

**Submission  
No 675**

**INQUIRY INTO THE PROVISION OF EDUCATION TO  
STUDENTS WITH A DISABILITY OR SPECIAL NEEDS**

**Organisation:** Department of Education, Employment and Workplace Relations  
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## **The Department of Education, Employment and Workplace Relations (DEEWR)**

### **Input into the Inquiry into the provision of education to students with a disability or special needs**

#### **Terms of Reference**

##### **1. The nature, level and adequacy of funding for the education of children with a disability;**

The Australian Government strongly supports the rights of children with disability to have the same educational opportunities as other children and provides significant funding to state and territory government and non-government education authorities for this purpose.

Commonwealth funding for government schools is delivered through the intergovernmental funding framework under a National Education Agreement (NEA) with the states and territories. The NEA provides flexibility for states and territories to allocate Commonwealth funding to areas which they believe will produce the best outcomes for students.

Under the NEA the states and territories have responsibility for developing policy, delivering services, monitoring and reviewing individual school performance and regulating schools so that work towards national objectives and achievement of outcomes is compatible with local circumstances and priorities.

Commonwealth funding for non-government schools is provided to non-government education authorities in each jurisdiction under the *Schools Assistance Act 2008*. Targeted funding provided under the Literacy, Numeracy and Special Learning Needs (LNSLN) program assists non government education authorities to improve the learning outcomes of educationally disadvantaged students, including students with disabilities, particularly in literacy and numeracy, by contributing funding for additional teaching and learning assistance.

The Commonwealth uses a composite allocative mechanism for determining the LNSLN funding allocations. The LNSLN funding consists of the following components:

1. Recurrent component: the special education component uses each sector's latest share of the non-government school enrolments; and
2. Per Capita component: uses the eligible number of students with disabilities as reported in the Schools Census.

The provision of recurrent assistance funding for non-government schools is based on the socioeconomic status (SES) of the school community. The SES funding model links non-government school student residential addresses to Australian Bureau of Statistics Census of Population and Housing data to obtain a socioeconomic profile of the school community and measure its capacity to support the school.

If a non-government school is recognised by the relevant State Minister as a "special school" or "special assistance school" and either provides special education or primarily caters for students with social, emotional or behavioural difficulties, it is automatically entitled to receive maximum recurrent funding (70 per cent of AGSRC) without regard to the SES of the school community.

In 2009, there were 38 Special Schools which received a total recurrent funding entitlement of \$12,160,232. There were 41 Special Assistance Schools in 2009, which received a total recurrent funding entitlement of \$15,682,226.

3.

Students with a disability also benefit from the additional funding of \$2.5 billion from the three Smarter Schools National Partnerships (NPs): Literacy and Numeracy, Improving Teacher Quality and Low SES School Communities. The three Smarter Schools NPs aim to lift educational outcomes for all students, including those with special needs.

The \$540 million Literacy and Numeracy NP in particular seeks to accelerate improvement in student literacy and numeracy outcomes for those students most at risk of falling behind. In addition, the Government is investing \$41.03m in 30 Literacy and Numeracy Pilots in Low SES Communities.

A key outcome of the Literacy and Numeracy NP is to build a national understanding of what works in literacy and numeracy. The Government, in partnership with State and Territory education authorities and sectors, is developing an Evidence Base of Effective Practice in Literacy and Numeracy (Evidence Base). It will describe the key features of effective literacy and numeracy programs and provide evidence to support their success. It will assist schools to put in place the practices that will deliver sustained improvement in literacy and numeracy outcomes for all students, including those with special needs.

A National Partnership Literacy and Numeracy Expert Reference Group will guide the development of the Evidence Base. It will include representation from the special education sector, to ensure a focus on programs that support improvements in literacy and numeracy for students with a disability or special needs. This will lead to better informed decisions that improve the literacy and numeracy outcomes of Australian students, including students with disabilities or special needs.

The Literacy and Numeracy pilots to be conducted in Low SES communities will complement the broader reforms under the Literacy and Numeracy NP by driving changes at the school level and building an evidence base of what works for students most in need of support, including students with a disability or special needs. In over 400 schools across Australia, the pilots are the first step towards finding new and innovative ways to improve literacy and numeracy outcomes for students.

