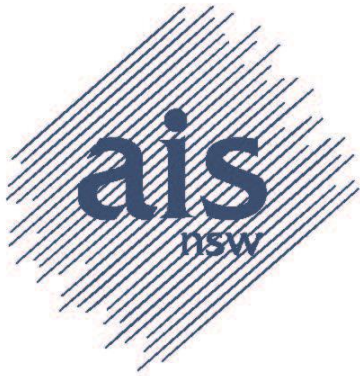


**Submission
No 23**

INQUIRY INTO STUDENTS WITH A DISABILITY OR SPECIAL NEEDS IN NEW SOUTH WALES SCHOOLS

Organisation: Association of Independent Schools of New South Wales

Date received: 27 January 2017



Submission

Inquiry into the provision of education to students with disability of special needs in government and non-government schools in New South Wales

January 2017

The Association of Independent Schools of New South Wales Limited

Level 12, 99 York Street, Sydney NSW 2000
Phone (02) 9299 2845 Fax (02) 9290 2274
Web www.aisnsw.edu.au Email ais@aisnsw.edu.au
ABN 96 003 509 073

Inquiry into the provision of education to students with disability of special needs in government and non-government schools in New South Wales

Submission from the Association of Independent Schools of New South Wales (AISNSW) Ltd

This submission has been prepared by the Association of Independent Schools of NSW (AISNSW) with input from member schools.

For further enquiries or additional information relating to this submission please contact:

Margaret McKay

Division Head: Student Services

The Association of Independent Schools of NSW

Level 12, 99 York Street

SYDNEY NSW 2000

The AISNSW will be pleased to elaborate on any aspects of this submission as required.

Yours sincerely,

Dr Geoff Newcombe

Executive Director

Contents

Introduction	1
Background	3
Term of Reference 1	5
Term of Reference 2	10
Term of Reference 3	11
Term of Reference 4	16
Conclusion.....	17

Introduction

The Association of Independent Schools of New South Wales (AISNSW) is the peak state body representing the independent schools sector in this State. The Association represents more than 469 schools and campuses, enrolling approximately 191,000 students, and accounting for some 16% per cent of NSW school enrolments.

Independent schools are a diverse group of non-government schools serving a range of different communities. Many independent schools provide a religious or values-based education. Others promote a particular educational philosophy, support specific groups of students or represent a specific community. Independent schools include:

- Schools affiliated with Christian denominations, such as Anglican, Catholic, Greek Orthodox, Lutheran, Presbyterian, Seventh Day Adventist and Uniting Church schools
- Non-denominational Christian schools
- Islamic schools
- Jewish schools
- Montessori schools
- Rudolf Steiner schools
- Schools constituted under specific Acts of Parliament, such as Grammar schools
- Community schools
- Aboriginal schools
- Schools that specialise in meeting the needs of students with disabilities, disengaged students or students at risk.

Independent schools and the populations they serve are diverse. Many independent schools are small; almost half of independent schools enrol less than 200 students, and more than a third enrol less than 100 students. Independent schools can be found in communities across the breadth of SES areas, in metropolitan and regional locations. It is little understood that 66% of independent schools in NSW are classified as being in the lower half of the SES range.

Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the registering authority, the NSW Education Standards Authority (formerly BOSTES prior to January 1, 2017). Most independent schools are set up and governed independently on an individual school basis. However, some independent schools with common aims and educational philosophies are governed and administered as systems, for example the Anglican and Seventh-day Adventist systems.

The AISNSW provides a wide range of services to independent schools throughout NSW to support their provision of education. This provision is supported by wide consultation with stakeholders.

AISNSW, as the peak body advocating for independent schools in NSW acknowledges the Legislative Council General Purpose Standing Committee Number 3 for the opportunity to contribute to this inquiry into the provision of education to students with disability or special needs in government and non-government schools.

Supporting schools to cater for students with disabilities and to develop a deeper understanding of the application of the Disability Discrimination Act 1992 (DDA) and the *Disability Standards for Education 2005* (DSE) is a core function for AISNSW.

