

**Submission  
No 135**

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

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

Submission from the NSW Government:  
February 2017

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## 1 Introduction

The NSW Government supports the education of school students whose learning is impacted by disability directly through the NSW Department of Education ('the department') in more than 2,200 government (public) schools across the state.

In 2016, there were more than 790,000 students enrolled in NSW government schools from Kindergarten to Year 12, supported by around 85,000 teachers and support staff. About 14 per cent of this student population – more than 105,000 students – receive personalised learning and support because of disability. Of these students, over 29,000 were receiving additional support through targeted specialist support services in regular classes, and in specialist support classes in special schools and regular schools. More than 40 per cent of these targeted students are receiving specialist support for learning and support needs associated with autism and emotional disturbance.

Approximately 72 per cent of all school students with disability in New South Wales are supported in government schools.<sup>1</sup>

The NSW Government also provides substantial funding to the non-government school education sectors to support students with disability.

Other NSW Government departments and agencies also provide services for children and young people with disability in NSW and their families that support and enable their attendance and success at school. This includes specialist services supporting children and their families provided by NSW Health and Family and Community Services. The way children with disability and their families access specialist disability services in NSW is undergoing significant change with the transition to the National Disability Insurance Scheme (NDIS).

The Department of Education is strongly committed to the provision of world class education. New South Wales has a proud track record of providing curriculum and syllabuses as well as credentialing that caters for the full range of students in NSW schools, including students with significant disability. Significant reforms are strengthening education provision for all students drawing on the latest research evidence and leading international practice. This includes reforms that are improving the quality of teaching and learning through a focus on teacher professional development and support as well as the provision and delivery of the state's K-12 curriculum.

The department is also implementing significant evidence-based reforms in government schools to improve outcomes for all students. These reforms include a new needs-based school funding model, greater local authority for principals to make decisions about the use of the school's resources to meet the needs of their students and accountability mechanisms for every school. Enhanced wellbeing services including counselling and psychology and support for behaviour are also being implemented through recent funding enhancements.

Recent reforms at both national and state levels have driven major changes in the way schools are responding to the needs of students with disability. These reforms are

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<sup>1</sup> Productivity Commission, *Report on Government Services 2017*

supporting teachers to better recognise and respond to the learning and wellbeing needs of students and enabling them to reach their academic, social and emotional goals and aspirations. They include ongoing strategies to promote greater awareness and understanding about the rights of students and their families and obligations of schools under disability legislation, the introduction of an annual national data collection model in all schools about the provision of adjustments for students with disability, and an increased emphasis on personalised learning and support to meet the education needs of students, in consultation with their parents and carers.

In NSW government schools, the Every Student, Every School initiative which commenced in 2012 has been an important mechanism to support the implementation of these reforms. Many of the key activities introduced through Every Student, Every School continue to strengthen educational experiences for students with disability through an ongoing focus on professional learning and support for teachers and support staff. Since the introduction of Every Student, Every School, significant numbers of teachers and support staff have completed accredited training across a wide range of courses supporting teaching and learning for students with disability.

These reforms are contributing to and supporting changing expectations about schooling for students with disability and embedding the provision of adjustments and support for individual student learning needs as the core business of every teacher and every school.

But there is more that can be done. The department is currently undertaking a number of projects that are aimed at building on successes of Every Student, Every School. It is addressing areas for further improvement, particularly in areas of support for students with more complex needs associated with behaviour and health, and has improved information for parents, teachers and communities through a new website.

Many students need additional support and adjustments for learning at some stage in their schooling, either in the short term or on an ongoing basis. Students with disability have wide ranging learning and support needs, from those whose needs are addressed through minimal adjustments to teaching and learning in the classroom or modifications in their environment, to those who need more extensive support through adjusted curriculum, personalised learning, specialised aids, equipment and materials, support staff to access and participate at school, and physical modifications to school buildings and playgrounds.

Consistent with international trends, NSW Government expenditure on the delivery of support for students with disability continues to increase each year. From 2012 to 2016, funding in all key programs supporting students with disability has increased. This increase ranges from 12 per cent up to 60 per cent across different program areas.

This submission highlights the general services and reforms that support all school students including those with disability. It focuses on the specialist programs and services that are provided by the NSW Government that provide additional support for learning for school students with disability and that enable their successful participation in education.

Given the extensive range of services that support school aged children and young people with disability, those addressed in this submission are not exhaustive but address those most relevant to the terms of reference of this Inquiry.

The submission is structured to reflect the Inquiry terms of reference. It addresses:

- the current context and drivers that underpin the provision of school education for students with disability
- the resources and supports provided by NSW Government for students whose learning is impacted by disability in government schools as well those that support students in non-government schools
- key achievements of the Every Student Every School reform initiative and its ongoing impacts
- other relevant developments since the 2010 Upper House Inquiry in the provision of education for students with disability
- key complaint and review mechanisms relevant to school students with disability and their parents and carers, and
- the introduction of the National Disability Insurance Scheme (NDIS) and the challenges and opportunities it presents for children and young people with disability, their families and schools.

## 2 The current school education context

The context in which the NSW Government provides education support for students whose learning is impacted by disability is complex and changing. There are changing expectations around education for students with disability, driven by an increasing focus on the rights of students with disability and their inclusion in education provisions and opportunities available to all students.

A number of major state and national education reforms have been introduced since the 2010 Legislative Council Inquiry into education provision for students with disability. These reforms are responding to these changing expectations and supporting significant shifts in the way schools address the learning needs of all students, including students whose learning is impacted by disability. Every Student, Every School, a key reform that is strengthening education provision for the full range of students with disability in NSW government schools, is addressed in chapter 4. Other relevant reforms are addressed in chapter 5.

In addition to changing expectations, these reforms are underpinned by the legal context for school education for students with disability and the profile of students with disability.

### 2.1 Legal context

School education for students with disability reflects State and Commonwealth legislation that support the rights of people with disability. Primary among these are:

- the NSW *Education Act 1990* which sets out rights and duties for education of all children in NSW, including for enrolment and attendance, curriculum delivery and for the provision of additional assistance for school children with a range of special needs, including disabilities and significant learning difficulties.
- the Commonwealth *Disability Discrimination Act 1992* (DDA) which sets out rights and obligations in relation to discrimination on the basis of disability in a range of areas, including education
- the *Disability Standards for Education* (the Standards) introduced in 2005 which further clarify the obligations of education providers under the DDA. In particular, the Standards require schools to provide 'reasonable adjustments' where needed to ensure that a student with disability can access and participate in education on the same basis as their peers. The Standards also require that reasonable adjustments are provided in consultation with the student and/or their parents or carers.
- The NSW *Anti-Discrimination Act 1977* (ADA) which makes it unlawful to discriminate on a number of prescribed grounds, including disability (NSW government schools only).

The DDA and its Standards, and the ADA, define disability broadly. The definition includes: physical, intellectual, psychiatric, sensory, neurological and learning disabilities, as well as physical disfigurement and the presence in the body of disease-causing organisms.

Other relevant legislation includes NSW work health and safety legislation, NSW child protection legislation and State and Commonwealth privacy legislation.

Additional details on these laws and other relevant legal context is at Appendix A.



## 2.2 Profile of students with disability

In 2016, more than 790,000 students were enrolled in NSW government schools. Of these, more than 105,000 (more than 14 per cent) of students were receiving adjustments or additional support for disability, as defined by the *Disability Discrimination Act 1992* and the *Disability Standards for Education 2005*.

Students with disability have a diverse range of learning and support needs and are enrolled across the entire NSW government school system, including metropolitan, rural and remote regular schools, academically selective schools and schools for specific purposes (SSPs or special schools).

In 2016, more than 29,000 students with disability received additional support through a targeted specialist support service or program based on their eligibility against the department's formal disability criteria (intellectual disability, physical disability, autism, mental health, hearing impairment and vision impairment). This includes:

- More than 7,500 students in regular classes in regular schools supported through the Integration Funding Support program
- More than 21,500 students in specialist support classes in special schools and regular schools.

The placement of a student eligible for targeted specialist support in a regular class with additional support or in a support class setting reflects their assessed educational needs and the preferences of their parents and carers as well as their proximity to services.

Students with disability in regular classes who have lower level support needs receive additional support through learning and support resources that are allocated to every regular school.

Overall, the majority of students with disability in NSW government schools – around 80 per cent – attend regular classes in regular schools.

More information about these programs and services is provided in chapter 3.

Consistent with national trends, NSW government schools enrol proportionately more students with disability compared to non-government schools (see Table 1).

**Table 1: Share of students with disability by education sector, NSW, 2014**

		Share of students with disability	Share of all students
Students with disability	Government schools	71.5%	65.3%
	Non-government schools	28.4%	34.6%

Source: Productivity Commission, *Report on Government Services 2017*, table 4A.25

### 3 Resources supporting students whose learning is impacted by disability

The NSW Government funds both government and non-government schools. This includes funding for specific programs and services that provide additional support for students with disability. This funding supports schools to meet their obligations to students under the *Disability Discrimination Act 1992* and the *Disability Standards for Education 2005*. The funding is predominantly used for salary purposes.

#### 3.1 Funding in government schools

The way government schools are funded has changed significantly since 2012 with the introduction of Local Schools, Local Decisions and Every Student, Every School (these reforms are described in more detail in chapters 4 and 5).

The department provides support to schools according to the needs-based Resource Allocation Model (RAM) methodology, which has been progressively implemented since 2014.

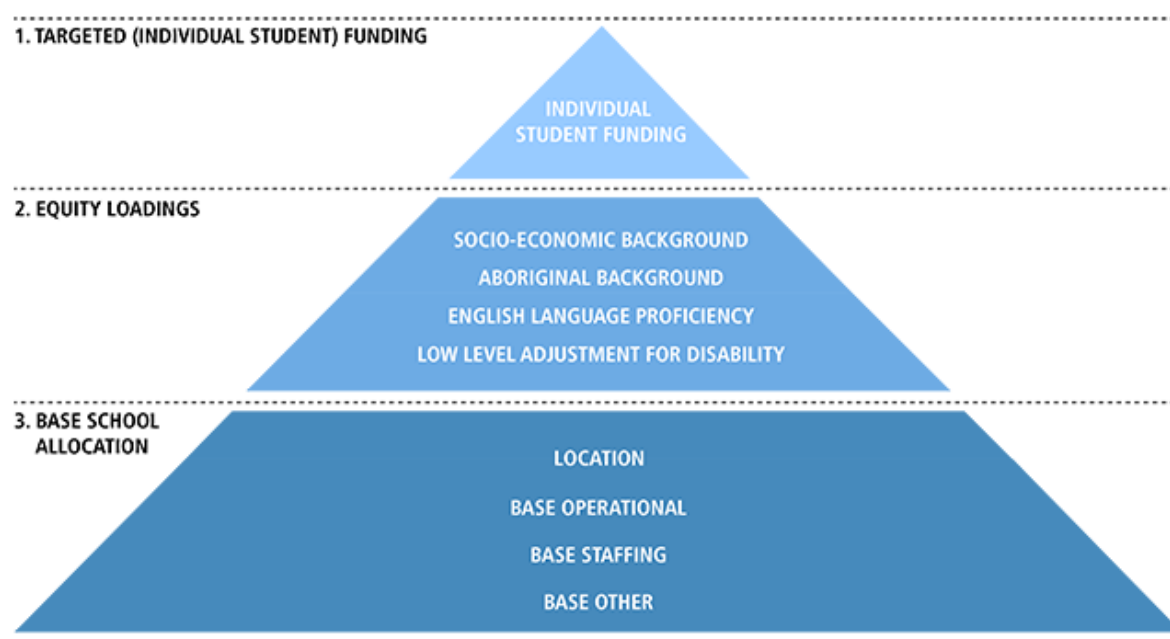
The RAM has three components (see Figure 1 on p.7):

- a base school allocation – which comprises staffing (at standard cost) and operational funding. This is the largest component of the funding model.
- equity loadings – a supplement to the base school allocation to support the school to meet the diverse learning needs of students. Individual students can attract more than one loading. There are four equity loadings:
  - students from low socioeconomic backgrounds
  - students from Aboriginal backgrounds
  - students learning English as an additional language
  - students who have low level adjustment needs for disability.
- targeted funding – to further enable schools to be responsive to individual students with more complex learning and support needs, including students with moderate to high level adjustment needs for disability who access support through the Integration Funding Support program. Targeted funding also supports refugee students and new arrivals.

Principals have responsibility for determining how their total school budget is used to best meet the needs of all the students in their school. School budgets can be used flexibly to meet these needs. For example, RAM funding can be combined with other school resources, pooled with other schools or used to employ specialist staff.

The school plan and annual report, as well as planning and reporting to parents and carers on personalised learning and support for individual students attracting targeted support, provide accountability for effective use of these funds and student outcomes.

**Figure 1: Components of the RAM**



More information about the RAM is available on the department's [website](#).

As part of the funding allocated to NSW government schools through the RAM, the department allocates specific funding to support the additional learning and support needs of students with disability. This funding is used for the provision of additional support for students in regular classes and specialist support classes in regular and special schools.

### **3.2 Funding for students with disability in regular classes**

The department values the active participation of parents and carers in the education of their children and supports their choices and preferences about education options for their child. More than 80 percent of students with disability and additional learning and support needs are in regular classes and schools.

The RAM delivers additional targeted and non-targeted funding to regular government schools to support students with disability and additional learning needs. Non-targeted (equity) funding for disability is provided through the RAM equity loading, low level adjustment for disability. Targeted funding is delivered through the Integration Funding Support program and enables schools to provide more intensive support to eligible students with moderate to high level additional learning needs.

#### **3.2.1 Equity loading - low level adjustment for disability**

The majority of students who receive adjustments for disability are enrolled in regular classes and have low level additional learning and support needs. As part of their school budget, all regular NSW government schools receive an allocation of learning and support resources through the RAM equity loading, low level adjustment for disability. This allocation is calculated on school enrolments and the number of students with additional learning and support needs. Student need is determined using the most recent three years of NAPLAN data to create a student learning need index for each school.

The loading has two components:

- a specialist learning and support teacher allocation, adjusted every three years,
- a flexible funding allocation, adjusted annually to reflect changes in enrolment and student need in each school.

Schools are able to use these resources flexibly to meet the additional learning and support needs of students, as and when they are needed. A formal disability diagnosis or confirmation against the department's disability criteria is not required. This reduces the need for parents and carers to obtain assessments in order for their child to receive support and reduces red tape for schools.

In 2016, more than \$246 million was allocated to schools to support the additional learning needs of students through the low level adjustment for disability loading. This is a 31 per cent increase on funding provided in 2012.

**Learning and support teachers** work directly in the school to provide additional support for students and their classroom teachers. Learning and support teachers:

- work with classroom teachers to assess students with additional educational needs and identify their specific learning and support needs
- work with classroom teachers to plan, implement, model, monitor and evaluate teaching programs for students with additional learning needs
- plan, implement, model and evaluate personalised adjustments for learning where required with classroom teachers, students and/or parents or carers
- directly support students with additional learning and support needs, covering social integration, language and communication, literacy, numeracy and behaviour
- provide professional specialist advice, support and mentoring to classroom teachers
- assist with professional learning for classroom teachers and school learning and support officers within their school and local network of schools.

