHANGES TO THE INDIGENOUS EDUCATION (TARGETED ASSISTANCE) ACT 2000.

Significant consultation has occurred between the Commonwealth Government (as represented by the Department of Education, Science and Training) and the Western Australian Government as represented by the Department of Education and Training. Following written comments to the Department of Education Science and Training in September 2004, formal bi-lateral discussions commenced in late January 2005 and are expected to conclude in March 2005 prior to the signing of the Indigenous Education Agreement.

These bi-lateral discussions involve substantial negotiations because there are technical and other differences between the Commonwealth and the State. Although a range of areas have already been agreed, other issues remain unresolved because we cannot reach agreement as it could place the Western Australian Government at particular risk, we do not collect the type of information sought by the Commonwealth, we disagree about its usefulness, or the State is opposed to further intrusion by the Commonwealth. To date the Commonwealth has been unwilling to compromise on key issues.

CONCLUSION

The Indigenous Education (Targeted Assistance) Amendment Bill 2004 delegates extensive powers to the Minister for Education, Science and Training and the Department of Education, Science and Training, including powers of direction that intrude into traditional areas of State education responsibility.

The Commonwealth Government and its agencies have also placed increasing emphasis on performance monitoring and reporting to track national progress toward the goals of the National Aboriginal and Torres Strait Islander Education Policy. Performance monitoring and reporting required by the Commonwealth is a condition of funding and is now very extensive. The existing data collection and reporting system in Western Australia is already expensive; it is also costly to make it more precisely achieve the level of reporting now required by the Commonwealth.

Many of the differences between the Commonwealth and the State have already been resolved in the current bi-lateral discussions however significant outstanding issues remain. These issues are about establishing targets, how these targets are reported on, the use of this information by the Commonwealth Government and what happens when targets are not achieved.