Background

The education of students with disabilities in the independent schools sector in New South Wales has a long history. The sector was the first provider of school services for students with disabilities with the establishment of the first independent special school in 1860. From an historical perspective, the lack of government special schools in the 1900s led to the proliferation of non-government special schools. Although the government assumed responsibility for students with disabilities in the late 1970s, a significant number of special schools remained independent.

Currently the sector provides parents with a choice of special school or inclusion within mainstream classes at regular schools, with only a few schools offering special class placements. Noticeably, the current trend in parental choice has led to the majority of students with disabilities, regardless of the level of support required, being educated in mainstream classes.

As with the government and Catholic systems, independent schools in NSW have experienced significant and consistent growth in enrolments of students with disabilities and special needs since the implementation of the DDA and DSE. This enrolment growth has continued to accelerate since the Legislative Council's 2010 Inquiry. Initial data from the Nationally Consistent Collection of Data on Students with a Disability (NCCD) indicates that the sector's enrolment share of students with disability is similar to the sector's enrolment share of the overall student population.

There have been a number of changes in this area since the Legislative Council's 2010 inquiry. The most significant changes for independent schools have included:

- the introduction of the Schools Resourcing Standard through the commencement of the *Australian Education Act 2013* on 1 January 2014, with implications on the funding provided by the Commonwealth Government to schools for students with disability, and to peak bodies like the AISNSW to provide advice and support to schools;
- the proposed introduction of a new Commonwealth funding model from 2018;
- the rollout of the NCCD, a major advance in the collection of data, but with its own challenges;
- the NSW Literacy and Numeracy Action Plan;

- the role of NSW Education Standards Authority (formerly the BOSTES) in teacher accreditation and teacher education; and
- 2010 & 2015 Reports on the Review of the DSE.

While these changes are significant developments, and the implications of these changes will be expanded upon more fully throughout this submission, in some respects the key challenges identified for independent schools in the AISNSW's submission to the 2010 inquiry remain current.

There is a plethora of research available that clearly demonstrates that the costs incurred for educating a student with disabilities is substantially more than the costs of educating a student without a disability. Students with disabilities and special needs require additional support because of the nature of their disability. To provide appropriate services for many students with disability or special needs requires a firm commitment to allocation of financial, human and professional services. Challenges experienced by independent schools relate not just to discrepancies in the funding received by students in government and non-government schools, but also to accessing expertise and guidance on how to best support students with disabilities and students with special needs.

While systems may be able to employ such expertise and share it as required between schools, most independent schools, particularly mainstream schools, must draw on such expertise from outside the school community. The AISNSW has a role to play in providing support to schools which seek advice and guidance, and this role will be expanded upon, where relevant, when responding to the Terms of Reference.

Term of Reference 1

Equitable access to resources for students with a disability or special needs in regional and metropolitan areas

AISNSW acknowledges the financial support for students with disabilities and special needs in independent schools provided by the NSW and Commonwealth Governments. This funding is acknowledged and appreciated as the costs of providing educational services to these students are many times greater than for other students and the funding is an essential contribution to the education of students with disabilities. However, it is widely acknowledged that the level of funding from both State and Commonwealth governments to schools does not adequately support the education of students with a disability. This is the case for all schools, but schools in the independent sector have unique challenges in providing equitable access to students with a disability or special needs.

The impact of DDA and DSE requires schools to accept enrolments of all students irrespective of the nature of their disability, without commensurate funding to support them. Independent schools are willing to meet their social and legal obligations to enrol students with disabilities. The growth of enrolments of these students in the sector attests to this. This legislation, however, obliges independent schools to accept students with disabilities without adequate knowledge by governments of the compliance costs to the individual independent school community.

In the case of independent schools, it is the school community which must meet this additional financial burden rather than the broader Australian community through taxation. The school must either adjust the quality of provision to other students, increase school fees or fund raise. Either way, the school's parent community meet the additional financial burden. For example, capital and significant equipment costs are met by the school as specific funding is not available for building modifications and equipment for students with disabilities.