**Flexible funding for learning and support** can be used to support students according to the needs and the priorities of the school community. It can be used for:

- extra teacher time
- extra school learning and support officer time
- release of teachers for planning, programming and professional learning.

Principals are able to combine the school's annual flexible funding allocation with other equity loadings, base and targeted funding to support personalised adjustments for their students. Principals also have flexibility to share and pool their learning and support resources with other schools to meet local needs and priorities.

**School learning and support teams** play a key role in planning how school resources, including funding, are used and how best to meet the specific learning and support needs of students. School learning and support teams work in consultation with parents and carers to ensure the best possible outcomes for students.

See below for examples of how schools are using RAM funding to support the learning needs of students.

## Flexible use of RAM to support students with disability

### Primary School 1

With 251 students from diverse cultural and family backgrounds, Primary School 1 used its budget to advance the strategic directions outlined in their 2015-17 school plan. Funds were used to engage additional staff to support student learning, including:

- an instructional leader for stage 2/3 literacy
- a trained school learning support officer to implement a speech therapy program for targeted students, with the support of a qualified speech therapist
- additional school learning support officers to support teaching of literacy and numeracy across all classes.

Professional learning for teachers has also enabled the school to run MultiLit and MiniLit support programs for students with additional support needs in literacy.

### Primary School 2

In 2015, Primary School 2 used its funding to engage an additional 4.5 full time equivalent (FTE) school learning support officers to support identified areas of need and free up an assistant principal to manage the school's learning and support team.

Working alongside students, school learning support officers provided extra literacy and numeracy support in classrooms through programs like Language, Learning and Literacy (L3), Teaching Early Numeracy (TEN) and MultiLit in targeted small groups. Funding has also been used to provide additional release from the classroom so that teachers can work with parents and carers to develop personalised learning plans for students.

Additional release for an assistant principal has enabled the school to focus on collecting and using data to better support students with additional needs. The assistant principal also coordinates access to school by external providers.

### High School 1

Health and wellbeing is a strategic direction for High School 1. In 2015, the school focused on providing additional support that could not be easily provided in mainstream classrooms to students with additional learning needs.

The school used its budget to reconfigure an existing classroom and establish 'The Hub', an innovative learning space to support students who need adjustments to their learning to help them fully participate in their education. Learning is supported by 3.6 FTE school learning support officers who work with students both in their classrooms and through special programs in the Hub. Funding has also been used to release teachers to access professional learning focused on modifying teaching and assessment to meet the needs of individual students.

The Hub has helped the school to consistently identify and better support students who need adjustments to their learning. Student attendance has increased, as has completion and submission rates for assessments.

### High School 2

High School 2 is a large comprehensive high school of over 900 students. In 2015, the school used its budget to implement a range of initiatives to support students. This included additional release time for a teacher to manage a support program for students with disability.

The school established a student-run coffee shop for Year 10 students with learning difficulties. All students received barista training through TAFE, and learned how to manage all aspects of the business. The initiative also gave students an opportunity to gain experience in team work and customer service. As a result, some students have gone on to gain full time employment in hospitality.

## 3.2.2 Integration funding support

The Integration Funding Support program provides additional, targeted funding to government schools for eligible students with disability to support personalised adjustments that enable their attendance and participation in regular classes.

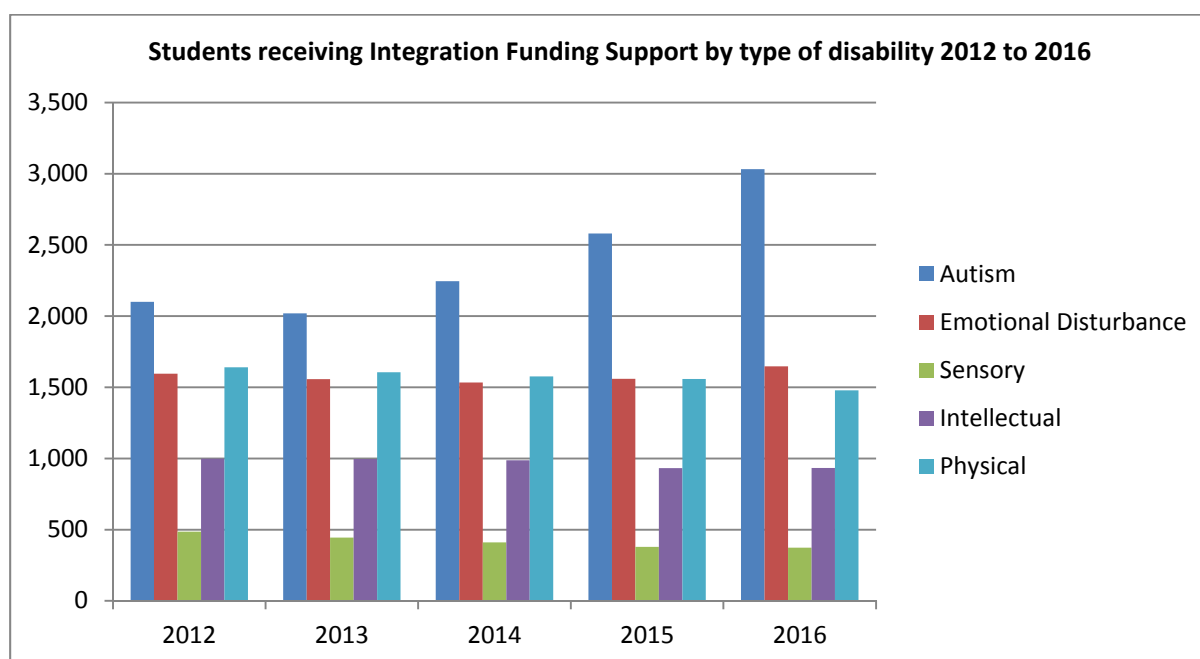
Students eligible for this support must have a confirmed disability diagnosis and essential educational needs that cannot be met through the full range of school and local resources. Typically students have moderate to high level additional learning needs directly related to their disability. The quantum of integration funding support allocated for an individual student is based on their disability and assessed level of need against the domains of communication, participation, personal care, movement and key learning areas.

Schools may use these additional funds for teacher or school learning support officer salaries, to implement personalised learning and support planning developed for the student in consultation with their parents and carers. While integration funding support is based on the profile of individual students, it forms part of the global budget of the school delivered through the RAM and can be used in combination with other funds in the school budget to support learning outcomes for the student.

In 2016, over \$112 million was provided through the Integration Funding Support Program, assisting more than 7,500 students state-wide.

Funding for students supported through this program has increased by 12 per cent since 2012, in particular through an increase in number of students with autism (see Figure 2, below).

**Figure 2: Number of students receiving integration funding support by type of disability, 2012-2016**



Source: Department of Education data 2016

### 3.3 Specialist support classes and specialist teachers

The department offers a continuum of enrolment and support options for students who meet the department's disability criteria. Some parents prefer their child to be educated in a specialist support class in a regular government school or a school for specific purposes (also known as a special school or SSP).

In 2016 there were more than 2,860 specialist support classes in regular and special schools, supporting more than 21,500 students. Support classes provide personalised learning and support for students whose learning needs may not be adequately met in a regular classroom. Each support class is staffed by a teacher and a school learning support officer. This staffing allocation forms part of the base allocation for the school.

Support classes are smaller than regular classes – educating between six and 18 students. There are different support class types, including classes for students with:

- mild, moderate or severe intellectual disability
- sensory disability, including hearing and vision impairment
- physical disability
- autism
- emotional disturbance and/or behaviour disorder and
- students with similar support needs (known as multi-categorical classes).

Multi-categorical support classes were established as an outcome of the NSW Auditor-General's 2006 performance audit, *Educating primary school students with disabilities*. Multi-categorical classes support students with confirmed disability who have similar support needs and can support students with up to three types of disability. These class types have been well received, increasing from 32 classes in 2007 to 737 in 2016. They have enabled support classes to be established in communities where there were previously insufficient numbers of students with the same type of disability to warrant a class.

Support classes are established according to demand and the needs of students with disability. The department analyses the needs of students with disability to inform annual planning for specialist support classes. This analysis, combined with consultation with school principals, teachers, parents and carers, and school communities, determines the demand for, and location of, support classes for the coming year. It also accommodates the mobility of students across schools and the enrolment preferences of parents.

The department also provides funding for a range of specialist teachers who support students with disability or additional needs in support classes and in regular classes. These include:

- Specialist itinerant support teachers with expertise in vision and hearing who provide practical support to students whose learning is impacted by a sensory loss, and their teachers. More than 375 specialist itinerant teacher positions, hearing and vision, have the capacity to support more than 1,900 students.
- Specialist transition support teachers who provide advice to students with disability, their teachers and parents or carers to support planning for life after school. There are currently 46 transition support teachers in 30 full time equivalent positions across the state.

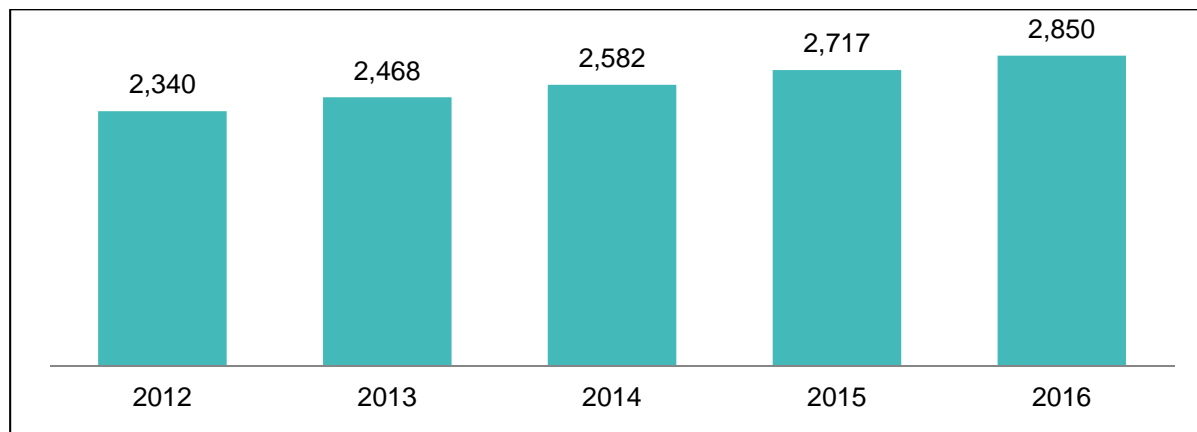
Other specialist teachers support a range of students with special needs, including students with disability. These include specialist teachers with expertise in out of home care and attendance.

In 2016, \$667 million was specifically allocated to specialist staffing including support classes and specialist teachers.

Since 2012, there has been an overall increase of over 20 per cent in the number of specialist support classes, or more than 500 additional classes across NSW.

Figure 3 below illustrates the increase in the number of specialist support classes across NSW between 2012 and 2016.

**Figure 3: Number of support classes in NSW government schools, 2012-2016**



Source: Department of Education data 2016

As with the Integration Funding Support program, support classes are supporting a growing number of students with autism (see Figure 4 below).

**Figure 4: Number of students in support classes by disability type, 2012-2016**



Source: Department of Education data 2016



### 3.3.1 Schools for specific purposes (SSPs or special schools)

Schools for specific purposes provide specialist educational settings and intensive support for students with significant needs from preschool through to Year 12. They specialise in catering for students with moderate or high learning and support needs associated with intellectual disability, autism, emotional disturbance or behaviour disorder, physical disability or sensory impairment.

In 2016 there are 106 special schools supporting students with disability comprising more than 870 classes within the NSW government school system (as a subset of the total support classes referred to above).

A further 7 SSPs, known as Education Training Units, are located in NSW juvenile justice centres.

Special schools receive a RAM allocation which they are able to use flexibly. This allocation is based on a per capita base funding, enhanced teacher staffing entitlements (all support classes are staffed by a teacher and a school learning support officer) and equity loadings (with the exception of the low level adjustment for disability loading) according to the needs profile of their students. Principals of special schools are able to use this total allocation flexibly to meet the needs of the students in their school.

## 3.4 Counselling and psychological services

School counselling services contribute significantly to student wellbeing in NSW government schools by providing specialised psychological assessment, counselling and intervention services.

Every student in a NSW government school has access to the school counselling service. All school counsellors have a degree in psychology. Senior Psychologists Education (SPEs) coordinate and professionally supervise school counselling teams and support schools on more complex matters.

In relation to students with disability the school counselling service:

- assesses students with additional learning and support needs. School counselling staff carry out cognitive, social, emotional and behavioural assessment of students referred by the learning and support team, report the results of assessments and interventions to parents and teachers
- works collaboratively with learning and support teams, parents and carers, and other agencies to develop appropriate school-based support for students. The school counselling service brings psychological expertise to the collaborative process of planning interventions to meet the students' learning and support needs
- assists parents or carers to make informed decisions about their child's education
- liaises with other agencies concerned with the wellbeing of students
- plays a key role in confirming student eligibility to access the department's specialist support provisions by applying the department's disability criteria.

The counselling service provides broader support to all students. It is important that children and young people have timely access to support systems when they are experiencing psychological distress. The department's school counselling service provides a mechanism

for young people to self-refer as needed. Students may also seek an interview at the suggestion of a teacher, a parent or carer. For students experiencing psychological distress, intervening early reduces the likelihood of those young people developing mental health problems.

The NSW Government's Supported Students Successful Students initiative, introduced in 2015, will deliver a significant increase in the counselling workforce over four years. Further detail on this reform is included in chapter 5.

### **3.5 Other specialist programs supporting students with disability**

As part of the total education budget, the department also provides funding for other specialist services that support students with disability. These include:

- The Braille and Large Print Service which supports students who are blind or have low vision through the provision of braille, large print and e-text materials. The services supported more than 365 NSW government school students in 2016. The service provides alternate accessible format textbooks, the Best Start Kindergarten Assessment in government schools as well as access to NAPLAN and the Higher School Certificate for government and non-government school students.
- The Assisted School Travel Program (see below).

### **3.6 Assisted School Travel Program**

The Assisted School Travel Program (ASTP) provides free specialised transport from home to school and return for eligible students with disability in government and non-government schools where parents and carers are unable to provide or arrange transport for the student.

The ASTP provides around 3,000 individual transport services daily through contracted service providers to around 10,500 students across NSW. In 2016, the department spent \$174 million delivering the ASTP, up by more than 50 per cent since 2012.

To be eligible for the ASTP, students must:

- meet the department's disability criteria
- be enrolled in a special school or support class for students with disability
- be assessed as being unable to travel independently
- be enrolled in the closest appropriate NSW government or non-government school to their home (to a maximum of 40 kilometres/90 minutes from the school).

