

National People with Disabilities and Carer Council

1. Introduction

The National People with Disabilities and Carer Council (NPWDCC) is pleased to provide this second submission to the Review of School Funding.

The first submission made by the Council detailed the policy context in which the review of education funding is taking place. Given the terms of reference for the review, the Council recommends that these are still the critical reference points for the development of an improved funding regime for education in Australia.

While there is not a substantial and exclusive focus on disability in the commissioned research, the Council is pleased to see that the reports contain some useful material on the need to improve the capacity of the education system and improve the capacity and quality of teaching for students with a disability.

The National People with Disabilities and Carer Council makes the following recommendations further to those in our original submission:

1. The reforms to school funding incorporate the policy imperatives of the National Disability Strategy
2. That the reforms deliver a detailed approach to learning and development as well as personal support for students with disabilities, contain a strengthened accountability framework for schools and jurisdictions to ensure that they can demonstrate compliance with Individual Education Plans, programmatic and staffing requirements as well as inclusive practices
3. That the reforms increase funding and additional requirements for pre and in-service professional development for teachers and school leaders

2. The National Disability Strategy

The National Disability Strategy was endorsed by COAG and launched in March this year. While all six areas of policy action relate to the well-being and full participation of people with a disability in the Australian community, the Learning and Skills policy imperatives are some of the most important in the NDS. Without access to a quality education, many of the other aims of the other policy action areas cannot be achieved.

- *Strengthen the capability of all education providers to deliver inclusive high quality educational programs for people with all abilities from early childhood through adulthood.*
- *Focus on reducing the disparity in educational outcomes for people with a disability and others.*

- *Ensure that government reforms and initiatives for early childhood, education, training and skill development are responsive to the needs of people with disability.*
- *Improve pathways for students with disability from school to further education, employment and lifelong learning.*

The commissioned research reports have, in part, informed the review of some options for funding arrangements for students with a disability however the Council strongly believes that the points above must be front and centre of the reformed funding regime for education and need to form the basis for the accountability mechanisms for the States and Territories.

The concurrent work to develop a common definition of disability is likely to improve national consistency across the current system but more fundamental reform of funding and delivery mechanisms in education is needed to wrap around that project to lift the outcomes for students with disabilities and related learning and development needs.

For the NPWDCC, the key aim of the reform of school funding is to ensure the system has the capacity to meet the full range of learning and development needs of all students. The reform must avoid a design where access to programs is based on diagnoses. It is the NPWDCC's strongly held view that some of the worst features of our current system are created by artificially based divisions using diagnosis as a filter. These divisions create major disadvantage for those students on the wrong side of these eligibility criteria. This is in addition to the need for greater capacity to deliver improved educational outcomes for every student in every school.

3. Assessing program effectiveness

In answer to a key question about the effectiveness of educational support programs, the ACER report recognises that there is little available data to assess which programs are effective due to few having been evaluated, and more disturbingly *'fewer still have been evaluated with student outcomes as a focus.'* (para384).

Despite this, ACER report that there were positive comments from education providers about programs for students with a disability. These comments were not explored in any detail, making it difficult to know precisely which programs in which jurisdiction and what features of these programs were regarded as positive. Could it be the administrative ease of funding, the decentralised decision making or the levels of funding? Or is it student achievement? If program outcome data is lacking, and no attempt was made to consult students and parents in the research, then making meaningful conclusions about the effectiveness of programs is not possible.

This flaw in the research design is even more disappointing given the need for specific data on the performance of disability support programs and the importance of taking ALL stakeholder views into account.

Through its detailed work in consulting for the development of the National Disability Strategy (NDS) the NPWDCC became aware of the problems students with disabilities have with the current system, and while this is acknowledged in this paragraph of the ACER report, no explanation or conclusion is drawn as to the reason for the different views of surveyed providers and those who made submissions to the NDS consultation and have represented their views to the NPWDCC.

The Council's original submission provided substantial detail on the feedback we received during the NDS consultations about the systemic difficulties with the present system, and if the review would like further information on this we are happy to provide it on request. The Council would like to see some acknowledgement on the differences in perspective in future reports.