The following information summarises the government funding to support schools educating students with disabilities in the independent sector in NSW.

The **NSW Government** provides two types of funding for students with disabilities in independent schools. They are:

1. State government recurrent grants

This is a per capita payment paid directly to the school by the NSW Department of Education, and is the only NSW Government contribution to mainstream independent schools enrolling students with disabilities.

There are twelve levels of funding, with Category 12 providing the highest rate of funding. Each school falls into a different funding Category, with Special Schools funded in Category 12. In mainstream schools, for each student with a disability recorded on the school census, the school receives additional funding to 'top up' the difference between the Category of the school the student attends and Category 12.

In 2016, Category 12 funding was approximately \$2604 for each primary student with a disability; and approximately \$3355 for each secondary student with a disability. A school in a low socio economic community classified at Category 11 would only receive an additional \$454 for each primary student or \$451 for each secondary student with a disability.

This model does not acknowledge the support needs of students with a disability. Students with disability are not an homogenous group. The collaborative planning process will determine the support needs of each student. Some students with disability have low support needs whereas the increasing number of students with high support needs in independent schools require significant resources to provide an education consistent with the DSE. As can be seen by the differential allocation targeted to students with disability identified in the previous paragraph, the funding amount, while appreciated, would be a very small contribution to the cost of educating a student with a disability with low support needs.

2. Supervisor subsidy

This subsidy is paid to some Special Schools; it is towards the cost of providing supervisors or teachers to care for children between the ages of 4 to 18 years, with autism or a moderate to severe intellectual disability.

This funding is critical for the eligible schools where the high cost of educational provision is not sustainable without government financial support. Without this funding schools are likely to close. If these schools close the students would attend government schools resulting in higher costs to the NSW Government.

Those special schools with a remit that does not specifically cater only for students with autism and/or moderate to severe intellectual disability are not eligible for the Supervisor Subsidy, regardless of whether the student cohort is comprised of students who would be eligible for the subsidy if they were enrolled in an eligible school.

Mainstream schools that have students, or classes of students, with autism and/or moderate to severe intellectual disability do not receive this funding.

The **Commonwealth Government** provides support for schools educating students with disability through the School Resourcing Standard (SRS), set out in the *Australian Education Act 2014*.

In theory, all students with disability are entitled to the same loading amount. AISNSW supports this principle and the general tenet of the Gonski funding model.

As currently implemented, the model does not achieve this equitable funding approach, and the transition arrangements are complex as the SRS is not yet fully implemented. Due to the transition arrangements, the majority of independent schools are only receiving a small proportion of their additional funding entitlement under the SRS model. The interim loading currently in operation does not differentiate between levels of disability, and schools need to wait until the end of the school year to receive funding for any students who enrol after the census. Further, the provision of loadings

directly to independent schools has removed the capacity within the sector to provide sector wide support for schools.

While the transition is in place across all sectors, the allocative mechanisms available to school systems mean that funding can be targeted at students anywhere in the system. This is not the case for independent schools where government funding is provided directly to the individual school.

Expertise

Independent schools are committed to support their students with disability and special needs. Some of the larger schools have a range of support services in place however many of the smaller or regional and rural schools, being the majority of the sector, have limited access to additional expertise to support students with disability. To date, this role has been filled by the AISNSW providing consultancy support to schools.

While the independent sector is not a system, the AISNSW provides support services to independent schools across NSW. Previously AISNSW received Commonwealth funding to provide services to schools enrolling students with disability. As stated above, the SRS model has resulted in loadings going directly to schools, potentially removing the capacity from 2018 of the AISNSW to provide sector support. Currently, AISNSW is using a portion of funding received from the Commonwealth under transition arrangements to support independent schools enrolling students with disability.

AISNSW provides services encompassing consultancy, professional learning (face to face and online), special projects, and resource development to independent schools in regional and metropolitan areas across NSW.

AISNSW consultants respond to requests from schools by supporting them to plan for individual students with disabilities using the collaborative planning process mandated in the DSE. They also provide support in the form of whole school consultancies. This can involve a review of the school's learning support operations with recommendations for change or it can involve working shoulder to shoulder with class and faculty teachers to enhance their teaching practice.