Some students require additional support during transport due to their medical or behaviour needs. This additional support is provided by the department's assisted travel support officers (ATSOs). ATSOs work with schools, parents, contractors and drivers to closely supervise students during travel. Under the ASTP, ATSOs receive mandatory training in child protection and the department's code of conduct, as well as training in anaphylaxis, emergency care, and cardiopulmonary resuscitation (CPR). Schools also provide training to ATSOs on the specific travel support needs of individual students.

### **3.7 Additional resources and initiatives in government schools**

The department offers a range of other resources and initiatives that support NSW government schools to meet the needs of students including those with disability.

These include:

- support for child protection and wellbeing
- support for Aboriginal students
- distance education, which allows students with additional health, disability or learning needs who are unable to attend school to access the curriculum
- Educational Services teams that provide specialist advice and support to school principals, school staff, parents and the community to meet the needs of all students
- Networked Specialist Centres that provide an additional level of expertise to the work of schools and specialist support staff in supporting students whose needs are complex, including students with disability
- the provision of extensive professional learning options, retraining opportunities and resources for teachers and other school staff to extend their professional knowledge and skills, and
- asset management projects and specialised equipment which enable students with disability to access school facilities.

More information about these and other supports is at Appendix B.

### **3.8 Access to targeted specialist support provisions**

Across all areas of school life and the curriculum many students will require adjustments that enable their access and participation for a limited time period or it may be ongoing. The majority of adjustments are able to be supported by teachers using school based resources.

When additional support is required for a particular student, the online Access Request process is used by schools to apply for targeted specialist support provisions for the student. This process must include consultation and agreement by the student where appropriate and their parents or carers. This includes access to the provision of:

- integration funding support
- placement in a specialist support class in a regular school or special school
- itinerant teacher support in hearing and vision and
- distance education for students with significant support needs.

An Access Request is developed by a school's learning and support team in consultation with a wide range of school staff, specialist support teachers and counselling services to ensure that comprehensive information and perspectives of the student's abilities and additional needs is provided.

Local Educational Services teams are responsible for facilitating the Access Request process. Educational Services teams, in consultation with schools, consider and approve Access Requests for integration funding support and for the provision of itinerant teacher support for vision and hearing as needed as part of an ongoing process.

Local placement panels consider applications for placement in a specialist support class in a regular or special school. Core membership of panels includes local Educational Services staff, principals, school counselling representatives and other representatives with specialist knowledge as required.

### **3.9 Planning for the provision of targeted specialist support provisions**

Planning for specialist support provisions in NSW government schools is based on an analysis of service use data, local student need, demand for specialist services and consultations with education stakeholders.

The planning process, which runs from Term 1 to Term 3 each year, is rigorous and determines the state-wide number and location of specialist support classes. The outcomes of this process inform other areas of the department, including Human Resources, Asset Management, Schools Finance and Assisted School Travel, as well as NSW Treasury about resource implications.

As a result of the planning process in 2016, an additional 124 specialist support classes have been established for 2017 in response to the increasing total student population in NSW government schools (more than 70,000 additional students since 2012). These classes will provide more than 850 additional support class places for students with disability.

### **3.10 Directions in access to specialist support provisions**

In 2015, the department implemented a number of changes as a result of review of the process used to manage student access to specialist support provisions. This included changes to the way student's access to integration funding support and itinerant teacher support (hearing and vision) is managed, allowing for requests from schools for these supports to be processed by their Educational Services team to meet emergent student needs, as and when needed.

In 2016, the department commenced further work to consider options for the future planning of specialist support classes and student access to these provisions, with a focus on student need and the provision of support on an equitable basis across NSW. A Stakeholder Advisory Group comprising departmental officers and principal, teacher, parent and union representatives supported this work.

The Stakeholder Advisory Group was informed by independent analysis of targeted support data on students with disability including distribution of services in metropolitan and regional areas of the state, and consultation and feedback from focus groups involving parents, principals, NSW Teachers Federation representatives and Educational Services staff.

Consultations considered the current legal and policy context impacting students with disability; placement panel processes, composition and roles; the development of agreed principles for decision making; and scoping the implications for the annual planning process for specialist support provisions.

As an outcome of the Stakeholder Advisory Group's deliberations, a set of principles has been formulated to guide future work and considerations about support for students with disability and additional learning and support needs. They have been developed to underpin processes for the planning and utilisation of targeted support services for students with disability, including support in regular classes through the Integration Funding Support program and places in specialist support classes.

The Guiding Principles are at Appendix C.

A number of actions are planned in 2017 building on and informed by this work. This includes:

- a review of the Access Request process to ensure that it best meets the needs of schools accessing specialist support provisions for students with disability. This includes, in particular, identifying areas where the current process and related guidance for schools and parents (including targeted professional learning for school based staff and Educational Services) can be more strongly aligned with the elements of personalised learning and support and improved in line with the Guiding Principles.
- work to strengthen consultation processes between parents and carers and schools to ensure that consultation is effective and meaningful to support students' long and short term educational outcomes and opportunities, and
- trials in regional and metropolitan locations of an increased role for principals in the local management and decision making about placement of students in support classes and more flexible approaches to the operation of specialist support classes to meet student needs, with appropriate accountabilities.

### **3.11 Funding for students with disability in non-government schools**

The Commonwealth Government is the major funding provider for non-government schools.

Under the NSW *Education Act 1990*, the NSW Government provides financial assistance to registered non-government schools that do not operate for a profit. The NSW 2016-17 Budget allocated \$1.2 billion to support all students in non-government schools, an increase of five per cent on the previous year.

Per capita allowance funding is the largest component of state funding for non-government schools and is based on a 12 category needs-based system. All students enrolled in a registered non-government school attract per capita funding determined by the category of the school. All students with a disability are funded at the highest category regardless of the school they attend.

The introduction of the National Education Reform Agreement (NERA) provides funding for schools distributed on the basis of need, consistent with the Schooling Resource Standard (SRS) model. The combination of per capita funding and additional funding under NERA means that NSW State funding to non-government schools will, over time, move in line with the NERA model. The NERA model includes loadings for students with disability.

Non-government schools registered as special schools are also eligible for a subsidy towards salary costs of supervisors or teachers of children with moderate to severe intellectual disabilities (including children with autism) through the supervisor subsidy scheme.

In addition, students with disability who attend non-government schools are eligible for support under the Assisted School Travel Program (see page 14).

## 4 Impact of Every Student, Every School

In 2012, the Department of Education introduced Every Student, Every School, an initiative to strengthen education provision for students with disability and additional learning needs in all NSW government schools through a strong focus on professional learning and support for teachers and support staff.

Every Student, Every School was developed and implemented in response to a number of key challenges, including issues identified in the *2010 Legislative Council Inquiry into the provision of education for students with disability*. These key challenges included limitations in the way specialist services and programs for different aspects of student learning and support need were organised and provided, increasing challenges for teachers in responding to the diverse learning needs of their students, parent and community expectations for more readily accessible support for their children with additional learning needs wherever they live across the state, and the need to better equip teachers and support staff to understand and respond to the learning needs of their students.

Every Student, Every School ushered in a new, more flexible resourcing method for delivering and using learning and support resources in every regular government school, which is now embedded within the department's Resource Allocation Model, or RAM. This method, developed following extensive consultation and trial, focuses on student learning needs and provides additional support to more students without requiring a disability diagnosis or formal application beyond the school. This has reduced the need for parents to obtain assessments for their child for the purposes of receiving support at school and reduced red tape for both parents and school staff.

Every Student, Every School closely aligns with the department's Local Schools, Local Decisions and delivery of resources through the RAM. It supports principals to use their school's allocated resources flexibly to best meet the learning needs of their students.

### 4.1 Key achievements

Central to the Every Student, Every School initiative was establishing a framework for learning and support in every NSW government school. This framework was developed in consultation with education stakeholders and includes five key elements:

- Teaching and learning based on high expectations for every student and providing adjustments for individual learning needs
- Curriculum delivery and outcomes through rigorous, meaningful and dignified learning for every student
- Teacher quality through sustained professional learning and support for teachers to understand and address diverse student learning needs
- Collaboration in the planning of personalised learning and support with students and their parents or carers
- Accountability for obligations under the Disability Standards for Education 2005.

A wide range of projects were developed and implemented to establish this framework in NSW government schools. Many of these projects have resulted in ongoing, sustained provisions that support students with disability and their teachers.

The most significant outcomes from these projects are the ongoing provision of:

- a specialist learning and support teacher allocation in every regular school, supporting more students with disability in regular classrooms and enhancing teacher access to professional support to meet the educational needs of students with disability, where and when that support is needed
- an increased range of professional learning for teachers and support staff to extend their knowledge and skills in meeting the needs of students with disability and
- a new functional assessment tool (known as PLASST) that can be used by teachers to profile the strengths and learning needs of their students to inform planning for the provision of personalised learning and support, in consultation with parents and carers.

These and other key achievements are outlined below.

#### **4.1.1 Learning and support in regular schools**

The ongoing provision of a specialist learning and support teacher, and flexible funding as outlined in chapter 3 was achieved by reorganising more than 1,900 full time equivalent specialist positions supporting students with disability and additional learning and support needs, including behaviour, and associated funding. These positions and associated funding were from a range of programs that had emerged over time supporting different aspects of learning and support need and which were not equitably distributed across schools.

This extensive specialist workforce was placed into new learning and support teacher positions in more than 2,000 regular government schools, allocated through a formula based on student need, and supported by 96 assistant principal learning and support positions across the state. As a result of this initiative, over 400 government schools received a specialist teacher allocation for the first time, including many smaller, rural and remote schools.

Schools are able to use this specialist learning and support resource flexibly according to the needs and priorities of their students. This includes working together to pool resources or share specific teacher expertise to provide specific programs or activities to support student learning outcomes. With the incorporation of learning and support teachers and funding into the RAM in 2015, schools have greater flexibility to use this resource in combination with other components of the school budget to the benefit of their students with disability and additional learning needs. Examples of this approach by schools are provided on page 9.

#### **4.1.2 Professional learning for teachers and support staff**

Accompanying the provision of better access to professional support for more teachers through learning and support resources, is a strong and ongoing focus on professional learning for teachers and support staff to support their understanding of obligations to students with disability and their families and their practice in responding to student needs.

Implementation of Every Student, Every School was accompanied by an extensive induction and training program across the state targeting learning and support teachers, assistant principals learning and support and school executive. More than 4,800 staff from across all schools participated in training on the initiative and the role of learning and support teachers in the context of school learning and support teams. The highest participation in this training was in regional areas of the state.

More than 300 new 'ESES' scholarships have been taken up by teachers to gain post graduate qualifications and further scholarships are on offer. More than 165 teachers have now completed their Master's degree in special education through this initiative and scholarships continue to be on offer.

New e-learning resources on the *Disability Standards for Education 2005* were developed through a national collaboration initiated by the department with other states and territories, the NSW Catholic Education Commission and the University of Canberra. Ten accredited courses tailored for teachers working at different stages of education and a course for school learning support officers are now available to all NSW government schools. Since their release in 2013, more than 81,000 e-learning courses on the Disability Standards have been undertaken by more than 59,300 principals, teachers and school learning and support officers. A modest additional funding allocation at the time of release was provided to every NSW government school to support staff access to this training.

In addition, a website for parents, students and the community on the *Disability Standards for Education* was released in 2014, informed by consultation with parents and carers of students with disability. It provides a useful complement to teachers' professional learning.

Since 2009, the department has progressively developed and implemented a suite of seven specialist, tutor-supported, online learning courses that assist teachers to understand and respond to the needs of students associated with autism, behaviour, speech language and communication, motor coordination, dyslexia and significant reading difficulties and hearing loss. A comprehensive course on personalised learning and support was released in 2015.

These interactive courses are licensed from a specialist training provider and have been developed in partnership with the provider and other Australian licensees. Course development has been informed by extensive feedback and data from course participants. Teachers are accredited through these registered courses (based on the Australian Professional Standards for Teachers) from 20 up to 40 hours study on successful completion of a course. Participant feedback data demonstrates an ongoing highly positive impact of the courses on increasing teachers' knowledge, confidence and skills in responding to the needs of students with disability. The department has more than 370 active trained tutors able to deliver courses on demand.

As at January 2017, more than 20,000 classroom teachers, specialist teachers, school executive staff and school learning and support officers in NSW government schools have undertaken one or more of these online learning courses. The courses have been widely adopted in other Australian jurisdictions and school sectors and are regularly updated to reflect current research and best practice. More information about course participation rates and evaluative data is included at Appendix B.

The department has also developed and delivered professional learning to support teachers in making decisions about specialist equipment for students with access needs and in using technology and software features for improving accessibility for students with disability.



### **4.1.3 Personalised learning and support signposting tool (PLASST)**

After an extensive period of development, in early 2015 the department released a new functional assessment tool for teachers to be able to assess a student with disability or additional learning needs and identify areas where they may benefit from adjustments.

The Personalised Learning and Support and Signposting Tool, also known as the PLASST, is an innovative, web based tool designed to assist teachers and learning and support teams to identify the strengths and functional educational needs of students with disability or who experience difficulties in learning or behaviour. It can be used for students in any setting and does not require extensive training or expertise for teachers to use.

PLASST generates a profile report for an individual student in response to a set of questions completed online by their teacher. The responses to these questions are then moderated through a statistical model that was developed by analysing over 20,000 sample questionnaires. The student profile report does not provide definitive answers or diagnose disability or complex difficulties. It highlights or 'signposts' the relative strengths and needs of the student across six domains and where they may benefit from adjustments or support. Teacher and school learning and support teams can use the student profile report to inform their planning for the provision of personalised learning and support for the student where needed and in discussions with their parents or carers.

As at the end of the 2016 school year, teachers in more than 1,000 NSW government schools have used the PLASST to develop more than 9,000 student profiles since its release.

### **4.1.4 Networking the expertise of special schools**

Through Every Student, Every School, additional funds were allocated to special schools supporting students with intellectual disability, mental health and behaviour needs and students in hospital to use their specialist expertise to collaborate, develop projects and share their knowledge more widely across the school system and between special and regular schools.

The special schools developed and implemented over 80 locally designed projects in priority areas, including: assistive technology; case management of students with high and complex support needs in health and/or behaviour; and personalising learning and support through collaborative parent and community partnerships.

Projects through this initiative have included professional learning for teachers, materials to support personalised planning for students with disability, and web-based materials to support teachers meet the needs of students whose learning is impacted by disability.

These projects have strengthened teacher practice in the classroom, supported staff to develop school processes to better understand and respond to the needs of students with disability and their teachers, and support special schools to develop and strengthen professional networks. Schools continue to share the knowledge and skills developed from projects through various avenues, including principal network meetings, conferences, professional learning seminars, and parent and carer information sessions.