Schools participating in the Literacy and Numeracy NP will have the opportunity to attract and retain high performing principals and teachers who will make a difference to the educational outcomes of disadvantaged students. Schools will have access to specialist teaching personnel and professional learning to support the development of inclusive school cultures and teaching and learning environments which are responsive to the needs of students with disabilities and learning difficulties.

The National Partnership (NP) for Low Socio-Economic Status (SES) School Communities provides \$1.5 billion Commonwealth funding to improve educational outcomes for students in the most disadvantaged schools across Australia. This funding will support significant reforms in approximately 1,600 schools with a high concentration of disadvantaged students, including students who may have a disability or special needs. Under this NP states and territories are required to report on outcomes for a number of identified cohorts, including students with disability and other additional learning needs.

The Low SES School Communities NP will also focus on increased school transparency and accountability for the learning strategies and educational outcomes of these students. Many schools will offer tailored learning opportunities for at-risk students, including students with learning difficulties, through differentiated, personalised and, where appropriate, blended learning opportunities that will take account of their particular learning and development needs. School operational arrangements may be reconfigured to promote flexible learning opportunities, such as smaller class sizes or extended school hours.

Another key reform of the Low SES School communities NP is strengthened partnerships between schools, families, local community agencies and businesses to provide holistic, wrap around support for students' health and well-being. Schools will be encouraged to form partnerships with local community groups and other agencies to ensure that students have access to appropriate pastoral, health and welfare and other services support. Schools could also broker a range of services for students and families, including co-location of some services like early childhood facilities and referring parents to parenting and family support programs to enable them to better engage with their children's education.

All jurisdictions have agreed to take part in the Low SES School Communities NP which will be implemented over 2008-09 to 2014-15. The outcomes of reforms will be monitored and evaluated to provide evidence about effective interventions that can be replicated for the benefit of students and schools not participating in the NP.

Two other Australian Government initiatives that provide educational benefit for students with disability are the Building Education Revolution (BER) and the Trade Training Centres in Schools Program. Through the BER, funding of \$16.2 billion will provide infrastructure funding to all schools including special schools. Under the Primary Schools for the 21st Century element, \$14.1 billion was provided to primary and special schools to build or renew large scale infrastructure, including libraries, halls and indoor sporting centres. As recognition that special schools have requirements over and above those of most schools, provision has been made under this element to allow special schools to use their entire K-12 full time enrolment numbers to count towards their notional funding allocation.

The Trade Training Centres in Schools Program commenced in 2008 and is an important element of the Australian Government's Education Revolution. It will provide \$2.5 billion over 10 years to enable all secondary schools across Australia to apply for funding of between \$500,000 and \$1.5 million for Trade Training Centres.

Trade Training Centres are being established to help increase the proportion of students achieving Year 12 or an equivalent qualification.

Funding is being prioritised to secondary schools with the greatest need and capacity to benefit from a Trade Training Centre, which include secondary schools that support students from disadvantaged communities (this includes Indigenous students, students from rural, regional or other disadvantaged communities, and students with disabilities).

To ensure that there is fair and equitable access, where an application identifies participation by a group of disadvantaged students (eg students with a disability), schools are required to identify the likely outcome in terms of formal training for these students, and what support or strategies are in place to assist these students to undertake training and gain real benefits from the Trade Training Centre.

## **2. Best practice approaches in determining the allocation of funding to children with a disability, particularly whether allocation should be focused on a student's functioning capacity rather than their disability;**

Under the NEA State and territory education authorities have primary responsibility for the delivery of school education and administer funding in their jurisdictions according to the resources and support services required to meet the needs of schools and their students.

The government is working with state and territory education authorities on assessment and identification practices for students with disability. This will improve educational outcomes for students with disability by enabling transparent and nationally comparable data. The additional information will ensure that sufficient levels of support are provided and improvements in educational performances are recorded. This is being progressed through the Council of

Australian Governments (COAG), the Ministerial Council on Education, Early Childhood Development and Youth Affairs (MCEECDYA) and relevant working groups and the new Australian Curriculum, Assessment and Reporting Authority (ACARA).

Through the Digital Education Revolution (DER), the National Secondary School Computer Fund (the Fund) provides for new information and communications technology (ICT) for secondary schools with students in Years 9 to 12. The objective of the Fund is to increase the proportion of computers to students in Years 9 to 12 in all schools, to a national target of one computer for each student (1:1) by 31 December 2011.