AISNSW also provides state wide professional learning for school staff in the area of disability and special needs. This is sometimes done in conjunction with other consultants who are specialists in areas such as primary, secondary or ICT. Collaborating with colleagues to provide an integrated service is particularly important in the secondary area where subject specialist knowledge is critical. The professional learning provided in regional areas is often not as well attended as those in the metropolitan areas due to the challenges of travel, availability of casual relief and costs. To supplement face to face professional learning, particularly in remote areas, AISNSW has installed video hubs across the State for easier access to the professional learning that is offered from Sydney. Regional schools travel to these video hub locations and can interact with their metropolitan colleagues.

AISNSW has developed online courses in the area of Disability Legislation, Collaborative Planning and Evidence Based Practice. Additional online courses focused on pedagogy and core skills such as maths, grammar, and early literacy have also been developed. Webinars are also offered as a means of accessing support, which are particularly useful to schools in regional areas but are also widely used by metropolitan schools.

AISNSW consultants also assess school leavers with a disability for eligibility for NSW Government post school programs, being Transition to Work or Community Participation. The consultants travel across the State in order to work with identified school leavers, their parents/ careers and school staff to provide an informed assessment, from which the NSW Government can determine the appropriate service to be offered to the young person post school. In 2016, the AISNSW team assessed 19 school leavers with a disability in regional areas and 28 school leavers with a disability in the greater Sydney area. While the numbers of school leavers with a disability appears small, the impact on the young person and their family is significant.

To support schools in regional and metropolitan areas, AISNSW also provides a service in developing resources to support schools in planning, assessment, programming and teaching students with special needs. These are in the form of fact sheets, templates and sample programs and case studies. They are located on the AISNSW website for easy access by schools across the State.

Term of Reference 2

The impact of the Government's 'Every Student Every School' policy on the provision of education to students with a disability or special needs in New South Wales public schools

As 'Every Student Every School' is a NSW Department of Education policy for government schools, the policy is not applicable to the independent sector.

Term of Reference 3

Developments since the 2010 inquiry by General Purpose Standing Committee No. 2 into the provision of education to students with a disability or special needs and the implementation of its recommendations

The increase in the number of students with disability enrolled in the independent sector, most of those in mainstream schools with minimal support, was a key issue raised in the 2010 inquiry. As discussed previously, enrolment growth for students with disability and special needs in NSW independent schools has continued. The independent sector believes that school choice should be available for the parents of students with disabilities just as it is for other parents. Although a significant development since 2010, changes related to the funding of Students with Disability by the Commonwealth Government has previously been discussed in the response to Term of Reference 1, and will not be repeated here.

A further key issue identified in the 2010 inquiry was the need for funding support and professional learning for all teachers and executive in independent schools to understand their obligations to students with disabilities and their families. AISNSW is proud of the range of professional learning opportunities and support which is currently offered to independent schools. The NSW Education Standards Authority recognizes the AISNSW is an approved provider of professional learning. Teachers completing professional learning to support students with disability and special needs can have their hours recognized for teacher accreditation.

AISNSW has also supported work by the NSW Education Standards Authority in implementing the national professional standards for teachers. Particular support has been provided through consultancies and courses to assist teachers understand and demonstrate competence in addressing the needs of students with disability and special needs, including a focus on differentiated teaching. In addition AISNSW supported the NSW Education Standards Authority undertake research projects in areas such as classroom management, literacy and numeracy, and engage with the universities across NSW regarding the critical competencies in courses for preservice teachers.

Review of the Disability Standards for Education

Since the 2010 inquiry, the DSE has been reviewed twice: first in 2010, and again in 2015.

The key issues and recommendations in the first review were related to the general awareness schools had of DDA and DSE, the need for clarity of definitions within the DSE, and how schools include students in terms of their access and participation. These issues were repeated in the 2015 review including a greater focus on early childhood services.