The status of disability and impairment funding to schools as an add-on to core business in public education with few expectations or accountabilities perhaps explains why there is a paucity of data. Any new funding regime needs to ensure that there are clear accountabilities and data collection for school performance in this area.

4. Targeted program funding

The Council was pleased to see the idea of specific programmatic funding canvassed as a way of developing system capacity, as this was part of our proposal for a reformed funding regime. Respondents agreed that the capacity at both the system and school levels needs to be developed and that these levels need to effectively interact to enable a targeted approach for students with additional learning and development needs. In addition, it was acknowledged that an individual funding approach as the only means of targeting funding for support can have negative consequences if it:

- (i) truncates the managerial capacity at the system or sector level, or (ii) inhibits broader cooperation within the sector or (iii) broader cooperation with other sectors.(para 190)*

The Council's work in this area confirms that the current one-dimensional approach to disability support in education does in fact result in these consequences as well as practically inhibiting capacity building. As the per-capita funding approach is the only option available it has, to date, limited the debate to be just about the quantum of funding in these programs rather than looking at alternatives or companion programs. This feedback from the research is useful in that it recognises the need to have funding available for both individuals and for capacity. The Council strongly endorses this approach.

5. Resourcing schools

The ACER report discusses the dilemma of how to make the appropriate resources available to schools and makes the point that:

the right balance needs to be struck between getting funds down to the school level and building specialist sectoral expertise that can help make a difference to the quality of services being provided. (para321)

The suggestion of pooled resources is explored as a way of getting the right expertise down to the school level across the range of programs for disadvantaged students.

These staff are best able to encourage replication effects of good practice and improve their capabilities by working with many schools catering to similar educational needs of children. (para 192)

The pooled funding for such specialist support is posed as a model that can deliver equity and efficiency across the education system as well as a way of bringing the non-government sector into play. Under this approach resources from Commonwealth and State sources (and perhaps from programs outside the education portfolio such as health, disability or employment) would be combined to achieve the scale required to deliver this support universally.

The report suggests that these pools could be under the control of each of the relevant sectors (Catholic, independent and government) in each jurisdiction, however the Council believes it would be more efficient and equitable to have a universal system for all schools and balance this through adjustments to the funding formulas used to calculate funding distribution for each sector. A universal approach would also have the advantage of encouraging independent schools to enrol students with a disability by making the specialist resources available.

The Council believes that this approach could be a useful part of a multi-dimensional approach as it is a way of making specialist resources available at a regional level and assisting with collaboration between schools. It is an efficient means of ensuring the pockets of best practice and expertise currently found in the system are replicated more widely.

What is critical however is that the pooled funds held at a regional level are used to assist students with additional needs in learning in a manner that simultaneously builds the capacity of the local school. When specialist staff who are expected to assist teachers and students are located in regional offices, the delay in accessing support can be great leading to:

- increased frustration on the part of the student and the teacher;
- missed opportunities to develop capacity in the teacher;
- the consolidation of poor practice in the classroom;
- increased likelihood of the student being suspended.

Research confirms that teachers do not change their teaching practice without exposure to:

- what teaching actually looks like when it is done differently; and
- someone who can help them understand the difference between what they are doing and what they aspire to.¹

¹Ainscow, M. (2005) Developing inclusive education systems: what are the levers for change? *Journal of Educational Change* 6, 109-124

The use of coaching and mentoring by skilled school based colleagues is a highly valued professional learning strategy.

Hence Council believes that the regional pooled funds should purchase specialist expertise that is located in schools (with one specialist shared by a number of small schools). This could be backed up by staff with a higher level of specialisation at regional level to support and supervise the school based experts.

The specialist teacher in every school would assist all teachers in the school to develop their capacity for curriculum modification, IEP development, family inclusion and mentoring of teachers and community building to ensure that each school can be inclusive of students with disabilities and/or developmental learning issues.