#### 4.1.5 Supporting teaching and learning

The department has developed partnerships with a range of nationally recognised experts so that school leaders and teachers have access to specialist knowledge and support when it is needed and to support collaborative research and development projects. Examples of these partnership projects include the following:

- A partnership with the Macquarie University and the National Acoustic Laboratories resulted in the development of ListenApp for Schools and a supporting quality teaching resource. This innovative and unique app available for download on an iPad allows teachers to evaluate the acoustic properties of their classroom. The teacher resource provides information on how modifications to the classroom can improve a classroom's acoustic properties. The project is contributing to Australian research on acoustics and sound quality in Australian classrooms.
- A pilot project with specialist captioning service Ai-Media provided insights into using live captioning in classrooms to assist students who are Deaf or hard of hearing. Outcomes of this pilot can be shared with school leaders and teachers when considering captioning services as one of a range of approaches for supporting students.
- A funding agreement with specialist disability service providers Northcott and Cerebral Palsy Alliance gives teachers access to specialist training to support them to adjust learning programs for students with complex communication and mobility needs. This partnership also provides access to specialist assessment services. These assessments provide teachers with valuable information about a student's learning and support needs and inform decision making about adjustments and specialist equipment for students. In 2015-16, the department worked with Northcott and the Cerebral Palsy Alliance to develop webinars to build teacher capacity in using assistive technology supports for students with speech, language and communication needs.
- An ongoing partnership with The Sydney Children's Hospital at Westmead has resulted in a number of research and development projects. These include:
  - the development of specialist resources for teachers to support their day to day teaching of students with complex reading difficulties, accessible by teachers in government and non-government schools through the NSW Centre for Effective Reading website;
  - the trialling of remote speech pathology assessment utilising a purpose-built web based platform developed by National ICT Australia (NICTA) with significant positive results; and
  - current work with NICTA to trial remote reading assessment and psychology assessment through the same technology.

#### 4.1.6 Better information for parents and teachers

A new disability, learning and support website has been developed by the department to improve the accessibility of information about programs and services that support students with disability. The design and content of the new website was informed by consultation with teachers, parents, community members and education support staff.

The new site provides contemporary information for all users about how the department supports children with disability in NSW government schools, including information about

adjustments and personalised learning and support, programs and services in NSW government schools. It also provides community members, school leaders, teachers and other school staff with links to resources and professional learning for departmental staff.

## 5 Developments since the 2010 Upper House Inquiry and the implementation of its recommendations

The Government's response to the *2010 Legislative Council Inquiry into the provision of education to students with disability or special needs* (the 2010 Inquiry) set out commitments to address the Inquiry recommendations to improve support for students in government and non-government schools in NSW within the context of reforms and activities that were current or planned at that time.

A number of major reforms impacting school education in NSW were at early stages of development at the time of the 2010 Inquiry. Many of these have been further developed and are now being implemented. For example, at the time of the 2010 Inquiry:

- the Australian Government had just initiated its review of funding arrangements for schooling (commonly known as the Gonski review)
- development of the Australian curriculum was underway
- the Australian Institute for Teaching and School Leadership (AITSL) had just come into being to provide national leadership in promoting excellence in the profession of teaching and school leadership through the development of national standards, and
- the Productivity Commission was undertaking a national review of specialist disability care and support systems, leading to the creation of a National Disability Insurance Scheme (NDIS).

The department is strongly committed to continuous improvement and finding ways to better support growing numbers of students with diverse learning and support needs through evidence-based approaches and best practice. Significant progress has been made in areas where the 2010 Inquiry made recommendations, including through Every Student, Every School and other developments addressed in this submission. Of particular relevance to the 2010 Inquiry, over recent years the department has:

- implemented a new approach to providing funding and resources to schools to improve access to extra help for many students with disability and additional learning needs, which was informed by a comprehensive trial and evaluation in 2010-2011, in consultation with education stakeholders
- increased the range of professional learning options to support teachers to understand and respond to the learning and support needs of students, including teacher retraining and scholarships for more teachers to gain tertiary qualifications and in-service training on key areas of student need such as autism and behaviour
- developed a new, unique and easy to use functional assessment tool (PLASST) to assist teachers to identify the areas where their students may benefit from personalised learning and support
- improved information for parents, teachers and the community about how students with disability are supported in NSW government schools through a new, accessible website
- reviewed with stakeholders the range of specialist support provisions across the state to inform future approaches to planning and access for students who need additional support

- worked with a Stakeholder Advisory Group to review specialist support placements, including planning for specialist placements and how students with disability access them
- increased the number of school counsellors provided in government schools through the government's Successful Students, Supported Students initiative
- worked in partnership with other government and non-government agencies to strengthen the provision of specialist disability services that support students with disability and their families
- established the NSW Centre for Effective Reading to increase support for students with complex reading difficulties based on a model recommended by experts, and
- contributed to the development of curriculum and syllabuses that are inclusive of all students.

It is widely acknowledged that achieving improved learning outcomes for all students requires a sustained focus on quality teaching and learning and resource allocation arrangements that reflect student needs and local school contexts. It is also acknowledged that a personalised approach to learning and support that reflects the goals and aspirations of students and their families is more likely to lead to successful student outcomes.

Key reforms and activities that address these matters and issues identified through the 2010 Inquiry, in addition to activities outlined earlier in this submission, are outlined below.

## 5.1 Key developments impacting all NSW schools since 2010

### 5.1.1 Curriculum and the role of the NSW Education Standards Authority (NESA)

The newly established NSW Education Standards Authority (NESA)<sup>2</sup> is responsible for the development of curriculum in NSW and is committed to ensuring the curriculum is inclusive of all students.

NESA has developed new NSW K–10 syllabuses for English, Mathematics, Science (including Science and Technology K–6), History and Geography incorporating the Australian curriculum. Phased implementation of the new syllabuses began in 2014.

Syllabuses developed by NESA for each stage of learning are inclusive of the full range of learners. Most students whose learning is impacted by disability will meet [curriculum requirements](#) by participating fully in learning experiences based on the regular syllabus outcomes and content.

[Collaborative curriculum planning](#) determines the most appropriate curriculum options for all students with disability in keeping with their learning needs, strengths, goals and interests. Some students may require additional support, including [adjustments](#) to teaching, learning and [assessment](#) activities.

New syllabuses reflecting the Australian curriculum are expected to be implemented in NSW schools in 2018.

Further information on the implementation of the Australian curriculum in NSW can be found on the [NESA website](#).

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<sup>2</sup> Formerly the NSW Board of Studies, Teaching and Educational Standards (BOSTES)

### **HSC disability provisions**

The NESA Disability Provisions program provides students with disability equal access to the Higher School Certificate (HSC) examinations. In 2015, 8.9 per cent of students accessed disability provisions for one or more HSC examination. This figure has remained relatively stable over the last three years.

Principals are also able to offer special provisions for students in Years 10, 11 and 12 who undertake the optional literacy and numeracy online tests. In 2015, 2.7 per cent of students undertook at least one of the tests using these provisions. Further detail about NESA disability provisions is included at Appendix D.

### **Life Skills courses**

A small percentage of students with disability, particularly those with intellectual disability, may best fulfil the curriculum requirements for the RoSA<sup>3</sup> and the HSC by undertaking one or more Life Skills courses.

Since 2010, three additional Years 7–10 Life Skills courses have been developed, providing a Life Skills course option for all Years 7–10 subjects. In Stage 6, NESA has developed at least one Life Skills course option in every Key Learning Area. Currently there are 27 Stage 6 Life Skills courses available to students.

At the time of writing, the Australian Curriculum, Assessment and Reporting Authority (ACARA) is undertaking curriculum development processes. NESA has made the case in a range of forums for the inclusion of age-appropriate, adjustable content for the range of student abilities. However, the Australian curriculum does not include curriculum options equivalent to the NSW Life Skills courses. In response to community and stakeholder feedback, NESA has retained Life Skills course options within the NSW curriculum, including in syllabus areas that have been redeveloped to include Australian curriculum content.

In 2015, 2.4 per cent of students undertook one or more Life Skills course in Stage 5 and 2.6 per cent in the HSC year. Enrolment figures for Life Skills courses for the period 2011–2015 can be found at Appendix E.

### **Review of Pre-service teacher education**

As part of the NSW Government's Great Teaching, Inspired Learning initiative, a review of pre-service teacher education in special education and classroom management took place in 2013. The report *Classroom Management and Students with Special Education Needs* outlines five recommendations specific to special education as a result of this review. The review can be found at [www.nswteachers.nsw.edu.au/publications-policies-resources/resources/reports/](http://www.nswteachers.nsw.edu.au/publications-policies-resources/resources/reports/)

NESA has consulted with employers and universities on how to best implement the various report recommendations. Changes have been identified to existing teacher education program accreditation policies and requirements, improvements to advice for universities and training of accreditation panel members to ensure rigorous assessment of new requirements.

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<sup>3</sup> Eligible students who leave school before receiving their HSC will receive the NSW Record of Student Achievement (RoSA).

In the first half of 2017, NESA is also implementing new procedures for NSW universities to provide annual reports on the conduct of their teaching degrees. The 2017 annual report will require NSW providers to indicate what they have done to address the recommendation of recent initial teacher education reports including the *Classroom Management and Students with Special Education Needs* report.

### 5.1.2 Professional Standards for Teachers

The Australian Professional Standards for Teachers were approved by the NSW Minister for Education in 2012. The Standards reflect and build on national and international evidence that a teacher's effectiveness has a powerful impact on students,<sup>4</sup> with broad consensus that teacher quality is the single most important in-school factor influencing student achievement.<sup>5</sup>

The Standards define the knowledge, practice and professional engagement needed for high quality, effective teaching that improves student learning outcomes. The Standards use nationally agreed indicators of teacher quality to guide the preparation, support and development of teachers throughout their careers from Graduate to Proficient Teachers, to Highly Accomplished and Lead Teachers.

The Standards cover a range knowledge and skill expectations of teachers for dealing with individual student learning needs. These include knowing how student individual characteristics affect learning, teaching strategies that respond to the learning needs and strengths of students from diverse backgrounds and abilities, strategies to support full participation of students with disability, establishing challenging learning goals and managing challenging behaviour.

The NSW teacher accreditation system, overseen by NESA, provides a rigorous assessment of evidence for a teacher's achievement of the Standards.

Further information on the Australian Professional Standards for Teachers can be found on the [NESA website](#).

### 5.1.3 Funding reform

The *Review of School Funding for Schooling – Final Report* (the “Gonski Review”) recommended an approach to school funding based on student need.<sup>6</sup>

The Gonski Review led to the development of the National Education Reform Agreement (NERA), creating a national approach to school funding by adopting a needs-based Schooling Resource Standard (SRS) applicable to all school students, irrespective of whether they attend government or non-government schools. The SRS includes resource loadings for students from low socio-economic groups, students with disability, Aboriginal students, students who need help with English and schools disadvantaged by size or remoteness.

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<sup>4</sup> J Hattie, ‘Teachers make a difference: what is the research evidence?’ Paper presented to the Australian Council for Educational Research Annual Conference, Melbourne, 19-21 October 2003.

<sup>5</sup> Organisation for Economic Co-operation and Development (OECD), *Teachers matter: Attracting, developing and retaining effective teachers*, 6<sup>th</sup> edn, Paris, OECD Publishing, 2005.

<sup>6</sup> *Review of Funding for Schooling—Final Report* (December 2011), p xxi - xxii.

The NERA also set out reform directions in the areas of teaching and learning, school leadership and transparency and accountability.

The intergovernmental agreement between the Commonwealth and State was signed in 2013 and provided \$5 billion of additional Commonwealth and State investment to NSW schools between 2014 and 2019. The NSW Government strongly supports this needs based approach to school funding and has committed to contribute \$1.7 billion of the additional funding to support the implementation of reforms. The Commonwealth's announcement that it will cease Gonski funding will result in NSW schools losing \$1.3 billion in funding from 2018 to 2019.

Since 2014, funding to NSW government schools has been allocated through the Resource Allocation Model (RAM), introduced as part of Local Schools, Local Decisions and consistent with the Gonski Review recommendations. Further details about the RAM are contained in chapter 3.

NSW is engaged in ongoing national discussions around Commonwealth funding for students with disability, including the potential use of the Nationally Consistent Collection of Data on school students with disability (see below).

In its submission to the Gonski review, NSW provided high-level information on the enrolment growth of students with a disability (SWD) across both sectors. NSW noted that the number of students with a disability are expanding across both government and non-government schools, and that a new response is needed to offer support.

NSW also provided feedback on a number of reports commissioned by the Gonski review regarding funding for students with disability in all education sectors, and highlighted the complexity of definition and funding issues.

#### **5.1.4 Nationally Consistent Collection of Data on School Students with Disability**

In 2012, Education Ministers agreed to progressively introduce the Nationally Consistent Collection of Data on School Students with Disability (NCCD) in all Australian schools. The purpose of the NCCD is to provide for the collection of nationally consistent and reliable information about students who receive additional support in schools as a result of disability, based on the professional judgement and practice of teachers. The NCCD was progressively implemented in schools over three years from 2013. All Australian schools participated for the first time in 2015.

The introduction of the NCCD aligns with the legal obligations of all schools under the Disability Standards. It focuses on the level of adjustment being provided to meet the student's education needs, rather than solely on the student's disability type or clinical diagnosis.

NSW strongly supports the NCCD. Feedback from NSW government school principals has been broadly positive about the impact of the NCCD on school practice and processes. The data collection model values the professional practice of teachers and reflects the work of schools in responding to the education needs of their students. It is consistent with work aimed at strengthening education provision for students with disability as it assists schools to better understand the learning needs of their students and to improve planning and review processes for the provision of personalised learning and support. The data collection



process also provides accountability for meeting obligations to students under the disability legislation. Schools are able to use their schools' data to inform planning about the use of their resources to support students.

The NCCD is also informing national discussions around the provision of Commonwealth funding to the states and territories and school sectors to support students with disability. In December 2016, the Education Council agreed in principle for the NCCD to be one of a range of factors to inform policy and funding decisions concerning students with disability. The department is actively participating in ongoing work at both a national and state level to improve the reliability of NCCD information.

### **5.1.5 National Partnership, More Support for Students with Disabilities**

The Australian Government's project-based national partnership, More Support for Students with Disabilities, was announced in 2011 and provided an additional \$300 million over 3.5 years to build the capacity of all Australian schools in supporting students with disability.

NSW signed up to the national partnership in early 2012, the first state or territory to do so. Funding was provided across Australia through national partnership agreements with each government school sector and through separate funding agreements with each non-government school sector.

Projects agreed with the Commonwealth have been progressively put in place in schools since 2012. The national partnership provided an opportunity for to develop and implement new and contemporary evidence-based approaches to supporting students with additional learning and support needs.

In NSW government schools, the national partnership fed into Every Student, Every School. The additional funding provided through the national partnership provided a welcome mechanism to implement a framework for learning and support in all NSW government schools to strengthen support for students with disability and their teachers (see chapter 4 for details).

The Catholic and Independent school sectors in NSW also benefited from this national partnership through their own funding agreements with the Commonwealth.