The 2010 Legislative Council Inquiry and the Reviews of the DSE have influenced the way AISNSW provides support to independent schools.

In the first five years of the DSE, AISNSW provided advice to schools on their obligations under the DSE. This was undertaken face to face and had limited uptake by schools. Since 2010 all schools are encouraged to access at no cost the two hour face to face DDA/DSE course designed by AISNSW in consultation with discrimination lawyers. In addition this presentation is given in conjunction with the AISNSW Leadership Centre to all new principals enrolled in the Beginning Principals Course. It is also included in the leadership courses provided for registrars, business managers and aspiring school leaders.

School executive are made aware via the AISNSW website and Bulletins of their compliance obligations and these include compliance with DDA and DSE. All school staff are now able to access the two hour online module developed by AISNSW staff. The modules can be accessed by individuals, in small groups or as a whole school.

Taking into consideration the recommendation for increased clarity of definitions and terms from the first Review of the DSE, the face to face and online DDA/DSE modules include definitions, examples and case studies that clarify the terms direct and indirect discrimination, collaborative planning, on the same basis, reasonable adjustment and unjustifiable hardship. This includes using cases already heard by the Australian Human Rights Commission.

Consultants work directly with schools to develop and contextualize the processes that are outlined in professional learning. In 2016 AISNSW provided more than 1000 consultancies, split evenly between Sydney and regionally located schools. In addition the consultancy team provided a series of professional learning activities at regional and Sydney schools as well as centre-based courses, briefings and long term projects with schools.

Nationally Consistent Collection of Data for Students with Disability (NCCD)

From 2013 with the introduction of the NCCD, AISNSW has offered Principal briefings, staff training sessions and workshops on using the definition in the DDA and the Collaborative Planning Process in the DSE to determine the number of students requiring support and at what level. These intensive professional learning activities appear to have resulted in a noticeable change at school level in the understanding of mandated processes and the implementation of these processes. A NSW independent school, Claremont College, was selected as one of the case studies and videos to demonstrate effective practice on the national NCCD professional learning website.

To enact the NCCD process, consultants have also worked with individual schools providing advice and mentoring executive staff in the development of these processes. AISNSW has provided NCCD workshops for 651 school participants with 134 of these being from rural areas.

While the NCCD reflects a major advance in the collection of data on Students with Disability, AISNSW continues to work closely with State and Commonwealth colleagues to continue to refine the Collection, with a view to improving accuracy and consistency across jurisdictions and sectors.

National Disability Insurance Scheme (NDIS)

While AISNSW has been able to focus support for independent schools enrolling students with disabilities and special needs since 2010, there are still gaps in service delivery. The NDIS has the potential to support students with disability with therapy and care. The education of some students with disability requires a range of specialist education skills that goes significantly beyond those skills and knowledge of typical classroom teacher in mainstream schools. This is particularly the case for

those teachers responsible for educating students with high support needs. There is also a dearth of expertise, either available or affordable, to support the increasing number of such students in schools across all sectors.

As the NDIS is progressively rolled out across NSW, independent schools are recognizing benefits for those students who have been able to access additional personal care or therapy. There have also been challenges to accompany the access to services. Understandably some families often see the benefit of having specific NCCD services provided at school. While this varies from school to school, there have been cases where the student's time available for educational learning is decreased due to the NCCD sessions occurring in school time rather than out of school hours as previously provided. In recognizing that there are teething issues with any new project, and particularly with a project the size and complexity of NCCD, AISNSW will find opportunities to work with schools, parents and NCCD services to collaboratively plan to support students with disability.

Other initiatives

The NSW Government's Literacy and Numeracy Action Plan and two Commonwealth funded Partnerships in Education Projects: Developing Whole School Inclusive Practices (Inclusive Schooling), and the Early Literacy Project (Early Literacy) have provided opportunities to increase access and participation for students with disability and special needs in independent schools.