Schools with students enrolled in Years 9 to 12 that meet the criteria of a student with disability, as stated under the Schools Assistance Act 2008, are eligible to use the funding on a more flexible basis.

The majority of students with disability in Years 9 to 12 attend mainstream schools and for many, standard computer equipment suits their needs. However, for some students with disability other types of ICT equipment are more appropriate. The equipment they require may be of greater benefit within a group setting rather than attempting to achieve a particular computer to student ratio.

Schools, in consultation with parents/carers, may choose to access a different approach which aims to promote greater independence for students with disability and enable them to participate in digital learning environments.

Under the application rounds of the Fund, \$1,753,000 was allocated to schools to purchase equipment to best meet the ICT needs of students with disability.

It should be noted that funds available under the DER are additional to funding already provided from Commonwealth or state initiatives for students with disability. These funds are not to replace existing programs or sources of funds.

### **3. The level and adequacy of current special education places within the education system;**

Under the NEA, State and Territory education authorities have the primary responsibility for delivering services and ensuring that schools are appropriately resourced therefore this is best addressed at a State and Territory level.

### **4. The adequacy of integrated support services for children with a disability in mainstream settings, such as school classrooms;**

The majority of school students with disability attend mainstream schools (89%), either in an ordinary mainstream class (62%) or in a special class (27%). In 2003, only 9% of all school students with a disability attended special schools. (AIHW 2006, Disability Updates: Children with Disabilities, Bulletin 42, p.18)

Similarly, the majority of students with disability attend government schools (80%). In 2007, students with disability were 5.3% of total school student population in government schools, in contrast to 2.6% of total school student population in non-government schools. (Productivity Commission, Report on Government Services 2009.)

All state and territory Governments have committed to encouraging maximum participation in NAPLAN tests. The main purpose of the NAPLAN tests is to identify whether students have the

literacy and numeracy skills and knowledge that provide the critical foundation for other learning and for their productive and rewarding participation in the community. Results from the NAPLAN tests complement teachers' class and school-based assessments. The information provides a baseline for monitoring students' and schools' progress, enables longitudinal tracking of student achievement, and can be used by education authorities to inform policy development, resource allocation, curriculum planning and, where necessary, intervention programs.

National protocols provide for exemption of students from NAPLAN testing because of significant intellectual and/or functional disability, if they are unable to access the tests within the guidelines for accommodation. The protocols also state that students with disabilities should, however, be given the opportunity to participate in testing should their parent/caregiver prefer that they do so.

In order to undertake NAPLAN testing, special provisions (accommodations) may be made to support individual students with special needs, including students with mild intellectual disability and communication or behavioural disorders. The special provisions would reflect the kind of support and assistance the student usually receives in the classroom. This is based on the principle that all students have the opportunity to participate in educational activities, including assessment activities, on the same basis as other students, and to demonstrate their knowledge, skills and competencies. It is also consistent with the *Disability Standards for Education*, which set out the rights of students with disability and the obligations of school authorities in relation to education under the *Disability Discrimination Act 1992*.

#### **5. The provision of a suitable curriculum for intellectually disabled and conduct disordered students;**

The Government has established the Australian Curriculum, Assessment and Reporting Authority (ACARA) to oversee the development of a rigorous and world-class national curriculum from kindergarten to Year 12, beginning with the learning areas of English, mathematics, science and history. ACARA is also responsible for the management of assessment and reporting at a national level.

A second phase of work will involve the development of a national curriculum in languages, geography and the arts. The national curriculum in the first four learning areas will be developed by 2010 and implemented by the states and territories from 2011.

The new national curriculum will provide agreement on the curriculum content that all Australian students should be taught. It will also provide explicit advice on the achievement standards that all Australian students should be meeting, regardless of their circumstances or the location of their school.

ACARA has established three advisory panels with expertise in subject/learning areas, stages of schooling and equity and diversity to assist the curriculum writers. In drafting the curriculum, the writers have focused on several key considerations including the nature of the learner and learning, and inclusivity, given that the variation among students in their level of development and progress may be, in turn, the basis for inequities in their educational experiences.

ACARA has consulted with state and territory officials responsible for supporting the needs of students with disabilities, to inform how best the national curriculum can be catered to students with disabilities. Furthermore, ACARA is working with principals of special school and special school associations to investigate the feasibility to develop appropriate assessment tools for students with special needs that integrate with the current work on national curriculum.