This would enable a broader pool of expertise to be drawn upon – such as the expertise of specialist disability organisations – rather than the narrow pool of allied health professionals traditionally drawn upon by the education system. Providers would however need to be steeped in the workings of the education system so that their consultancy is context specific. This is particularly the case with very specialised skills

A strong theme that has emerged in the Council's work in this area is that the quality of inclusive education is largely personality dependent. An enlightened and motivated principal or integration coordinator who can provide strong mentoring to classroom teachers will often be the key to a successful educational experience for a student with a disability. A central feature of funding reform in this area should be to set standards and expectations around inclusive education, detailing practices, competencies and benchmarks for performance from everything from managing curriculum redesign, school leadership, staff training and working with families.

In addition to the list of the most effective components of 'instructional leadership' in schools from the NOUS report:

- Promoting and participating in teacher learning and development
- Planning, coordinating and evaluating teaching and the curriculum (e.g. direct involvement in the support and evaluation of teaching through regular classroom visits and provision of formative and summative feedback to teachers)
- Strategic resourcing (aligning resources to priority teaching goals)
- Establishing goals and expectations and
- Ensuring an orderly and supportive environment, both inside and outside the classroom.

The Council would like to see a similar list for 'inclusive leadership' embedded in the set of expectations for schools in the new funding regime. It could include:

- Promoting an inclusive school community with emphasis on full school participation, curricula and social inclusion
- Provision of mentoring to staff around inclusive education and IEPs
- Adoption of inclusive employment policies

- Recognising and responding to the individual learning, social and emotional needs of each student
- Engaging in partnerships with families in the education of students with a disability.

Such pooled resources would only be effective if they were complemented by individual funding for students who have a need for specific supports at school and by a regime of professional teacher training to improve teaching skills across the system.

5.1 Individual support

In addition to building the capacity of schools and teachers to meet the needs of students with a disability, a separate stream of funding to support individual students is also required. There are many students who need individualised assistance with aids and equipment, personal care, one to one learning, behaviour support and prompting or close supervision to enable them to effectively learn at school.

This type of funding must be maintained and must also be complemented by other programs that can provide the specialist input and overall capacity building. In noting that the investment in individual support has not delivered good educational outcomes for students with disabilities, the Council is in no way saying that this form of funding is redundant – the fact is that it needs to be part of a more comprehensive system of support. The ACER report bears this out.

However, the Council strongly recommends splitting the funding for personal support from learning support. Different skills are required for these very different functions.

Learning support should be provided by trained personnel and there should be flexibility in the decision to attach them to an individual child or groups of children – and the funding for this function need not be permanently attached to the individual.

The funding for personal support should however be attached to the individual although it may not be needed for the whole day and the assistance should only be given where it is needed. No adult should spend all day with a child unless it is absolutely necessary as part of the purpose of inclusive education is to facilitate integration between disabled and non-disabled children in the school setting.

6. Professional development

The NOUS report highlights the value of quality teaching, and this is highly relevant for students with a disability:

There are two underpinning principles about student success at school that emerge from the research. Putting aside SES background and other particular characteristics:

- 1. The best predictor of a child's future performance is his/her past performance*
- 2. The greatest influence on performance is what happens in the classroom - that is, the effectiveness of teaching.*

In other words, a child will continue to perform as they always have unless a positive influence is exerted in the classroom. (p80)

The Council made the point in our March submission about the improvement needed in both pre-service and in-service education for teachers and the need for greater availability of mentoring. The Council strongly believes the professional training needed to ensure teachers have the skills, knowledge and resources to meet the needs of all students in the classroom is not the traditional 'special education' training that has been on offer.

The fact that 15% of children have been found by the AIHW to need additional support in education because of developmental issues or disability demonstrates that there are a large group of children in every classroom who will require additional strategies and support in order to reach their full potential². The suite of teaching skills needs to be expanded to cater to the different learning abilities of all students. There is a growing body of evidence to demonstrate that strategies used to support students with a disability in the classroom actually benefits a wide range of other children in the classroom but particularly those who are struggling and have a history of low educational attainment. The list of requirements for graduate teacher standards in Special Education detailed in the NSW Institute of Teaching forms much of what needs to be implemented across the profession.