Phase 1 of the Literacy and Numeracy Action Plan began in 2012 with 14 schools and a further 15 were added in 2013. These 29 schools participated in the Action Plan until the end of 2016. AISNSW consultants worked with schools to increase capacity in Instructional Leadership, Diagnostic Assessment, Personalised Learning and Tiered Interventions. In all schools there was an increase in teacher capacity, literacy and numeracy knowledge of school leadership teams, whole school planning and improvement of literacy and numeracy outcomes of the K-2 cohort. It is anticipated that these positive outcomes will be repeated in Phase 2 of the Action Plan, in which 38 independent schools are participating in from Term 1, 2017.

The Inclusive Schooling Project is a vehicle for schools to identify how inclusive they actually are and to work on individual and whole school goals in addressing the inclusivity of their schools. The evaluations of the project show increased confidence and capacity of school teams to address the needs of all students.

The Early Literacy Project has involved AISNSW consultants developing a screening tool to quickly identify K-2 students at risk of literacy failure and the provision of eight face to face and online professional learning modules for staff. Thirteen schools have participated to date and the external evaluations show that a combination of professional learning and consultants using instructional coaching techniques following the professional learning improved teacher capacity, confidence and student outcomes.

In these three projects access to and participation in the curriculum were increased for students with disability and special needs.

Term of Reference 4

Complaint and review mechanisms within the school systems in New South Wales for parents and carers.

Each independent school in NSW has a complaints policy consistent with the requirements for the registration and accreditation of schools. Under these NSW Education Standards Authority requirements schools must have policies and procedures which clearly set out processes for raising and responding to matters of concern identified by parents and students.

The AISNSW professional learning and consultancy support provided to independent schools under the DDA/DSE includes a section on the requirement to have transparent and accessible complaints processes that are available to parents. These include how a complaint can be made, what the process will be for investigating and resolving that complaint in a timely manner and what recourse to other agencies parents have if they are not happy with the resolution.

Conclusion

AISNSW acknowledges that there has been progress in developing understanding of the DDA and DSE amongst the broader school community. This has led to increased awareness in schools and emerging implementation of the DSE in schools. However whilst this progress is promising, effective implementation is emerging and not yet universal. Significant support for schools is required to embed and sustain evidence based practice in implementing the DSE.

The sustained funding for professional learning and school based support by a specialist team has been central to this success. Further, the adoption of evidence based teaching of early literacy and numeracy in NSW Literacy and Numeracy Action Plan schools has positively impacted outcomes for students with disabilities and special needs. These outcomes can be directly attributed to the funding support provided by the NSW Government and AISNSW acknowledges the NSW Government's vision in recognizing the need to embed the practices, expand the cross sectoral project, and sustain the support for another four years.

In response to the 2010 Inquiry, the AISNSW stated that the provision of education to students with a disability or special needs was the most pressing educational issue facing schools, students with a disability and their families at that time. While positive about the emerging evidence of progress since 2010, the AISNSW continues to assert that the provision of education to students with a disability or special needs is the most pressing educational issue facing schools, students with a disability and their families in 2017.

Students with disabilities and special needs face considerably more challenges and difficulties than other students. These difficulties are compounded by inadequate and inequitable funding.

The present funding and other support arrangements are inadequate to deal effectively with the majority of the educational needs of these students. These problems are exacerbated in the independent schools sector as a result of the lack of access to additional funding and support services that are provided to students with similar needs where system support is available.

In addition, considerable attention needs to address the effective training of teachers to ensure they are better equipped to manage the demands of teaching students with a disability and those with special needs. The focus needs to be on evidence based practice for classroom and subject teachers and also the provision of evidence based post graduate course for specialist teachers. While the NSW Education Standards Authority should be acknowledged for undertaking research projects in this field and for engaging with the universities across NSW, more still needs to be done to address the skills of new graduates and the dearth of expertise in special education.

In 2010, the AISNSW indicated that addressing these funding shortfalls and anomalies in the provision support services will require a substantial, sustained and committed effort on the part of all levels of government. The AISNSW believes that this view is still relevant in 2017.

The AISNSW welcomes this Inquiry and appreciates the commitment to the provision of education to students with a disability or special needs in government and non-government schools.

