INQUIRY INTO TRANSITION SUPPORT FOR STUDENTS WITH ADDITIONAL OR COMPLEX NEEDS AND THEIR FAMILIES

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SUBMISSION TO

THE NSW LEGISLATIVE COUNCIL

Inquiry into transition support for students with additional or complex needs and their families

Authorised by

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General Secretary
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NEW SOUTH WALES TEACHERS FEDERATION

The New South Wales Teachers Federation is the state registered trade union with coverage of NSW public school teachers. Federation represents teachers in New South Wales public pre-schools, infants, primary and secondary schools, Schools for Specific Purposes and teachers working in consultant/advisory positions. Teachers in TAFE and Corrective Services are also represented by the Federation. The current financial membership totals over 69,000 practising teachers and student teacher members. Federation is administered by 47 elected union officials and three presidential officers. It is the largest state based public education union in Australia.

Federation has coverage of 32 per cent of all public schools in Australia and 23 per cent of all schools, both public and private.

Federation is a democratic trade union with extensive opportunities for members to formulate policy and participate in campaigns. Federation's 600 member Annual Conference sets policy over three days in the July school holidays; the 300 member Federation Council meets twice per school term on a Saturday; members participate in school and local area Teachers Association meetings. In addition members participate in special conferences such as those convened for school principals, Aboriginal members, teachers in country schools, beginning teachers, women teachers, primary teachers, special education teachers. Other conferences address current issues such as the national curriculum. Federation trade union training courses are accredited as professional learning for teacher registration under the New South Wales Institute of Teachers.

Members and officers of the Federation are represented on advisory committees of the NSW Department of Education and Training including equity programs, special education, early childhood education, primary education, literacy and numeracy initiatives and teacher qualifications. Federation has two representatives on the New South Wales Board of Studies, a statutory body which sets the curriculum for all registered schools in New South Wales and oversees the registration of private schools in New South Wales. Federation is represented on the Quality Teaching Council of the New South Wales Institute of Teachers. Federation works closely with the NSW public school parent and principal organisations.

Federation's submission was prepared in consultation with the Federation's Special Education Restricted Committee, consisted of experienced practising special education teachers elected by the Federation's Council.

INTRODUCTION

National Disability Strategy

The current Inquiry will assist in the implementation of the National Disability Strategy 2010 -2020. The initiative of the Council of Australian Governments covers all areas of learning including:

- early childhood education;
- “pathways for students with a disability from school to further education, employment and lifelong learning”;
- “the transition between education settings”.

The Strategy states that that young people with disabilities can best transition to work when:

- they have “someone” to support them;
- there is coordination between agencies;
- sustained effort; and
- a range of options for the young person.\(^1\)

The strategy calls for future action to “identify and establish best practice for transition planning and support through all stages of learning and from education to employment.”\(^2\)

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\(^1\) Commonwealth of Australia, National Disability Strategy 2010-2020, p.56. www.coag.gov.au

\(^2\) Ibid, p.58
Federation therefore welcomes the opportunity afforded by the Inquiry to improve the transition of students with additional and/or complex needs as they begin school or early intervention, move though school settings and into work and other post school options.

**Children with additional and/or complex needs**

Federation's submission uses the broadest definition of “additional and/or complex needs” as outlined in the background paper prepared for the Inquiry.

Children with additional and/or complex needs refers to children with:
- learning difficulties;
- a behaviour disorder;
- a disability including students with a confirmed disability which may include a physical or intellectual disability, hearing or vision impairment, language disorder, mental health condition or autism;
- needs arising from homelessness, cultural background, experience of trauma;
- more than one impairment that limits their ability to participate in daily life;
- requiring significant extraordinary care due to the severity of their impairment(s); and
- requiring the services of more than one government agency where no one professional agency monopolises care and assessment.

Another term that could be added is students who may be deemed “at risk”. This includes students who are estranged from family, carers for their family, school phobic, suffering from trauma and abuse.

Teachers use the term “transition” with the broadest of meanings to refer to the process of managing the change that all students experience in starting school or preschool, in moving from one educational setting to another educational setting and in leaving school for work or further study.