Teacher education programs need to ensure that Graduate Teachers have:

- understood the likely impact that a disability, behaviour disorder or difficulties in learning might have on a student's access to and participation in learning
- demonstrated knowledge of disability legislation and educational policies in relation to disability. Policies will include Occupational Health and Safety, and Risk Assessment as they relate to educational settings for students with disabilities, and the requirements of the Commonwealth Disability Discrimination Act (1992) (DDA) and Standards for Education
- analysed the range of learners and special education provisions across NSW, features of an inclusive school, school planning teams, the responsibilities of teachers and the community and available services
- applied skills in using curriculum based assessment to identify starting points and reasonable adjustments required to enable students to meet syllabus outcomes
- demonstrated how to meet the specific learning needs of students through inclusive education practices, including problem solving processes and application of the concept of reasonable adjustment
- addressed the normal course of children's language development and the implications of delay or disorder for their learning
- planned, implemented and evaluated programs for the specific learning needs of students NSWIT Initial Teacher Education Document 4: Mandatory Areas of Study – January 2008 5
- identified strategies for collaborating with other professionals and parents/care-givers to identify learning outcomes for students and the reasonable adjustments and learning accommodations required to achieve these
- developed strategies to implement Board of Studies (BOS) syllabus documents including Life Skills outcomes and content, and additional literacy and numeracy support
- used assessment and monitoring procedures and data for making instructional decisions
- demonstrated confidence in interacting with students and a commitment to meeting their educational needs

NSW Institute of Teaching: Initial Teacher Education - Document 4: Mandatory Areas of Study - January 2008

The Council believes that the term 'special education' needs to be replaced across the education system with one that reflects the core learning and development expectation of all teaching rather than describe practices that could be considered additional or optional. 'Special Education' is a historically loaded term that in the modern context is fundamentally about a skill set not a separate place of education.

²Australian Institute of Health and Welfare (AIHW) 2008, Making Progress: The health, development and wellbeing of Australia's children and young people, AIHW, Canberra

In addition to general minimum requirements, specific other professional requirements for areas of specialised teaching need to be articulated.

One example of this is in the area of teaching qualifications for children with sensory disabilities. Unlike most developed countries, Australia does not have mandatory minimum qualifications for teachers of children who are deaf/hard of hearing or blind/vision impaired. The education of children with sensory disabilities requires a range of specialist professional knowledge and skills that go significantly beyond that required of either teachers in regular educational environments or those in other areas of specialist education.

Pre-service training for teachers in Australia needs to prepare teachers for certification in general education based on the premise that students in every classroom will be of mixed abilities. The program offered by Syracuse University is of particular note in this regard.³ As was noted above, one of the best teacher development strategies comes from having a learning support teacher in each school. This specialist can assist teachers to change their teaching practice through mentoring, leadership and practical demonstration of alternative teaching methodologies.

The education system still needs defined disability programs, but as noted earlier they should not be structured so as to be a default second-tier approach for students identified as having a disability. Rather, as indicated by parts of the commissioned research, the system needs to become more inclusive and capable.

7. Accountability

Current accountability mechanisms for programs for students with disabilities are largely administrative, and do not assist in focusing learning and development obligations on schools. The need to measure the quality and effectiveness of programs is critical to the new funding regime, particularly if funds are being directed to programs as well as individuals as the Council has recommended.

The Council supports the point made in the ACER report about the need to better monitor the effectiveness of programs at the student level by improved monitoring Individual Education Plans (IEPs). The recommendation to include a requirement for IEPs in any new funding model is welcome (para 315).

The majority of schools will need resourcing and guidance on undertaking the IEP process as it has been made clear to the Council in its consultations that there is currently no consistency or quality expectations for designing, implementing or reviewing IEPs. Constructive dialogue with families and other professionals is a key part of the IEP process and needs to be an integral part of the process implemented across the system.