### **5.1.6 National Disability Insurance Scheme (NDIS)**

The NDIS is a major national reform to the delivery of specialist disability services, allowing participants to have greater choice over their supports and services.

The NDIS is rolling out across NSW and will be fully in place by July 2018. The NDIS will deliver substantial benefits to people with disability in NSW, including school-aged children and young people. It will provide opportunities and challenges for schools as many students will receive new or improved specialist disability supports that enable the achievement of their personal goals and aspirations, with the potential to support their participation in learning and achievement of positive learning outcomes.

Further information on the NDIS is at chapter 7.

### 5.1.7 The NSW Centre for Effective Reading

The [NSW Centre for Effective Reading](#) supports primary aged students with complex reading difficulties attending government and non-government schools in rural and remote NSW.

The Centre is a joint NSW Health and departmental initiative, supported by the Catholic Education Commission NSW. It was established in 2010 following a review of the former Dalwood and Palm Avenue School to provide specialist reading support. Its services include:

- information about teaching reading and supporting students with complex reading difficulties through a dedicated website
- direct assessment and intervention services for students in rural and remote primary schools in NSW, including a residential option where required.

The NSW Centre for Effective Reading is also involved in research and development. The Centre's service focuses on students who live in rural and regional areas of NSW. It is delivered from four hubs in Dubbo, Wagga Wagga, Manly and Westmead. More information about the Centre, the report of the Expert Advisory Panel that recommended its establishment and its services is available on its website.

## 5.2 Key developments in NSW government schools since 2010

### 5.2.1 Local Schools, Local Decisions

Local Schools, Local Decisions, which commenced in the same year as Every Student, Every School, is an education reform giving principals of NSW government schools more authority to make local decisions about how best to meet the needs and priorities of their students. Through Local Schools, Local Decisions, schools have greater freedom and flexibility to make decisions about how best to use public education funds to respond directly to the learning needs of their students through a single school budget allocated through the needs-based Resource Allocation Model (RAM) linked to the school plan.

Principals have greater opportunities to improve teacher quality and enhance performance management and have more flexibility over the mix of staff in their schools. Schools can now choose the number and roles of staff within their budgets to best meet local needs. Performance management and professional development for all school staff is now linked to the school plan and teacher professional standards.

Local Schools, Local Decisions is supporting schools to strengthen consultation with parents and local communities, in order to achieve positive student learning outcomes. Schools also have opportunities to better meet their local needs by working together and combining resources within communities of schools, and across the department's networks of schools.

### 5.2.2 School Excellence and accountability

NSW government schools are committed to the pursuit of excellence and the provision of high-quality educational opportunities for each and every child. The School Excellence policy released in 2016 provides direction for schools to lead school planning and annual reporting, to self-assess and undertake external validation using the School Excellence Framework.

The School Excellence Framework, developed by the department and released in 2015, provides a clear description of the key elements of high-quality practice across the three domains of learning, teaching and leading. It is based on a review of national and international practice at the system, school and classroom level, including the National School Improvement Tool developed by the Australian Council for Educational Research.

The School Excellence Framework promotes excellence in supporting the full range of students, including those with disability, and supports student wellbeing.

Schools develop a school plan in consultation with their community. Strategic directions and associated improvement measures form the basis of a three-year planning cycle. Implementing and monitoring of the plan using school-determined milestones each year assist schools to track progress.

Each year schools will undertake a self-assessment of practice and development utilising the School Excellence Framework, to identify areas of strength and areas for improvement. Schools will report these outcomes as part of their annual report.

In 2016, the first group of 439 schools had their self-assessments validated by an independent panel of peers. All schools are expected to have gone through the external validation process by 2020.

As part of the streamlined approach to school planning and reporting, schools embed equity initiatives, including support for students with disability, in whole school processes. School annual reports provide a summary of the school's ongoing self-assessment of its performance against key strategies that lead to growth in student learning. Schools also report on how personalised learning and support has addressed the additional learning and support needs of students.

The *Tell Them From Me (TTFM)* survey is a key part of a school's measure of its effectiveness in meeting the needs of its students and the school community. It is a measure of the student voice that provides school principals and leaders with insights into student engagement, wellbeing and experience of effective teaching practices at the school. The TTFM suite of surveys also includes teacher and parent surveys. All NSW government schools are given the option to participate in the surveys. Parents of children attending a special school supporting students with disability are provided with a tailored version of TTFM.

### **5.2.3 Wellbeing Framework for Schools**

The Wellbeing Framework for Schools, introduced by the department in 2015, is a strengths-based approach to enhancing student wellbeing. It contextualises wellbeing to individual students, school settings and local school communities.

Schools play a very important role in supporting, enhancing and building the wellbeing of every child. Every staff member has a role in contributing to the wellbeing of the children and young people in their school and all schools are required to develop a planned approach to support wellbeing for all students in the school.

The Wellbeing Framework for Schools addresses five domains of wellbeing - emotional, social, physical, spiritual and cognitive - around the three themes of connect, succeed and thrive. It provides a roadmap for schools to developing a positive learning culture.

### **Behaviour code for students**

NSW government schools are committed to providing safe, supportive and responsive learning environments for everyone. The Wellbeing Framework for Schools is supported by a new Behaviour Code for Students which outlines the expected behaviour of students in NSW government schools. With consistent expectations across all schools, students know the required standard of behaviour and teachers have clear directions of their rights and responsibilities to deal with challenging behaviours. The department provides a policy framework and resources such as Legal Issues Bulletins that include obligations toward students with disability, access to specialist advice, and professional learning to guide principals and their staff in managing student discipline and providing safe, supportive and responsive learning environments.

### **Supported Students, Successful Students**

Implementation of the Wellbeing Framework for Schools is supported by Supported, Students, Successful Students, the NSW Government's \$167.2 million commitment over four years towards a comprehensive package of support to promote positive student wellbeing.

The package includes:

- \$80.7 million to employ 236 additional school counselling service positions. This is the first enhancement in school counselling positions since 1996. The new core counselling allocations for 2016-2018 commenced in July 2016, increasing the total from 790 to 1,026 positions
- \$51 million in funding to enable schools with greater need to choose the mix of wellbeing services that will meet the needs of their students
- \$4 million to provide specialist counselling support for refugee students who have experienced trauma and their families
- \$8 million for more than 500 graduate scholarships to boost the recruitment of school counselling and other wellbeing positions
- \$15 million towards state-wide support for all schools to build a comprehensive approach to student management that focuses on positive behaviour for teaching and learning.

### **Positive Behaviour for Learning**

Positive Behaviour for Learning (PBL) commenced in some NSW government schools in 2005. PBL is a whole-school approach that assists schools to create positive, safe and supportive learning environments that meet the learning and wellbeing needs of all students. Each school develops a shared purpose with achievable academic, social-emotional and behavioural outcomes that are relevant and culturally responsive to the school community and student needs. To achieve these outcomes schools:

- establish systems for staff to use proactive strategies that support positive student behaviour, enhance wellbeing and improve learning and engagement
- develop a continuum of supports using evidence-based practices that promote learning and wellbeing for all students. The continuum emphasises prevention and early intervention and students have access to more support when they need it

- use data to evaluate the impact of processes, interventions and practices and plan for improvements.

PBL teams provide schools with support and training for successful implementation. Schools are supported to align PBL processes and practices with the *Disability Discrimination Act 1992* and the *Disability Standards of Education 2005*. As at Term 4, 2016, 1108 NSW government schools are implementing PBL, including 49 special schools. An additional \$5 million per year in 2016, 2017 and 2018 provided through Supported, Students, Successful Students is supporting increased access to PBL for schools.

#### 5.2.4 Partnerships

The department works closely with a range of government and non-government agencies to support and inform the ongoing development of quality education provision for students with disability. In addition to projects outlined earlier in this document in chapter 4, current partnership activities relevant to students with disability include the following:

- A research project in partnership with Macquarie University and University of Wollongong exploring the way school staff make decisions about the use of resources to support students with disability in regular schools, supported through an Australian Research Council Linkage grant awarded in 2016. Research results will inform the development of a professional learning resource for schools in 2018.
- The department is also current partner with the University of NSW and more than 10 agencies (government and non-government) undertaking research on service usage by people with intellectual disability who have mental health needs, supported by a grant from the National Health and Medical Research Council (NHMRC).
- The department is currently working in partnership with Speech Pathology Australia to develop new guidance materials for teacher, speech pathologists and parents to support effective collaborative practice to benefit students who have speech and language needs.
- The department's memorandum of understanding with Autism Spectrum Australia (Aspect) supports collaboration for the operation of Aspect school satellite classes in NSW government schools, where agreed by school communities and consistent with the roles and responsibilities of each agency.
- Collaborative work with the Department of Family and Community Services around its funded programs and services that support children and young people with disability across the lifespan as they start school, progress through schooling and leave school. Examples include the Transition to School Resource for families developed by Early Childhood Intervention Australia (ECIA), the School Age Years inclusion support program delivered by Lifestart, the direct provision of specialist disability therapy and behaviour services and facilitating access to specialist programs supporting successful transition from school for students with disability.
- Working closely with Child and Adolescent Mental Health Services provided by NSW Health on the delivery of school based initiatives such as School Link and Getting on Track In Time (Got It!). These programs support the early identification of mental health issues for students, access to evidence-informed mental health early intervention in schools and specialist mental health services as well as support for students who are recovering from mental illness.

- Collaborative development with NSW Health (through The Sydney Children’s Hospital at Westmead School Link initiative) of a resource for teachers to support understanding of the mental health needs of students with intellectual disability.
- Provision of professional advice and support to schools from an extensive range of health clinicians for individual students with specific health care needs at school, including mental health, behaviour and chronic or complex medical needs.

Further information about the department’s collaborative partnerships with Family and Community Services, NSW Health and Juvenile Justice in the delivery of these and other programs are provided at Appendices F, G and H.

### 5.2.5 Literacy and Numeracy

In 2012, the NSW Government committed \$261 million over four years to lift the literacy and numeracy outcomes for NSW government and non-government school students.

**Early Action for Success**, the department’s strategy for implementing the NSW Government’s State Literacy and Numeracy Plan 2012-2016, was a targeted approach to the early years (K-2), providing 224 instructional leaders who worked with 310 NSW government schools to implement strategies to improve literacy and numeracy teaching practices and to improve student outcomes. The strategy included:

- High quality instructional leadership
- Early identification of the level of attainment in literacy and numeracy of each individual child and tailoring a specific program of learning to address the child’s needs
- Changes in teaching practices from a focus on the whole class to a focus on the needs of the individual student
- Using tiered interventions in literacy and numeracy according to need
- Ongoing monitoring of student progress against literacy and numeracy continuums.

NSW government schools were selected to participate in the strategy based on the literacy and numeracy needs of the students. All participating schools benefited from access to a high quality instructional leader who worked with schools to identify the professional needs of staff in literacy and numeracy teaching practices. Schools were also granted an additional teacher allocation to support the delivery of tiered interventions in literacy and numeracy and to strengthen personalised learning for K-2 students. Additional funding was also provided to the schools to support the professional learning needs of staff in differentiated instruction.

The new Literacy and Numeracy Strategy 2017 – 2020 builds upon the achievements of the previous plan. The new strategy commits \$340 million over four years to maintain the focus on early literacy and numeracy intervention. It also commits NSW schools to a continued focus on explicit teaching and high expectations for all students across all sectors, by extending the literacy and numeracy focus into secondary schools.

Students, including those with disability and additional learning needs, will benefit from the NSW Government’s continued investment in literacy and numeracy interventions within this Strategy, including through:

- Instructional leadership support to 673 schools (533 government schools, 99 Catholic schools and 41 independent schools) to develop the literacy and numeracy skills of K-2 students at risk of not meeting minimum standards.

- Quality online literacy and numeracy assessments, linked to learning progressions, available in all NSW schools, to help teachers identify and target the support students need.
- Improving the Best Start assessment to give teachers an immediate and clear picture of the literacy and numeracy skills of students on entry to Kindergarten.
- Introducing a Best Start Year 7 assessment on entry to high school to help teachers identify students needing additional assistance in literacy and numeracy
- Strengthened initial teacher education programs to ensure new teachers are better prepared to teach literacy and numeracy.
- Providing quality support materials and professional learning for teaching and assessing literacy and numeracy.
- Working with parents to develop resources that support literacy and numeracy development at home.

### 5.3 NSW Auditor-General's performance audit

In May 2016, the Audit Office of NSW released its performance audit report *Supporting students with disability in NSW public schools*. The audit examined the performance of the Department of Education and its schools in managing the transition to school for students with disability and supporting teachers to improve these students' educational outcomes. The Audit Office reviewed departmental policies, procedures and data, visited 12 government schools and surveyed school staff and families about their experiences in the government school system.

The Audit Office acknowledged the important reforms that are underway to improve education for all students in NSW government schools and identified positive examples of ways in which students with disability are being supported in our schools. The report concluded that "the Department is doing a reasonable job in managing how well they transition to a new school and in supporting teachers to improve these students' educational outcomes".<sup>7</sup>

The audit report has also highlighted where there is more to be done to further strengthen support for students with disability and the teachers who work with them every day.

The NSW Government welcomed the Audit Office report on the performance audit and accepted all thirteen recommendations. Work is in progress on their implementation in accordance with the timeframes set by the Audit Office.

The audit's recommendations are enabling the department to build on current reforms and further strengthen the provision of personalised learning and support for students with disability.

This includes improvement to:

- website information about how schools support students with disability to better assist families
- processes for student's access to specialist support provisions

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<sup>7</sup> Audit Office of New South Wales, *Supporting students with disability in NSW public schools: New South Wales Auditor-General's report, Performance Audit, 2016, p2.*

- professional learning and guidance for teachers, including in assistive technology, autism and mental health
- how schools support the behaviour needs of students with disability and
- monitoring and reporting of student outcomes.



## 6 Complaint and review mechanisms

A wide range of measures are in place for the provision of both internal and external complaint and review mechanisms in NSW schools.

The NSW Education Standards Authority (NESA) regulates school policies and procedures in relation to ensuring a safe and supportive environment for students. All schools in NSW (government and non-government) are required to implement policies and procedures regarding raising and responding to complaints or grievances identified by students and/or parents.

The department's Employee Performance and Conduct Directorate (EPAC) develops and implements systems to ensure the welfare of all students by investigating and managing employee conduct and performance issues.

### 6.1 Complaint and review policies and procedures in NSW government schools

The Department of Education complaint handling policy and complaint handling guidelines (revised in 2011) set out timeframes and processes for good complaint handling, and a commitment to dealing with issues raised by complainants thoroughly and fairly.

The department publishes these guidelines on its [website](#) which can be translated into 103 community languages. The website also links to a site - [Schools – guide for parents carers and students](#) which provides specific information about processes for making complaints. Complainants can also access the department's complaints form via the website.

School complaints managers (staff member delegated by the principal to manage a complaint) are supported by 65 Directors Public Schools and by EPAC. This enables schools to handle complaints effectively and fairly in accordance with the guidelines.