**The importance of good transition programs for students with additional or complex needs and their families**

Starting school, moving schools, leaving school and even joining new classes can be difficult times for students and their families. For students with additional or complex needs and their families, transitions can be even more difficult. Students need to feel secure, parents/caregivers reassured that their concerns are addressed and teachers need to have the knowledge and understanding of the student’s needs. Schools need the personnel to manage the transition.

The transition process involves:
- preparation for the transition;
- facilitating the transition through the preparation of transition plans, meetings with all the parties involved, accessing all the resources required to support the student; and
- monitoring the transition and ensuring the provision of ongoing support if necessary.

Personnel and time are required to meet with parents/caregivers and coordinate the work of teachers, school counsellors, school welfare teams, outside welfare, health agencies as well as personnel in other educational settings such as TAFE and the workplace.

In general students with more severe needs are able to access comprehensive transition programs supported by well trained specialist staff. The comprehensivity of transition programs for students with lesser, but nevertheless complex needs, can be dependent upon the availability of specialist teachers and school counsellors, the knowledge and experience of individual generalist classroom teachers, school priorities concerning the allocation of the school’s limited global budget, teacher goodwill and the advocacy skills of parents/caregivers. Some schools are particularly skilful in accessing short term funding; others do not have the expertise do such. Some parents/caregivers are more expert in negotiating the system.
In regard to mainstream schools with students with significant behaviour problems, Professor Tony Vinson in his 2002 *Inquiry into the Provision of Public Education in NSW* reported that many teachers believed a school staff member was required to both settle and re-engage misbehaving students and to link them and their families to relevant community services. Vinson commented that given the demands of the curriculum, teachers had limited capacity to follow up on all individual cases plus they were also “unfamiliar with the broad-based facilitating approach needed in working between students, teachers, families and service providers”. Teachers would argue the importance of specialist positions to manage transition for the same reasons.

The appointment of teachers with a discrete responsibility for transition ensures that transition is done well. Transition Support teachers working with secondary school students, specialist special education teachers and school counsellors have the knowledge and expertise to develop educationally sound plans and coordinate personnel. Given the increased identification and incidence of students with additional or complex needs, more Transition Support teachers, specialist special education teachers and school counsellors are required.

Federation notes that procedures and resources available appear to vary greatly between regions. Each region and each setting appears to manage their own process. Whilst a certain flexibility is necessary to take into account the greater challenges of rural and remote locations as compared to inner city locations as well as the range of “additional and/or complex needs”, it seems to the Federation that not only do different regions pursue different models of service delivery, there is a lack of knowledge amongst some schools of the processes involved with transitioning.

Federation believes, in particular, the role of Transition Support teachers needs to be defined and advertised with processes for allocation clearly explained. Primary and preschools could also benefit from such a position.

**School autonomy and competition for resources**

Federation is concerned that federal and state government policies to increase local school decision making over the allocation of school budgets will increase competition for resources. The needs of students with additional and/or complex needs may suffer in the politics of schools as governments shift the responsibility for making hard budgetary decisions to the school level.

Managing the needs of students of students with additional or complex needs is costly and in the majority of schools still impacts on a minority of students, even if that number is growing. Funding for transition programs needs to continue to be tied funding.

The Australian Education Union is seeking discussions with Peter Garrett, Minister for School Education, Early Childhood and Youth on the federal government's Empowering Local Schools policy, in particular over funding for students with special needs and other disadvantaged groups and the potential impact on the employment of specialist staff. Federation has similar concerns with the current state government's Local Schools, Local Decisions consultation document.

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More students with more challenging needs in public schools

The overwhelming majority of children with additional and/or complex needs are found in public education. Just over three in every four students with a disability in New South Wales are enrolled in a public school. One in every 17 public school students has a disability compared to one in every 27 non-government school students.4

Tony Vinson in his Inquiry into the Provision of Public Education cited a National Survey of Mental Health and Wellbeing of the time that found that children living in sole parent, step/blended or low income families were more likely to have mental health problems. The report highlighted “the importance of social disadvantage on children and young people’s mental health and well being.”5

New South Wales public schools have a majority of low SES students, Aboriginal students (87 per cent), students with disabilities and special needs (76 per cent), newly arrived and refugee students with a language background other than English (91.5 per cent) and the majority of students in rural and remote locations. Nearly all students in very remote locations attend public schools. Analysis of the My School website indicates that the socioeducational disadvantage of students in public schools is greater than that of Catholic schools and independent schools on average. Public secondary schools have more socioeducationally disadvantaged students than public primary schools on average.