³ See: http://soeweb.syr.edu/academic/undergraduate/inclusive_early_childhood_special_ed/default.aspx

There should be a requirement for schools to be accountable not only for the completion of an IEP, but for its implementation and its results. If the new funding system can increase resources and capacity within schools this is one measure that can demonstrate compliance. Other specific measures will be required to show what each school is doing with their program funding to demonstrate they are creating and maintaining good practice.

These may include:

- employing staff that are competent in teaching and learning in this area
- having inclusive education content (including on specific impairments) as part of their professional development program
- making all school programs and the built school environment inclusive and accessible
- engaging outside skills/resources appropriately
- working effectively with families in planning and evaluating school activity

To achieve the range of outcomes that are needed in this area, a much tighter monitoring system must be utilised that are as much about process evaluation at the local and jurisdictional level as it is about outcome measures. Outcome measures that are about inclusion need to be introduced to complement existing ones about academic results.

The Council is aware of significant gaps in accountability in the current system where program implementation and outcomes cannot be linked to funding for individual students. Where schools receive funding from more than one source for particular students (such as aboriginal students with a disability) the accountability gaps multiply. The sharpening of accountability measures must be a centrepiece of the reform of school funding.

The implementation of a 2-part funding model that directs resources to learning and development capacity as well as individualised support will require a new accountability framework that can track funding going to programs to ensure that this is being used for its purpose. The current arrangements where funding is attached to individual students enables families to identify where the funding for their child is being spent, and the same transparency will be required with programmatic funding if families and students are to have confidence in the new system.

8. The National Disability Insurance Scheme

Since the research reports were commissioned and the submissions to the review were submitted, the Australian Government has received and released the Productivity Commission's report into Disability Care and Support and has embarked on some early work to establish the scheme.

The Productivity Commission's proposal for a National Disability Insurance Scheme (NDIS) would have a transformational impact on the funding and delivery of specialist disability services. The Commission makes clear that support for students with a disability should remain outside the scheme and remain the responsibility of Commonwealth and State Education Departments. The Commission however believes the interface between the NDIS and portfolios such as education and health are critical to the operation of the NDIS.

One of the most important features of the NDIS is that the scheme will be individualised and person-centred, offering people with a disability and their families a greater degree of control and choice.

For children with a disability, this will mean that their families and advisors will have a far greater role in the programs supporting their child. This will flow over to the education environment – there will be a strong expectation that they will be key decision makers in the education environment as well.

It will also be important to ensure that the supports and services parents purchase with funds provided through the NDIS are coordinated with teachers and schools. Parents who choose to purchase speech therapy through their package for example will want to ensure that the speech therapist coordinates with any speech therapy provided at school and that the teacher and specialist support staff are aware of the plan for the student and will work to ensure consistency of approach in the classroom.

The implication of this for the current review is that there needs to be a clear focus on the building of skills, capacity and inclusiveness of schools while ensuring that quality individual support remains in place. In the longer term there will need to be more porous programs in place within schools where services from other sectors will interact with school based support programs.

9. Conclusion

The commissioned research highlighted some key changes needed to the funding regime but the reports were generally limited in their scope and methodology. The decision to only obtain information and feedback from education providers means the reports could not paint a complete picture of the educational experience of students with a disability. The lack of available data on useful interventions and programs is a concern as a lack of evidence is ultimately going to hinder the development of a new model.

The implications of this for the Review team are that they should rely more heavily on the expert submissions for their evidence than using the research alone to inform their recommendations. The Council referred to some programs in our original submission that have evidence of success (such as the School Learning Support Program in NSW) and where these programs have been evaluated, the review should look to these for additional data.

The Council notes some support from the commissioned research for the Council's proposal for a multi-tiered funding model that can improve systemic and school capacity as well as providing individualised support to those students who require it to ensure full participation in the learning environment.

The impact on the funding scheme for Education of the NDIS proposal will be profound and it is essential that there is space made in the current review to negotiate a robust and transparent interface arrangement with the soon to be created National Disability Insurance Agency.

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