Directors Public Schools have a role in reviewing complaint outcomes where complainants are not satisfied with the conduct or outcome of their complaint. Directors are supported by their Executive Directors and local Education Services staff. Key state office staff including from Disability, Learning and Support and EPAC provide support in relation to the management of reviews of complex or contested complaints.

The department collects complaint data relating to students with disability where EPAC has received an incident report or there is a child protection allegation against an employee which could constitute misconduct. These incidents can include those where there has been use of restraint or exclusion which is beyond the measures documented and agreed to in student behaviour management plans or where there has been an identified level of risk to the student, other students or staff. These statistics are reported to the NSW Ombudsman on a regular basis.

Reports to EPAC can come from school staff or directly from parents. All contacts and enquiries are handled by experienced investigators and all matters are recorded in the EPAC database.

Senior EPAC staff refer child protection matters that may be resolved at the local level back to schools to manage under the department's Local Management Guidelines. EPAC provides the manager of the complaint with information and support to ensure proper decision making processes are followed. This can include discussing and reviewing complaints processes, conducting training, and in some cases attending meetings with key stakeholders, such as advocates, case officers and Family and Community Services (FACS) officers. A senior officer in EPAC reviews and will follow up with the principal if there are questions around the complaint management process or the outcome. Senior EPAC officers also consider whether the matter should be escalated for a full independent investigation.

The NSW Ombudsman scrutinises the systems that government and certain non-government agencies in NSW have for preventing reportable conduct and handling reportable allegations and convictions involving their employees, under Part 3A of the *Ombudsman Act 1974*. The department and non-government schools are required to notify the NSW Ombudsman of all reportable allegations and convictions that arise inside or outside the employee's work.

In 2010, the NSW Ombudsman entered into a Class or Kind Agreement with the department. This agreement exempts certain categories of allegations from being reported to the NSW Ombudsman on the grounds that the department has achieved a sound standard of investigative practice. The exemptions apply, providing that the department assesses risk, investigates allegations, takes appropriate action as a result of investigations, keeps adequate records of such matters and provides relevant information to the NSW Ombudsman when required. The NSW Ombudsman and the department are currently in discussions about extending the reach of the Class or Kind Agreement for implementation in 2017.

Investigations conducted into allegations of reportable conduct (not exempted under the Class or Kind Agreement) are individually monitored by the NSW Ombudsman under Part 3A of the *Ombudsman Act 1974*. The department provides all information relating to these investigations to the NSW Ombudsman, who assesses the adequacy of the department's investigation processes, risk management actions and outcomes.

EPAC regularly reviews the department's systemic and practice matters in response to Part 3A and provides feedback to investigative staff and, more generally, to staff in schools to improve practice. In 2016, senior officers from EPAC reviewed all matters involving students with disability reported to EPAC and examined EPAC's response to those matters. The outcomes from this internal review resulted in enhanced scrutiny by senior officers of all matters relating to students with disability and the introduction of more frequent consultation with the NSW Ombudsman on threshold issues for students with disability who are covered by the provisions of Part 3A of the *NSW Ombudsman Act 1974*.

Child protection allegations against employees that reach the threshold for reportable conduct under Part 3A of the *Ombudsman Act 1974* are not dealt with under the department's complaints handling policy and procedures, but are generally directly investigated by EPAC. These investigations are conducted in accordance with the department's *Responding to Allegations Against Employees in the Area of Child Protection* procedures. Some matters may also be reported directly to police and/or the Department of Family and Community Services.

## **6.2 Review of Department of Education Complaint Handling Procedures**

In 2016, the department commenced a review of its Complaint Handling Procedures under the whole-of-government Complaint Handling Improvement Program, which forms part of the NSW Premier's Priority 12 – Improving Customer Service.

Under this Premier's Priority, the department is involved in the NSW whole-of-government Complaints Handling Improvement Program (CHIP). The department has developed a CHIP implementation plan which sets out a timetable for key changes to the way it responds to consumer complaints. The department remains committed to local resolution of complaints as informally and as promptly as possible and has committed resources to building the capacity of complaints managers to increase responsiveness and flexibility in working with complainants productively and to achieve mutually satisfactory outcomes.

The revised policies and procedures were released at the start of the 2017 school year. They provide explicit information about the thresholds and mechanisms for review including independent, senior, skilled officers handling internal reviews and options for seeking external review once the department has provided an internal review.

The department is streamlining its complaint procedures that will focus on increasing accessibility for the school community and other consumers. Complainants will be encouraged and supported to raise their issues directly with the relevant teacher, member of the school executive or principal. The procedures will focus on the role of complaints managers to respond promptly to complainants.

The procedures will be underpinned by a complaint handlers' toolkit which includes resources for identifying the correct complaint manager and identifying the right complaint outcomes for the situation. The toolkit includes specific information for the complaint manager about working productively, openly and fairly with advocates and other representatives of complainants. The toolkit will be designed to build their capacity and confidence to handle complaints and to ensure greater consistency across the department in the management of complaints.

The department is preparing a high level communication plan to support its introduction. This includes a publicly-available fact sheet on the proposed revised complaints handling processes. This document will be published in fully accessible forms, consistent with the department's commitment to equity and accessibility. Further, the department is developing an easy-to-follow infographic which clearly outlines the revised complaints processes. The department is also working towards implementing systems in 2017 to allow for the online submission of complaints.

The department will also develop an on-line training package for all complaints managers on the revised arrangements.

## **6.3 Improved collection and reporting on complaints data in 2017-2018**

Under Commitment Six of CHIP, from 2017-2018 there will be an enhanced capacity to collect, analyse and report on data from serious complaints for continuous improvement in relation to all students and the way in which we handle complaints.

The department is committed to increasing transparency in its complaint handling processes. In 2017, the department will improve its capacity to collect data on a wider range of issues raised by parents and to analyse and report regularly on that data. This complaints handling system will have the capacity to align with the planned NSW whole-of-Government Complaint Assist system currently being scoped by the Department of Finance Services and Innovation. Expansion of the department's complaint handling system and integration with a government portal for complaints will enhance the ability of the community to make complaints and will assist the department to benchmark its complaint handling performance against that of other agencies.

This system will also enhance the department's capacity to analyse the kinds of issues affecting students with disability or who need additional learning support and to plan systemic improvements to address the needs of these students.

#### 6.4 External complaint and review avenues for parents and carers

A range of agencies provide parents and carers with additional mechanisms for dealing with complaints concerning support for students with disability, including the following.

**The Anti-Discrimination Board of NSW (ADB)** promotes anti-discrimination, equal opportunity principles and policies throughout NSW. It administers the anti-discrimination laws and handles complaints under the *Anti-Discrimination Act 1997* (NSW). Parents or guardians can make a complaint about alleged discrimination under Act, including disability discrimination, in respect of NSW government schools. The ADB must investigate any accepted complaint, and may resolve the complaint through conciliation. Alternatively, the ADB may refer the complaint to the NSW Civil and Administrative Tribunal (NCAT). If the ADB declines to accept a complaint, a complainant may refer it to the NCAT.

**The Australian Human Rights Commission (AHRC)** operates under the *Australian Human Rights Commission Act 1986* (CT) as well as federal laws that seek to ensure freedom from discrimination including disability under the *Disability Discrimination Act 1992* (CT) (DDA). Parents can make a complaint to the AHRC where they consider that a government or non-government school has contravened the DDA and the *Disability Standards for Education 2005*. The AHRC can investigate and seek to resolve the complaint through conciliation, although it cannot make a determination that discrimination has taken place.

**The NSW Ombudsman** is an independent watchdog that has jurisdiction over both public sector and many private sector agencies under a range of legislation, including the *Ombudsman Act 1974* (NSW). It has a range of functions including complaint handling and keeping agency systems under scrutiny as well as specific functions relating to the protection of children in NSW. Parents can make a complaint to the NSW Ombudsman about the conduct of the Department of Education and its schools. The Ombudsman also handles complaints about the way government and non-government schools have investigated allegations of a child protection nature against their employees.

## 7 The National Disability Insurance Scheme (NDIS)

The NDIS is a major social reform that will replace national and state-based specialist disability care programs and services which support people with significant impairments arising from disability. The NDIS will provide individualised packages of support to people with a permanent or significant disability, including children and young people, where their disability impacts on their social and economic participation. Planning for these packages is based on the needs and aspirations of the individual.

The NDIS will be responsible for disability supports participants require in any setting or that specifically address their functional disability needs. These can include transport, supported accommodation, personal care, aids and equipment such as hearing aids and wheelchairs, and allied health and other therapies such as speech pathology or occupational therapy.

Implementation of the NDIS in NSW commenced in 2013 as a trial in the Hunter region and expanded to cover three local government areas in that area by 2015. In July 2015, an early transition to the NDIS commenced in the Nepean and Blue Mountains areas of children and young people under 18 years. In July 2016, transition to the NDIS commenced in one half of the state and in July 2017 will expand to the second half of the state, with the expectation that the Scheme will be fully rolled out in NSW by mid-2018.

The NDIS will deliver substantial benefits to children and young people with disability, with opportunities for more tailored disability supports in the home and community, and with the potential to support participation and effective engagement in learning. All children and young people eligible for an NDIS package will receive specialist disability supports that reflect their specific functional needs, in areas such as mobility and transport, communication, personal care, home modifications and specialised aids and equipment. The move away from budget-limited programs providing support for people with disabilities will mean some children and young people will receive specialist disability support for the first time.

### 7.1 The NDIS and school operations

The NDIS is not expected to fundamentally change the way schools operate day-to-day in NSW. Schools retain all their existing obligations to students under the *Education Act 1990*, and their specific obligations to all students with disability under the *Disability Discrimination Act 1992* and the *Disability Standards for Education 2005*. Schools remain responsible for providing reasonable adjustments, or personalised learning and support for students with disability, to enable them to fully participate in education on the same basis as other students.

The NDIS approach to providing individually tailored supports is consistent with the department's Every Student, Every School initiative, strengthening the provision of personalised learning and support linked to individual student education needs and goals. Students who are also NDIS participants are likely to benefit where NDIS planning complements school planning for personalised learning and support, allowing schools and the National Disability Insurance Agency (NDIA) to understand and accommodate the supports being provided by each of these plans.

It is currently estimated that around 40,000 children and young people with disability in NSW aged 0 to 17 years will be supported through an individual NDIS package. This is considerably fewer than the range of students to whom schools have obligations under the *Disability Standards for Education 2005*.

There will be some overlap in responsibility for the provision of disability support for functional needs between the NDIS and schools, particularly with respect to personal care. NSW is working with the Commonwealth Government and the NDIA to determine how this overlap in responsibilities is managed when the NDIS is fully in place in July 2018. In the meantime there is no change to the way NSW government schools fund or provide personalised learning and support.

## **7.2 Support for schools**

The department has established an NDIS Transition Team to provide information and guidance to NSW government schools about the NDIS. This includes five field-based NDIS coordinators - principal education officers - who provide and facilitate professional learning, advice and assistance for NSW government schools and their communities in relation to the NDIS.

The department has established a dedicated [website](#) for NDIS information for school communities. Materials are progressively being developed and released through this website as agreements are finalised with the NDIA and Commonwealth. Currently the website includes fact sheets about the NDIS and its implementation, the roles and responsibilities of schools and the NDIS, frequently asked questions, an introductory information pack on the NDIS in schools and links to national and NSW NDIS websites.

A key challenge and opportunity that has arisen for schools is to consider how best to support parents and carers with information about their child's abilities and learning support needs as they engage in the NDIS planning process and how to maximise the potential for specialist disability supports and interventions to be aligned with personalised learning and support for the child at school. New guidelines and associated materials are currently being finalised that will support principals, parents and disability service providers in making decisions about the delivery of externally funded services in schools, including services engaged by parents through their child's NDIS support package.

## **7.3 Interagency collaboration in the transition to the NDIS**

The NSW Government has implemented a state-wide NDIS governance model to support a coordinated transition to the NDIS. Overall oversight of NDIS transition is through the NDIS Board comprising Secretaries of the Departments of Premier and Cabinet, Family and Community Services, Treasury, Health, Education and Justice. The Department of Education is represented on various NSW interagency working groups established to progress particular NDIS-related projects.

Four regional Operational Working Groups (ROWGs) covering NSW have also been established to monitor local-level rollout of the NDIS across NSW. Each ROWG includes members from the National Disability Insurance Agency, the Commonwealth Department of Social Services and key NSW agencies, including the Department of Education.

The department is also collaborating with other agencies in the development of NSW-wide policies and working arrangements relating to the NDIS, and to seek resolution of specific NDIS implementation issues.

In addition, the department has established working group with the NSW Catholic Education Commission and the NSW Association of Independent Schools as a forum for ongoing information sharing about the NDIS and discussion about options for responding to issues of shared interest for students with disability, their parents and carers and schools.

## 8 APPENDICES



## APPENDIX A: Description of the legal context relevant to education of students with a disability in NSW Government schools

### Relevance of the *NSW Education Act 1990* to the education of children with a disability

The *NSW Education Act* provides that every child<sup>8</sup> has the right to receive an education and it is the duty of the State to see that that education is of the highest quality.

The *Education Act* also provides that:

- a parent may enrol a child at any government school if the child is eligible to attend the school and the school can accommodate the child
- a child is, in any case, entitled to be enrolled in the local government school he or she is eligible to attend, and
- the Secretary of the Department of Education is to arrange for all school-age children in NSW who are eligible to attend a government school.

While a child's eligibility to attend a particular school can be subject to their satisfying certain criteria (for example, gender if it is a single sex school) or an enrolment direction under section 26H of the *Education Act*, government schools in NSW are by their nature inclusive and cater to a diverse range of students of varying ages, cultures, life experiences and abilities.

The *Education Act* makes it clear that every person concerned with the education of children should as far as is practicable or appropriate have regard to:

- assisting each child to receive his or her educational potential, promoting a high standard of education in government schools which is provided without discrimination on the grounds of sex, race or religion and encouraging innovation and diversity within and among schools (s.6(1)(a)(b) and (c))
- mitigating educational disadvantages arising from a child's gender or from geographic, economic, social, cultural, lingual or other causes and providing an education for Aboriginal children that has regard to their special needs and providing special educational assistance to children with disabilities (s.6(1)(e), (f) and (k))
- providing opportunities for parents to participate in the education of their children and for Aboriginal families, kinship groups, representative organisations and communities to participate in significant decisions relating to the education of their children (s.6(1)(m) and (m1)).

The *Education Act* gives the Minister for Education a discretion to provide or arrange special or additional assistance for government school children with special needs such as children with disabilities or children who live in isolated or remote areas, children from a non-English speaking background, Aboriginal children, children who are disadvantaged by their socio-economic background and children with significant learning difficulties (s.20(1)).

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<sup>8</sup> In the *Education Act 1990* (NSW) child means a person under the age of 18.