This means that a public school student with additional and/or complex needs is more likely to have parents/caregivers with lesser educational attainment and fewer financial resources and also live in rural/remote locations than the average private school student. This translates into the greater likelihood that the parents/caregivers face greater challenges in negotiating the range of service providers, if they exist, and may lack the financial resources to pay for professional services, if available. The role of school or DEC regional personnel in supporting the child is therefore so much more important.

The 2010 report of the Legislative Council Inquiry into the provision of education for students with a disability or special needs stated:

There are more than 32,550 students in NSW Government schools with a confirmed disability and in excess of 50,000 students that have special learning needs. This accounts for 4.3% and 6.7% of the NSW Government schools' population respectively.

The report cites improved infant survival rates and more sensitive diagnostic tools for mental health disorders and autism for “a dramatic increase in the number of identified students with disabilities or special needs in recent years.”6

The NSW Government Interim Submission to the Australian Government’s Review of Funding for Schooling states that in NSW public schools the number of students with a disability has increased by 20% in the five years since 2005 including a 165% increase in the number of students diagnosed with autism and a 75% increase in students with a mental health diagnosis since 2003. The type and severity of disability is growing whilst many children are experiencing multiple disabilities.7

In an accompanying discussion paper, the DEC has calculated that in the five years 2005 to 2009, the number of students “integrated into mainstream classes (known as Funding Support) increased from 11,000 to 15,000 or by about 15%.”8 It estimates that about four per cent of the 750,000 students in public schools meet formal disability criteria.9 The paper provides warnings for the future:

4 Source: ROGS 2011 table 4A.26 ABS 2010, Schools Australian 2009, Cat.no. 4221.0; DEEWR
5 Vinson, p.175.
6 General Purpose Standing Committee No.2, Report 34 – July 2010, Inquiry into the provision of education to students with a disability or special needs, p.xiv.
8 NSW Department of Education and Communities Discussion Paper: Australian School Funding Arrangements, p.19.
9 NSW Department of Education and Communities Discussion Paper: Australian School Funding Arrangements, p.17.
If current trends continue, by 2020 more than one in ten students in a government school in NSW will be formally classified with a disability.\textsuperscript{10}

More severe and moderate, rather than mild cases of autism and mental health students are emerging in NSW government schools.\textsuperscript{11}

Federation has advice from teachers that students whose first language is not English and who have disabilities and/or learning difficulties may be misdiagnosed. What may be perceived as a problem of English language competence is in fact a disability and/or learning difficulty. Further refugee students suffering trauma and with limited education, if any, in their previous country, are creating challenges for schools.

These conditions are challenging. The dramatic increase in students with a mental health and autism diagnosis and an increase in the number of students integrated into regular classrooms, too often with limited or no support, has created considerable strain on schools. At the same time public schools are serving more socioeducationally disadvantaged communities than before. Poverty, disability and poor education too often go hand in hand.

Greater autonomy in school decision making will not alleviate the strain. There is no substitute for increased, tied funding.

Maintaining the full range of educational settings

Federation continues to support the full continuum of schooling options for students with disabilities or other special needs. This includes the maintenance of special schools (SSPs) and special classes in regular schools. A solution to problems with transition programs does not lie in the integration of all students into mainstream classes in regular schools. Additional funding for transition is required.

Federation also rejects generalist models of student support that include resources being allocated on the basis of incidence in the general population as being trialled in the Learning Support Program trial in the Illawarra. Complex needs require specialist teachers. Transition programs for students with additional and/or complex needs require specialist teachers with detailed knowledge and expertise.

Teachers may have students with quite different disabilities requiring quite different learning plans in a class of 30 students in a primary school or junior secondary class.

The Vinson Inquiry suggested the benefits of:

- limiting the number of students on integration support in any one class;
- better professional development;
- class size reductions; and
- specialist curriculum material being developed so that each teacher does not have to devise special lessons for each student.\textsuperscript{12}

Given the prevalence of students with disabilities and special needs, current class size formulae are outdated. The increase in integration of students with a disability and special needs justifies reductions in class size.