The kindergarten to Year 10 draft curriculum documents in the initial learning areas of English, mathematics, science, and history will be available for public consultations from late February

2010 on ACARA's website at [www.acara.edu.au](http://www.acara.edu.au). This will provide an opportunity for interested parties to comment and provide feedback on the draft curriculum documents.

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

Access to therapeutic services is supported through a range of Commonwealth and state programs, typically managed by health and disability departments. Individual students' access to these services while in school varies across jurisdictions and settings. Students may also access private therapy services on a fee for service basis, or by utilising private health insurance.

In addition, in response to the increasing prevalence of children with an autism spectrum disorder (ASD) in Australia, the Government is providing targeted support for these children, their parents, carers, teachers and other professionals through the Helping Children with Autism (HCWA) package. The \$190 million package is being delivered by the departments of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA); Health and Ageing (DoHA); and Education, Employment and Workplace Relations (DEEWR).

The early intervention funding under the HCWA package is aimed at providing increased access to early intervention for children aged zero to six with an ASD. The funding supports the delivery of multidisciplinary evidence based early intervention to facilitate improved cognitive, emotional and social development prior to a child starting school.

The FaHCSIA and DoHA components of the HCWA package support parents to access a range of early intervention services for their children.

DEEWR is responsible for delivering two initiatives under the package which aim to foster positive partnerships between schools and families to improve the educational outcomes of children with an ASD. The initiatives, which have been named *Positive Partnerships: supporting students on the autism spectrum*, provide:

- professional development for teachers, school leaders and other school staff to build their understanding, skills and expertise in working with children with an ASD
- workshops and information sessions for parents and carers to assist them to work with their child's teachers, school leaders and other staff.

#### **7. The provision of adequate teaching training, both in terms of pre-service and ongoing professional training;**

The Government is committed to the provision of education to students with a disability and provides support in a number of ways:

- Raising the quality of the teaching profession through the work of the Australian Institute for Teaching and School Leadership:

From 1 January 2010, the Australian Institute for Teaching and School Leadership will provide national leadership for the Commonwealth, state and territory governments in promoting excellence in the profession of teaching and school leadership. It will take responsibility for rigorous national professional standards and for fostering and driving high quality professional development for teachers and school leaders, working collaboratively across jurisdictions and through engagement with key professional bodies by:

- finalising and maintaining a set of national standards for teaching and school leadership (National Professional Standards Framework), and implementing an agreed system of national certification of teachers based on these standards;
- using the standards as the basis for new, prestigious national awards for teachers and school leaders;
- advancing excellence and national leadership in the professional development of teachers and school leaders through professional standards, professional learning, and accreditation including accreditation of pre-service teacher education;
- undertaking and engaging with international research and innovative developments in best practice relating to national standards and professional development for principals, teachers and school leaders based on standards frameworks; and
- undertaking the role of assessing authority under the *Migration Regulations 1994* for the purposes of skilled migration to Australia as a pre-primary, primary or secondary school teacher.
- Developing the National Professional Standards Framework for the teaching profession

The draft National Professional Standards Framework for Teachers has been developed under the auspices of MCEECDYA. The consultation and validation processes of the Standards will be managed overall by the AEEYSOC National Standards Sub-group until the work is subsumed by AITSL.

One of the Standards - 'Create and maintain safe, and supportive learning environments' - addresses how teachers can be accredited in their support for students with special needs. Jurisdictions will hold consultations on the draft Standards in the first half of 2010.

- Supporting a national accreditation system for teacher education courses

As part of the National Partnership governments are implementing a national accreditation system for teacher education courses. Under this system, all courses will be assessed against national graduate teacher standards specifying the skills and knowledge beginning teachers need, including skills and knowledge of teaching students with a disability.

- Funding teacher professional development under the Australian Government Quality Teacher Program (AGQTP)

AGQTP is a Commonwealth Government program that provides funding to state and territory non-government education authorities to fund a variety of projects and activities that offer on-going professional development for teachers and school leaders. One of the priority areas for the program is professional development activities for specialist and mainstream teachers and school leaders to assist students with a disabilities and learning difficulties or special needs.

- Implementing the Better Pathways initiative

Under the Better Pathways initiative, states and territories are developing programs to target career changers with skills/experience in priority subject areas, including special education. The initiative aims to address workforce shortages in these areas and in hard-to-staff schools.