The *Education Act* defines a child as having a significant learning difficulty if a qualified educational professional (including a teacher) is of the opinion that the child is not, regardless of the cause, performing in the basic educational areas of reading, writing, spelling and mathematics in accordance with his or her peer age group and stage of learning (s. 20(4)).

### **The impact of the *Common Law Duty of Care* on the education of children with a disability**

The State of New South Wales, acting through the Department of Education, has a common law duty to take reasonable steps to protect students enrolled in government schools from risks that are reasonably foreseeable. This duty extends to taking reasonable care to prevent students from injuring themselves, injuring others or damaging property. While this duty will vary in accordance with the age, maturity and abilities of the individual student, it applies to all students enrolled in government schools.

It is necessary in order to meet this duty of care to be able to demonstrate that systems are in place to identify risks and that steps have been taken to eliminate or control those risks.

A breach of the duty of care may result in an injury to a person or property and has the potential to lead to legal action.

### **The impact of the *NSW Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulation 2011 (WHS Regulations)* on the education of children with a disability**

This legislation provides the legal framework for doing what is reasonably practicable to ensure the health and safety of persons at work. This is additional to the common law duty of care.

Under the WHS Act and the WHS Regulations the Department of Education has a non-transferrable duty to ensure, so far as is reasonably practicable:

- the health and safety of its workers (including employees, contractors and volunteers) while they are working for the Department of Education
- the health and safety of other persons (including students) is not put at risk from work carried out for the Department of Education (s.19(2))
- to identify hazards, assess any risks arising from that hazard and eliminate or control any reasonably foreseeable risk to health or safety (s.17 and regulations 34-38, WHS Regulations)
- to provide information, training and instruction and consult with workers so that they can contribute to the making of decisions affecting their health, safety and welfare at work (s.19(3)(f), s. 47 and regulation 39 of WHS Regulations)

The behaviour or support needs of a student with a disability may create risks to staff, the student themselves and/or other students that need to be assessed and managed in accordance with WHS legislation. The need to assess and then eliminate or control those risks could have a direct impact on the way that services are provided.

A breach of the WHS legislation could result in the Department of Education being prosecuted by SafeWork NSW or, in certain circumstances, a union.

When considering an employer's duty in the context of one such prosecution under the former legislation, the Court held that "*an employer's primary obligations ...must come down on the side of the best interests of the employees in providing them with a safe place of work*"<sup>9</sup>

### **The Impact of the *Children and Young Persons (Care and Protection) Act 1998 (the Care Act)* on the education of children with disability**

Chapter 16A of the Care Act facilitates the provision of services to children aged under 18 by agencies that have responsibility for their safety, welfare and wellbeing. It:

- authorises agencies to provide and receive information relevant to the coordination of those services while protecting the confidentiality of the information
- requires agencies to take reasonable steps to co-ordinate the provision of those services with other agencies.

It applies to government agencies, non-government organisations and certain individuals, including General Practitioners and psychologists in private practice, and supports those entities working together in support of all children, including those with disability.

### **NSW Anti-Discrimination Act 1977**

The NSW *Anti-Discrimination Act 1977* (ADA) renders it unlawful to discriminate against a person on the basis of a number of prescribed grounds, including disability.

It is acknowledged that '*non-discriminatory access to ... education is an important predictor of capacity to participate in other areas of public life, such as the world of work. Education perhaps more than any other area of public life covered by anti-discrimination statutes has the power to inculcate and reinforce social values of equality, tolerance and harmony. In this context, complaints of unlawful discrimination in the area of education have a particular importance, in part because... they are generally brought by and on behalf of children and young people, who are inherently vulnerable under the law*'.<sup>10</sup>

### **Disability Discrimination under the ADA**

It is unlawful under the ADA for a government school to discriminate against a person because of their or their relatives' or associates' disability.

'Disability' is broadly defined in the ADA (s.4(1)) and includes a total or partial loss of a person's bodily or mental functions or of a part of a person's body, the presence of organisms in the body capable of causing illness or disease, malfunction, malformation or disfigurement of a part of a person's body, a disorder or malfunction that results in a person learning differently from a person without the disorder or malfunction, or a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour. It includes past, present, future and presumed disability (s.49A)

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<sup>9</sup> *Work Cover Authority of NSW (Inspector Stewart) v the Crown in the Right of NSW* (2002) NSWIRComm 259 at paragraph [46].

<sup>10</sup> Rees N, Lindsay K, Rice S *Australian Discrimination Law* p.421 (Federation Press, Sydney, 2008).

### Disability discrimination in the Education context

A school may be found to have discriminated against a student with a disability in the education context if on the grounds of the student's disability the school (s.49B):

- treats the student less favourably than in the same circumstances, or circumstances which are not materially different the school would treat a student without a disability, or
- requires the student to comply with a requirement or condition whereby a substantially higher proportion of students who do not have that disability comply or are able to comply, and the condition or requirement is not reasonable having regard to the circumstances of the case.

The ADA specifically provides that it is unlawful for a school to discriminate against a student on the grounds of disability by refusing or failing to accept his or her application for admission as a student or in the terms on which it is prepared to admit him or her as a student.

It is also unlawful for a school to discriminate against a student on the ground of disability by denying him or her access, or limiting his or her access, to any benefits provided by the school, expelling him or her or subjecting him or her to some detriment.

### Defences to claims of unlawful discrimination

The ADA provides a defence of unjustifiable hardship to a complaint of disability discrimination in certain circumstances (s.49C).

In determining what constitutes an unjustifiable hardship all relevant circumstances of the particular case are taken into account, including the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned, the effect of the disability of the person concerned and the financial circumstances and estimated amount of expenditure required to be made by the person claiming unjustifiable hardship.

Relevantly, section 54 of the ADA provides that something done by a person to comply with a requirement of any other legislation, and which might otherwise be discriminatory, will not be unlawful.

### Impact of State and Commonwealth Privacy Legislation on the education of students with a disability

Government schools in NSW are not covered by the Commonwealth *Privacy Act 1988* (Cth) but are subject to the NSW *Privacy and Personal Information Protection Act 1998* (PIPPA) and the NSW *Health Records and Information Privacy Act 2002* (HRIPA).

Both these Acts contain information protection principles that specify how a government school should collect, use, disclose and store information.

In government schools information is used when it is provided to another employee of the Department of Education. It is disclosed when it is provided to someone outside of the Department of Education.

In accordance with section 17 of the PIPPA, a government school that holds personal information about a student must not use that information for a purpose other than that which it was collected unless:

- the student consents
- the use is for a purpose that is directly related to the reason the information was collected in the first place
- the use of the information is necessary to prevent or lessen a serious or imminent threat to the life or health of the student.

A government school that holds information about a student must not disclose that information unless the disclosure is directly related to the reason the information was collected originally and the agency disclosing the information:

- has no reason to believe the student would object
- the student is aware that information is usually disclosed in those circumstances, or
- the school believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to life or health of the individual concerned.

Both the PIPPA and HRIPA contain exemptions to these principles (for example in relation to law enforcement purposes or where non-compliance is lawfully authorised or required) and agencies are able to have a privacy code of practice made. The Department has issued a Privacy Code of Practice.

A breach of the PIPPA or HRIPA can give rise to a complaint to the Privacy Commissioner and proceedings in the NSW Civil and Administrative Tribunal (NCAT) or in limited circumstances, to a prosecution in the NSW Local Court.

### **Disability Discrimination Act 1992**

The *Disability Discrimination Act 1992 (Cth)* (DDA) imposes legal obligations on schools.

#### **Definition of “disability” in the *Disability Discrimination Act 1992***

Disability is broadly defined in section 4 of the DDA. It includes:

- total or partial loss of a person’s bodily or mental functions
- total or partial loss of a part of the body
- the presence in the body of organisms causing (or capable of causing) disease or illness
- a malfunction, malformation or disfigurement of a part of the person’s body
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
- a disorder, illness or disease that affects a person’s thought processes, perception of reality, emotions or judgment or that resulted in disturbed behaviour.

It includes a disability that presently exists, or which existed and no longer exists, which might exist in the future (due to, for example, a genetic predisposition to a particular disability) or which is attributed to a particular person. A disability that is otherwise covered by section 4 of the DDA includes behaviour that is a symptom or manifestation of the disability.

## **Nature of discrimination**

The DDA explains that discrimination may be direct or indirect and deals with these classes of discrimination separately.

### **Direct Discrimination (s.5 DDA)**

Under the DDA a school may be held to have directly discriminated against a student on the grounds of the student's disability if:

- because of the student's disability, the school treats, or proposes to treat, the student less favourably than a student without a disability in circumstances that are not materially different
- the school does not make or proposes not to make reasonable adjustments for the student and the failure to make the reasonable adjustments has, or would have, the effect that the student is, because of his or her disability, treated less favourably than a person without the disability would be treated in circumstances that were not materially different.

Section 5(3) explains that circumstances will not be 'materially different' simply because a student with a disability requires the school to make adjustments for them.

### **Indirect Disability Discrimination (s.6 DDA)**

For the purposes of the DDA a school may be held to have indirectly discriminated against a student on the grounds of the student's disability if:

- the school requires or proposes to require the student to comply with a requirement or condition
- because of the student's disability, they do not or cannot comply with the requirement or condition
- the requirement or condition has, or is likely to have, the effect of disadvantaging the student with the disability (this doesn't apply to requirements or conditions that are reasonable having regard to the circumstances of the case).

A school may also be found to have indirectly discriminated against a student on the grounds of his or her disability if:

- the school requires or proposes to require a student to comply with a requirement or condition (this doesn't apply to requirements or circumstances that are reasonable having regard to the circumstances of the case)
- because of the student's disability the student would be able to comply only if the school made reasonable adjustments for the student but the school does not, or does not propose to make those adjustments
- the failure by the school to make those reasonable adjustments has the effect of disadvantaging the student with the disability.

What constitutes a reasonable adjustment will be determined by the individual student's needs and the surrounding circumstances but it could include modifications to equipment, furniture or learning spaces, access to technology or alternative teaching and learning strategies.

### Discrimination in Education under the DDA (s.22)

It is unlawful for a school to discriminate against a student on the grounds of his or her disability by:

- refusing or failing to accept his or her application for admission as a student or in the terms or conditions on which it is prepared to admit him or her as a student (s.22(1)(a)-(b))
- denying him or her access or limiting his or her access to any benefit provided by the school or expelling the student or by subjecting the student to any other detriment (s.22(2)(a)-(c))
- developing curricula or training courses having content that will either exclude him or her from participation or subject him or her to any other detriment or by accrediting curricula or training courses having such content (s.22(2A)(a)-(b)).

### Unjustifiable hardship in the DDA

Section 29A of the DDA provides that it is not unlawful to discriminate against a student on the grounds of his or her disability if avoiding the discrimination would impose an unjustifiable hardship on the school.

If a school wanted to rely on a defence of unjustifiable hardship it would have to prove the existence of the unjustifiable hardship claimed.

When determining whether or not something constitutes an unjustifiable hardship, the court will determine all relevant circumstances of the case including:<sup>11</sup>

- the nature of the benefit or detriment likely to accrue to, or be suffered by the student
- the effect of the disability on any person concerned
- the financial circumstances and estimated amount of expenditure required to be made by the school, and
- the availability of financial and other assistance to the school.

Unjustifiable hardship under the DDA can be claimed both at point of enrolment and after the student has started to attend school.

### Disability Standards for Education (2005)

The Commonwealth Attorney-General issued disability standards for education pursuant to section 31 of the DDA on 17 March 2005. Section 32 of the DDA makes it unlawful to contravene a disability standard.

The *Disability Standards for Education (2005)* (the Standards), which apply to all schools, cover enrolment, participation, curriculum development, accreditation and delivery, student support services and the elimination of harassment and victimisation.

The Standards require a school, amongst other things, to take reasonable steps to ensure:

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<sup>11</sup> Section 11(1), DDA

- a prospective student with disability is able to enrol and participate in a school on the same basis as a prospective student without a disability and without experiencing discrimination
- a course or program is designed in such a way that a student with a disability is able to participate in the learning experiences (including the assessment and certification requirements) of the course or program
- the student is able to use existing support services or take reasonable steps to arrange for the support service to be provided by another agency.

The Standards also require that consultation takes place with a student or an associate of a student about reasonable adjustments, for a decision to be made about whether or not reasonable adjustments are necessary to ensure that a student is able to enrol, participate or use services and for reasonable adjustments to be made.

The Standards also describe measures that, if implemented, will demonstrate compliance with a school's legal obligations.

### **The impact of the *Disability Inclusion Act 2014 (NSW) (DI Act)* and *Disability Inclusion Regulations 2014 (DI Regulations)* on the education of children with a disability**

The DI Act and DI Regulations commenced on 3 December 2014 and replaced the *Disability Services Act 1993*. Amongst other things, this legislation is intended to promote the inclusion of people with disabilities in decision making, enable them to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports and services.

In accordance with the DI Act and DI Regulations, the Department of Education is required to have a disability inclusion action plan. The disability inclusion action plan sets out the measures that DoE intends to put in place so that people with disabilities can access general supports and services and participate in the community.

The Department of Education has a detailed disability inclusion action plan for 2016-2020 available on its [website](#).



## **APPENDIX B: Additional resources and programs that support students with disability and special needs in NSW government schools**

The following resources and programs are available to students with disability in addition to supports provided through individual school budgets.

### **Support for student behaviour**

Comprehensive support for student behaviour is provided in NSW government schools. This includes behaviour expectations of students and a range of individual, class and whole-school approaches as well as specialist education settings and programs that support students with disruptive and complex behaviour.

#### **Behaviour code**

In 2015, the department released a new Behaviour Code for Students, which outlines the expected behaviour of students in NSW government schools. With consistent expectations across all schools, students know the required standard of behaviour and teachers have clear directions of their rights and responsibilities to deal with challenging behaviour.

#### **School and classroom level**

Schools implement individual, class and whole-school teaching and learning approaches to support the development of skills needed by students to meet high standards for respectful, safe and engaged behaviour.

Whole-school student wellbeing initiatives include MindMatters, anti-bullying programs, crime prevention education and positive behaviour approaches.

School learning and support teams review policies and practices used to maintain high standards of student behaviour, and implements intervention strategies for students with disruptive behaviour. A key member of the team is the school counsellor who provides expertise in assessing students and supporting teachers with management strategies for both the classroom and playground.

In some schools, student support officers (youth workers or social workers) also support students as part of the school's learning support team, alongside the school counsellor. The student support officer works with individual and small groups of students to:

- develop effective coping skills and positive relationships at school and at home
- connect students with other staff, services and/or community activities, and support agencies
- assist in researching and implementing evidence-based student wellbeing and anti-bullying strategies.

If, after implementing a range of school and local supports, a student's behaviour does not improve, a student may be referred to a specialist educational setting such as a Learning Centre or School for Specific Purpose.

### **Tutorial centres and programs**

Tutorial centres and programs cater for students who require intensive behavioural and educational support. Tutorial centres and programs generally cater for students in years 5 to 12.