\textsuperscript{10} NSW Department of Education and Communities Discussion Paper: Australian School Funding Arrangements, p.20.
\textsuperscript{11} NSW Department of Education and Communities Discussion Paper: Australian School Funding Arrangements, p.20.
\textsuperscript{12} Vinson, p.269.
Funding

Federation recognises that there are a range of programs that assist the transition of students with disabilities or complex needs.

Funding for transition programs has not however kept pace with:

- increased numbers of students with more complex needs including mental health and multiple disabilities;
- higher expectations of student support by parents/caregivers and teachers in a range of settings; and
- new disability legislation and subsequent new policy frameworks favouring integration into regular school settings, the community and workforce.

To supplement the work of Transition Support teachers working with secondary students in high schools and SSPs, whose role appears to vary across the state, schools invariably rely on already stretched global budgets and teacher goodwill to provide transition programs.

This increase in the number of students combined with greater inclusion of students into mainstream classrooms, has placed pressure for additional resources and funding. The 2010 Legislative Council Inquiry into the provision of education for students with a disability or special needs called on the NSW Government to “substantially increase funding for students with disabilities and special needs in NSW Government schools”.13

Federation strongly endorses this recommendation.

The NSW Government’s Interim Submission to the Federal Government’s Review of Funding for Schooling recognises the challenge faced by schools in effectively providing services for students with a disability in calling for higher levels of school funding. The NSW Government Interim Submission states:

... there are inconsistencies in the levels and ways in which funding is provided between stages of education. Australian Government programs that support children before school do not continue once those children reach school age. 14

The DEC Discussion Paper: Australian School Funding Arrangements, that accompanied the NSW Government Interim Submission, cites challenges in funding disability including a mix of state, federal and private funding.15 This contributes to the short term, one off programming of much transition funding.

The expansion of the federal government’s school chaplaincy program has come at the expense of specialist services. Limited school counsellor time means case management and coordination of outside agencies is difficult for schools. The need for significant increases in the number of school counsellors available to schools including SSPs has been well documented. Professor Tony Vinson in his 2002 Inquiry into the Provision of Public Education recommended a standard of one counsellor to every five hundred students to ensure the delivery of quality counselling services to NSW public school students. In 2010 the Legislative Council Inquiry into the provision of education to students with a disability or special need recommended:

That the Department of Education and Training take immediate action to increase the number of school counsellors in NSW Government schools with the objective of increasing the ratio to 1:500.16

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13 General Purpose Standing Committee No.2, Report 34 – July 2010, Inquiry into the provision of education to students with a disability or special needs, p.xiv-xv.
16 General Purpose Standing Committee No.2, Report 34 – July 2010, Inquiry into the provision of education to students with a disability or special needs, p.xxiii.
Currently, there is one for every 1,000 students. Federation has continually called on both the state government and the Department to meet their responsibilities in relation to the provision of qualified school counsellors in all schools. The failure of the NSW Government to meet these requirements continues to jeopardise the educational outcomes for all students including those with disabilities.

Federal government policy to make public schools more autonomous would only create greater challenges in coordinating transition programs and shift the blame to the principal rather than inadequate funding. Discrete additional funding that recognises the changed student cohort in public schools is needed and is already supported by the NSW Government Interim Submission to the Review of Funding for Schooling.

Given the increased number and proportion of students with additional and/or complex needs and the more socioeducationally disadvantaged profile of public schools, public schools and TAFE colleges require additional resources to ensure that there is the time and the personnel to ensure the National Disability Policy objectives can be reached.

Such additional funding should be provided as a discrete budget item designated for transition. Under current federal and state government proposals for greater school autonomy, there is the risk that funding that is not targeted may be diverted to other areas of school endeavour. The education of students with additional and/or complex needs will be more “expensive” than for students without additional and/or complex needs.

**Transition points**

Federation recognises the significance of the following transition points, as identified in the Inquiry's background paper:

1. into early childhood for the first time;
2. from early childhood education to primary school;
3. from primary to secondary school; and
4. from secondary school to employment, further education, or other post school options.