- **Teacher Quality National Partnership**

As part of the Teacher Quality National Partnership agreements all jurisdictions have committed to improving pre-service teacher education through measures such as improving the quality of practical components of teacher courses and the development of national consistency in pre-service teacher education course accreditation.

With the development of the *National Professional Standards Framework for Teachers* (currently being developed), beginning teachers will be required to demonstrate achievement against these standards which will include addressing the needs of students with disabilities and learning difficulties.

### **8. Any other related matters:**

As part of the Government's contribution to the National Partnership on Youth Attainment and Transitions, existing youth, transitions and career programs have been consolidated into two new programs commencing 1 January 2010. The new programs are designed to work together to improve Year 12 or equivalent attainment rates and support successful engagement and transitions for all young people. The programs are:

- I. School Business Community Partnership Brokers (Partnership Brokers) to build partnerships that support improved education and transition outcomes for all young people.
- II. Youth Connections to ensure young people at risk of not attaining Year 12 or its equivalent or making a successful transition get the support they need to remain engaged, or to reengage in education.

The main objective of the Partnership Brokers program is to improve education and transition outcomes for all young people by facilitating stakeholder engagement, building community capacity and infrastructure and driving the Government's education reform and social inclusion agendas.

This will be achieved through a national network of Partnership Brokers that broker partnerships between and among education and training providers (including primary and secondary schools), business and industry, parents and families, and community groups to foster a strategic, whole-of-community approach that supports young people's learning and development. Partnerships will support young people, including those with a disability or special needs, to reach their potential and make a successful transition through school to further education or training and work.

Youth Connections providers will provide flexible, individualised and responsive services to assist young people who are at risk of disengaging from education or training. The objective of Youth Connections is to support these young people to attain Year 12 or equivalent and to help them make a successful transition through education and onto further education, training or work. Services available to Youth Connections participants include individualised case management and access to one-on-one assistance, group assistance, mentoring, advocacy and/or referrals to external support or specialist services. Young people with a disability or with special needs may be able to access Youth Connections services, as long as they meet all eligibility requirements.

Partnership Brokers and Youth Connections providers will work closely together to build partnerships that increase the capacity of education and training providers to support young people at risk, including those with a disability or special needs.

### Review of Disability Standards for Education 2005

The Disability Standards for Education 2005 (the Standards) were formulated under the Disability Discrimination Act (DDA) 1992 and tabled in the Parliament on 17 March 2005. They came into effect in August 2005. The Standards clarify the obligations of education and training providers to ensure that students with disability are able to access and participate in education without experiencing discrimination. During 2010, DEEWR will review the Standards to determine whether they continue to be effective and remain the most efficient mechanism for achieving the objectives of the DDA.

### Dyslexia

Following a number of representations to Government by dyslexia interest groups, a Dyslexia Stakeholder Forum was held at Parliament House on 16 June 2009. The forum brought together individuals with dyslexia, representatives from dyslexia interest groups, experts in the field of learning difficulties, and representatives from the Department of Education, Employment and Workplace Relations, the Department of Families, Housing, Community Services and Indigenous Affairs, and the Attorney-General's Department. Following on from the forum a Dyslexia Working Group was established. The Working Group has recently completed a report which identifies current issues and makes recommendations to reduce the impact of dyslexia and other learning difficulties. The report has been provided to the Hon Bill Shorten MP, Parliamentary Secretary for Disabilities and Children's Services and is currently being considered by the Australian Government.

### My School Website

In a new era of transparency, nationally comparable data for each school is now available on the My School website. Since 28 January 2010, parents and the public have been able to access useful, rich information about Australian schools.

Each school has its own profile that contains a range of information about the school. This includes a statement that provides a general overview of the school and the environment in which it operates. The information included in the statement is provided by each school and is a means of drawing attention to any special features of the school or special circumstances under which it operates. This allows for schools to draw attention to information on their special needs students. There is provision for a direct link to the school's own website where further detailed information can be found.

It has been agreed by Ministers that once a national definition has been agreed, the My School website will provide the proportion of students with disability/in need of additional assistance. The date for this reporting is yet to be determined.

The information/data on the My School website will enable governments to look at different schools across the country and their performance and target assistance to where it is most needed. It will also enable the community to understand the decisions taken by governments and to engage in informed debate on schooling in Australia.