Federation would also add:

5. Between school settings such as support class, special school, juvenile justice centre, tutorial centre/behavioural school, Intensive English Centre (IEC) to mainstream setting.
INQUIRY TERMS OF REFERENCE

That the Standing Committee on Social Issues inquire into and report on programs and services for children with additional and/or complex needs and their families during transition between stages of education, and in particular:

1. The adequacy and accessibility of appropriate support for children and their families

Early Intervention and the impact of the National Quality Framework for Early Childhood Education

The federal government’s National Quality Framework for Early Childhood Education to be implemented from 2012 has the aim of providing universal access to 15 hours of preschool education in the year before formal schooling. All preschools and long day care centres will be required to provide an educational program. All centres will be required to employ four year trained early childhood teachers to deliver or in the case of small centres supervise the teaching program.

The expansion of early childhood education will increase the demand on early intervention services and transition to school services for children with additional and/or special needs. An increase in the earlier identification of disabilities and learning difficulties is likely, increasing the demand for transition services to the kindergarten class in the primary school.

Currently students with disabilities in regular classes in DEC preschools are not able to access funding support and ESL support.

The transition between preschool and school is exacerbated in New South Wales by only 9.3% of preschools being DEC preschools. Only 100 New South Wales public schools have a preschool as part of the public primary school, including a limited number with an early intervention class and teachers who provide outreach services to the private and community based preschools. The expertise of Early Intervention teachers is critical for the transition to school.

Kindergarten teachers have been identifying the learning needs of their students through the Best Start program introduced in 2008 and the Australian Education Development Index (AEDI). Currently public school teachers K-2 raise the limited nature of some transition and early intervention programs.

Other transition programs such as for children with vision and hearing disabilities provide ongoing support from early intervention right through the various school transitions. This model should be followed.

Primary to secondary school

The school counsellor, school welfare and learning support teams are critical to the general process of flagging students who will require special attention in the transition from primary to high school. Individual schools fund the release of teachers to attend transition meetings where information is exchanged and plans discussed.

Federation notes that transitions can be done more thoroughly when the student displays a history of violence. Under the OH&S Act there is a requirement for relevant documentation for rigorous briefing and the completion of a risk assessment. The risk assessment allows for better preparation and transitioning but again is done with no additional funding to the school. The Assistant Principal Behaviour would generally case manage the transition as part of their role. The AP Behaviour is a regional rather than a specific school resource.

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17 Productivity Commission, Early Childhood Development Workforce, Draft Research Report, June 2011, p.73.
Special school/ placement to regular mainstream class and vice versa

Federation supports students being educated in the most appropriate setting for their needs. Federation has therefore campaigned over the years for the maintenance of the full range of settings – special schools, support classes and properly funded mainstream integration.

For students with behaviour issues the specialist position of Itinerant Support teacher (ISTB) manages the transition back to the mainstream setting. The school has to use its global budget to release teachers or teachers give up their lesson preparation time to attend meetings. Special education teachers and school counsellors can provide excellent support for the classroom teacher. For the classroom teacher, time for liaison is added to all the other responsibilities that must be addressed.

It can be very stressful for students caught up in departmental restructures and reallocations of resources. Students who may for instance be in a support class that is collapsed, such as a class for IM (Intellectually Mild), receive no formal support as they are returned to mainstream.

A frequent issue raised by classroom teachers is that support runs out and it can appear that some students are being “dumped” into mainstream classes.

Schools have initiated excellent programs such as Lawrence Hargrave SSP’s Fresh Start program. Better sharing of successful initiatives for transition could occur between schools with the provision of resources to support such sharing.

School to post school/ work

The Department of Education and Communities Discussion Paper: Australian School Funding Arrangements notes that students with a disability “are over-represented amongst those not completing school or going on to higher level skills.” The paper calls for a “new resourcing settlement that increases these students' prospects of employment and greater engagement in society...”

The NSW Government submission to the 2010 Legislative Council Inquiry into the provision of students with a disability or special need stated:

> The transition from school to adult life is a significant time for young people, and in particular for school leavers with a disability and their families and carers. Evidence from school leavers entering ADHC funded post school programs suggests that early transition planning results in reduced stress for young people and their families/carers, and more successful transitions to post school pathways. For this reason, transition planning commences well before a student leaves school.19

The position of regional Transition Support teacher is critical. Whilst their function varies between regions, Support Teachers Transition have the expertise to do the following:

- liaise with government agencies such as Centrelink, DEEWR, FaCS, TAFE NSW, DADHC;
- provide advice around educational pathways;
- develop individual programs;
- monitor workplace learning;
- liaise with parents/ caregivers and teachers; and
- support students.

The increase in the number of students with additional and/ or complex needs will require the funding of a greater number such positions.

2. best practice to ensure seamless and streamlined assistance during transitions

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18 NSW Department of Education and Communities Discussion Paper: Australian School Funding Arrangements, p.17.
19 Inquiry into the provision of education for students with a disability or special needs, NSW Government submission, p. 61.
**Specialist support**

Teachers with a specific responsibility and knowledge to manage transitions – write the transition plan in consultation with parents/caregivers, liaise with professional agencies and other teachers, are essential. The position of Transition Support teacher is critical. Currently they however focus on secondary aged students with disabilities in special and regular schools.

All schools require access to such specialist teachers who can support the transition needs of the increasing number of students with additional and/or complex needs.

**Integration Funding Support Program**

Federation has strongly opposed changes proposed by the Department of Education to remove $26.7 million from the Integration Funding Support program.

Students with an identified moderate or severe disability, who are integrated into mainstream classes in regular schools, are funded through the Integration Funding Support program. Under this program funding is provided to schools through identification of the primary disability as a consequence of a clinical diagnosis or psychometric testing. Funding is provided according to the primary disability. There is no transparency in the determination of the level of actual funding.

The attempt by the DET to describe students with autism or mental health disorders currently receiving less than $6000 per annum as “low support needs” is rejected.

The funding for “low support needs students” is capped. This means that with the increased diagnosis of students, students who would have gained funding in previous years are missing out or receiving tokenistic funding support. The funding needs to be uncapped.

**Expansion of Outreach Teacher Services**

Given the dramatic increase in the incidence of autism and mental health disorders, Federation supports the maintenance and expansion of Outreach Teacher Services for identified students in mainstream classes. These include Outreach: Autism, Emotional Disturbance and Special Education. Consistent with Federation’s support for diagnostic/functional assessment models, establishment of additional Outreach positions should be based on actual numbers of students identified in discrete geographical areas.

**Rejection of Vouchers**

Transition funding should continue to be a tied payment to the school. Federation rejects any voucher-based funding model, where payments are paid to parents or carers. The disadvantages of a voucher-based funding scheme were identified by all stakeholders in all education systems in a 2007 study conducted by Monash University. Such schemes would make it even more difficult for the DET and schools to plan with any degree of certainty and consistency across schools and for groups of students rather than just individual students. Further too much responsibility for difficult education decisions could be imposed on parents.20

**Student and family access to professional support and services, such as speech therapy, occupational therapy, physiotherapy and school counsellors**

Federation calls for increased access to public pre-schooling, medical and psychiatric assessment and treatment and more effective coordination of services across all relevant government agencies.

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RECOMMENDATIONS

Federation calls for:

1. Additional funding for schools serving socioeducationally disadvantaged communities and schools in rural and remote locations in recognition of the greater challenges parents/caregivers face in dealing with multiple disadvantage and accessing professional services.

2. More funding for schools to allow release of teachers and employment of more teachers/ counsellors to plan and implement transition programs for students with lower support needs.

3. Funding to provide additional Transition Support teachers so that all secondary schools with high needs students can access expert transition support.

4. The establishment of Transition Support teachers with specialist expertise to support primary schools with particular reference to early intervention programs and the transition between educational settings for students with mid to high support needs.

5. Continuation of the provision of the full range of specialist teachers to assist in the transition of students with additional needs and/ or complex needs.

6. More funding to allow coordination across government agencies and between public and private providers of services for students with a disability and complex learning needs.

7. COAG and the NSW Government provide funding for disability support and transition support in DEC preschools as part of the implementation of the National Quality Framework for Early Childhood Education.

8. The sources of transition funding to be consolidated so that there is less bureaucracy and workload in accessing funding.

9. SSPs with secondary students be staffed according to the formula for secondary schools in order to provide greater opportunities for teacher release and specialist teachers.

10. More government funding for mental health services for young people across the state.

11. Maintenance of discrete tied funding for transition programs, discrete transition support positions to schools and the maintenance of discrete transition support positions in regions.

12. Federal and state government policies to accept responsibility for the high cost needs of a minority of students through tied funding to schools and regions.