Tutorial centres are attached to a managing school, generally a high school. Each tutorial centre has up to three support classes with a maximum class size of seven students at any one time. There are over 400 tutorial centre places available in NSW at any one time. Access to these places is through the Access Request and placement process outlined in chapter 3.

### **Learning Centres (Behaviour Schools)**

Learning centres (previously called behaviour schools) provide a range of specialist programs for students with challenging behaviours in Years 5 to 10 with the aim of returning the students to regular schools or supporting their transition to other education or employment opportunities. Of the 35 learning centres, 14 were established to provide support to students with a confirmed mental health disability (emotional disturbance), with three of these operating in a NSW Health setting. The remaining 21 learning centres cater for students with severely disruptive behaviour.

Each learning centre has between three to 11 classes with a maximum class size of seven students at any one time. There are over 500 learning centre places available in NSW at any one time. Access to these places is also through the Access Request and placement process outlined in chapter 3.

### **Support for student health**

Students with disability are supported by the department's student health policies and procedures. For example, the department requires schools to develop a health care plan in consultation with parents and the student's treating teams for serious health conditions such as:

- severe asthma
- type 1 diabetes
- anaphylaxis
- epilepsy, where an untreated occurrence may be life-threatening.

Schools also support students who require assistance to take medication during the school day and students who require support for health care procedures. There is comprehensive training for all school staff responsible for performing procedures in health care plans or giving medication.

### **Home school liaison program**

The home school liaison program supports schools to implement the department's attendance procedures, including advising and supporting principals to implement strategies to improve student attendance and collaboratively develop student attendance improvement plans. The program also identifies emerging issues by monitoring attendance registers and supporting principals with attendance process checks.

The program also supports students, parents and schools to encourage the full participation of all students in education. Home school liaison officers and Aboriginal student liaison officers work with schools, students and their families to address issues that may be contributing to school absences. They often work with other government and non-government agencies that may be able to provide support where family-based issues are impacting on school attendance.

### Child protection

The recent report released by the Royal Commission into Institutional Responses to Child Sexual Abuse [Disability and child sexual abuse in institutional contexts](#) (2016) confirms that children and young people with disability are more likely to experience sexual abuse than those without disability. Other research shows they are also more likely to experience other forms of abuse and neglect.

The department requires that Child Protection Education is taught to students in every Stage from Kindergarten to Year 10. The Child Protection Education Curriculum provides a range of teaching and learning materials that can be adapted according to the needs of individual students. Through the curriculum students learn age appropriate skills and understandings in recognising potential abuse and neglect and protective strategies, including how to seek help. They also learn about positive and respectful relationships.

*Child Protection Education for Students with High Support Needs* has been developed to assist teachers of students with high support needs where more extensive modification of teaching and learning activities is required. It also includes information for schools in establishing protective and child-safe learning environments.

All Departmental staff have a responsibility to identify and respond to concerns about students' safety, welfare or wellbeing, as set out in the Department's *Protecting and Supporting Children and Young People Policy and Procedures*.

The Department of Education's Child Wellbeing Unit was established as part of the NSW Government's *Keep them Safe* reforms in response to the 2008 Report of the Special Commission of Inquiry into Child Protection Services in NSW.

The role of the Child Wellbeing Unit is to:

- advise, support and educate principals and workplace managers about whether their concerns about the safety, welfare and wellbeing of children and young people reach the 'risk of significant harm' threshold for making a mandatory report to the Child Protection Helpline, and
- assist principals and workplace managers to identify and implement, in conjunction with other agencies, appropriate local responses to support the child, young person and their family where the suspected risk of significant harm are not met.

The NSW Government's Online Mandatory Reporter Guide (MRG) has been developed to assist mandatory reporters assess whether an issue or concern poses a 'risk of significant harm' requiring direct notification to the Family and Community Services Child Protection Helpline, or whether the concern can be directed to the Child Wellbeing Unit.

### **Support for students in out of home care**

The department's out of home care program provides universal support to all students where parental responsibility is held by the Minister of Family and Community Services. This support can and does include students with diagnosed and undiagnosed disabilities.

The program provides additional support to students undergoing some form of transition that impacts on his/her life and on educational outcomes, and supports schools to individually tailor assistance to the student for transitions impacting on their overall wellbeing. This support is designed to enable the student to transition with ease, improving the educational and wellbeing outcomes of the student.

### **Support for Aboriginal students with disability**

Aboriginal students with disability and specialist learning are supported through mainstream school services available to all students and through services tailored to meet the needs of Aboriginal students and their families. Departmental policies state that all staff are responsible for the outcomes and wellbeing of Aboriginal students.

The implementation of Every Student, Every School and the introduction of a needs-based funding model under Local Schools, Local Decisions mean that school resources are better targeted to meet the needs of Aboriginal students with disability.

Consistent with the department's focus on individual student learning needs, schools work with families and carers (and students, where appropriate) to develop personalised learning pathways (PLPs) for Aboriginal students to support them to achieve their aspirations. PLPs allow schools and teachers to more efficiently and effectively address the learning needs of Aboriginal students, and allow schools to identify where a student may benefit from a further assessment by qualified specialist staff.

Aboriginal students with disability and additional learning needs are also supported by Aboriginal staff who can connect students to disability support services and provide connections between home and school. These positions include school-based Aboriginal education officers, Aboriginal school learning and support officers, and Aboriginal community engagement officers. Non-school based Aboriginal positions include Aboriginal education and engagement officers and Aboriginal community liaison officers.

When supporting Aboriginal students, schools are to ensure that parents and carers are actively involved and ensure the cultural safety of the child and family. A support person for the parents/carers is offered and/or facilitated where appropriate.

### **Distance education**

Students with disability or additional learning needs can access the curriculum through 12 distance education schools within the NSW government schools network. Over 60 per cent of full-time secondary enrolments in distance education are students with additional health, disability or learning needs.

Distance education provides case management, support and assessment of placement and transition back to face-to-face settings. The department also works with non-government agencies, local schools and parents/carers of distance education students to ensure appropriate support structures are in place in the home.

## Educational services

Four education services teams provide specialist advice and support to school principals, school staff, parents and community members to meet the needs of all students, and on the ongoing implementation of programs that support students whose learning is impacted by disability. These teams include specialist personnel who provide specific advice and support in areas such as appropriate support for students with disability to access the curriculum, literacy and numeracy, aboriginal and multicultural education and wellbeing.

## Networked specialist centres

Networked specialist centres (NSCs) provide an additional level of expertise to the work of NSW government schools and specialist support staff in supporting students whose needs are complex, including students with disability.

Schools are responsible for meeting the learning needs for every student. The wellbeing of a child or young person is a key contributor to their learning outcomes and can be affected by a range of circumstances. When the child or young person's needs reach a level of complexity that requires additional case management or integrated service delivery, the networked specialist centre is available to add another level of expertise to the work of schools and specialist support staff.

Each NSC has a facilitator. The facilitators:

- build systemic, interagency relationships with other government and non-government agencies to establish and maintain a sustainable network of specialist support services
- lead complex case coordination
- facilitate and support cross-agency initiatives and local solutions identified by a group of schools that address the complex needs of their students.

There are 22 NSCs across the state. Fifteen are located in regional and rural areas:

Barwon	Bega/Queanbeyan	Broken Hill	Campbelltown
Central Coast	Central West	Deniliquin/Griffith	Dubbo
Illawarra	Lindfield	Lismore	Maitland
Mt Druitt	Newcastle	Parramatta	Port Macquarie
Shoalhaven	St Peters	Strathfield	Tamworth
Wagga Wagga	Wollondilly/Macarthur		

## Professional learning

### Scholarships, cadetships and internships for teachers

#### *Incentive Scholarship Program*

Scholarships under this program are available for up to 40 graduate teachers in their final year of study to enhance the supply of qualified teachers in curriculum and specialist areas of workforce need, including special education.

Fourteen students completed studies in 2015 to qualify as a special education teacher and commenced permanent employment Term 1, 2016. During 2016, 16 students completed

studies to qualify as a special education teacher, 2 commencing employment as at Term 3, 2016 and an additional 6 commencing employment from Term 1, 2017.

Up to 40 scholarships will be available to students completing their final year of study in 2017.

#### *Cadetships, Internships and teach.Rural Scholarships*

Up to 30 cadetships and 30 internships were available to students commencing or completing studies in 2017 to qualify as teachers in subject areas and locations of workforce need, including special education. Students will work as paraprofessionals within a NSW government school for the duration of their studies and will be appointed to a permanent teaching position on completion of their studies.

Up to 50 *teach.Rural* scholarships for talented HSC students commencing teacher education studies from 2017 in subject areas of workforce need, including special education, and who are prepared to teach in rural and remote locations were also available. Students will be appointed to a permanent teaching position on completion of their studies.

Preliminary offers to successful candidates were made in December 2016 with 5 offers to students studying to qualify as a special education teacher.

Up to 30 cadetships, 30 internships and 50 *teach.Rural* scholarships will be available for 2018.

#### *Teacher Education Scholarship Program*

Up to 300 teacher education scholarships are available for students commencing or continuing teacher education studies in 2017 to qualify as teachers in subject areas and locations of workforce need, including special education. Up to 80 scholarships are available for Aboriginal or Torres Strait Islander applicants. Students will be appointed to a permanent teaching position on completion of their studies.

Preliminary offers to successful candidates were made in December 2016 with 16 offers to students studying to qualify as a special education teacher.

### **Sponsored training programs**

Sponsored training programs are implemented by the Department of Education to enhance the supply of qualified primary and secondary teachers in curriculum and specialist areas of workforce need. The programs support qualified teachers to gain approval to teach in a specialist or in a different or additional curriculum area.

Special education is one of the priority specialist teaching areas for 2017 with 37 teachers continuing or commencing studies to retrain as a special education teacher. An additional 32 teachers will commence employment as a special education teacher Term 1, 2017 after completing studies in 2016.

### **Continuing professional learning**

The department provides and supports extensive continuing professional learning opportunities for school staff to improve their knowledge and practices in supporting students with disability and special needs.

## Online learning

The department offers seven specialist tutor-supported online learning courses that address educational support for students with disability (see chapter 4, page 21).

The seven courses and their participation rates, as at January 2017, are as follows:

Course Name	Introduced	Registrations
Understanding Autism Spectrum Disorders	2008	9,867
Understanding and Supporting Behaviour	2009	7,371
Motor Coordination Difficulties	2009	1,562
Inclusion for Learners with Speech, Language and Communication Needs	2010	4,075
Understanding Dyslexia and Significant Reading Difficulties	2012	5,587
Understanding Hearing Loss	2013	861
Understanding Personalised Learning and Support	2015	1,786

The department collects and analyses a range of data about the online learning courses and their impact on teachers to inform planning and support for their implementation. This data includes:

- Pre and post course surveys of participants about their confidence, knowledge and skills in the topic area
- A voluntary follow up survey 90 days after completion
- Post course evaluation of participants' willingness to recommend the course to others
- Qualitative data from participants' final forum contributions

The data is consistently highly positive in terms of the relevance of course content, the satisfaction reported by course participants and their ongoing use of course materials following course completion. A high completion rate has been sustained across all courses since 2009. A summary of the data is available on the department's [website](#).

## Training in managing student behaviour

A range of professional learning programs are available to school staff to address disruptive and complex student behaviour. These include:

- non-violent crisis intervention training
- the behaviour learning and teaching program, which provides professional learning for teachers in the management of student behaviour
- the above supported online learning course including *Understanding and supporting behaviour* and *Understanding Autism Spectrum Disorder*.

## Information accessibility training

Departmental staff can access a range of professional training strategies and professional learning resources about the new World Wide Web Consortium's (W3C) web content

accessibility guidelines. Ongoing training will ensure resources published on the department's website are accessible to people with disability.

To support students' access to the curriculum, the department has developed and trialled an accessibility webinar, which trains staff on the use of built-in accessibility features on devices currently used in NSW government schools. In 2015-16, there were more than 800 enrolments in this webinar. Building on the success of this trial, further work is being undertaken to finalise training materials that will be accessible for all teachers in NSW government schools.

The department also provides professional learning on the use of built-in accessibility features on Apple mobile (iOS) devices. In 2015, more than 600 school learning support officers across the department participated in this professional learning.

The department continues to work with the Centre for Effective Reading staff to build their capacity to use assistive technology, including the use of accessibility features on devices and the creation of accessible documents.

### **Accessibility projects**

An access review tool is used to identify and prioritise projects in schools to meet students' and staff access needs. Asset management units work with school principals, parents, and learning and support teams to ensure works are delivered in line with agreed support plans.

In 2015/16, the department undertook more than 220 integration assets projects to enable access to school facilities for students with disability. These include installing lifts, access ramps, accessible toilets, high visibility markings, and bollards.

The department publishes its Educational Facilities Standards & Guidelines (EFSG) at <https://efsg.det.nsw.edu.au/>. The EFSG exceeds or meets Australian Standard 1428: *Design for access and mobility*. All room plans comply with the *National Construction Code* and the *Disability (Access to Premises - Buildings) Standards 2010* (Cth).



## APPENDIX C: Guiding Principles to underpin processes for the planning and utilisation of targeted specialist support services for students with disability

As an outcome of Stakeholder Advisory Group meetings and consultation in 2016 a set of principles has been formulated to guide future work and considerations about support for students with disability and additional learning and support needs.

The Department of Education and its schools need to ensure that planning for specialist support provisions and access to these provisions for students is fair, responsive to student need, transparent and accountable.

The following Guiding Principles have been developed to underpin the processes for the planning and utilisation of targeted support services for students with disability. Targeted support provisions include support in regular classes through the Integration Funding Support program and places in specialist support classes.

1	The planning and utilisation of targeted support services for students with disability complies with legal and policy requirements for equity of access to education through inclusive education practice.
2	The planning maximises educational opportunities for long-term, personal, social and economic outcomes for students by addressing the goals and post school aspirations of individual students and their parents/carers or other representatives.
3	Planning for specialist support provisions makes best use of the resource investment in supporting students with disability and takes full account of the distribution of locally available resources including people, appropriate facilities and funding.
4	Student learning and support planning is based on: <ul style="list-style-type: none"> <li>• early, informed and genuine consultation with students and their parents/carers or other representatives</li> <li>• respect for schooling preferences</li> <li>• recognition and respect for the identity and cultural background of the student</li> <li>• the educational needs and best interests of the student.</li> </ul>
5	Planning and student placement decisions are informed by deep understanding of support options, evidence of assessed educational and access needs of students, as well as evidence of the impact of support/interventions.
6	Travel distance and time for students to access support is optimal for student health, wellbeing, safety and independence.
7	Decisions about and processes for student access to targeted support provisions are transparent and timely.
8	Planning for and decision making about specialist support services takes an early intervention approach and a strong focus on transition points to maximise educational opportunities, independence and outcomes for students.
9	Regular reviews of goals for the provision of targeted support for individual students ensure that the duration and continuity of targeted support is responsive to student need.

## APPENDIX D: Participation figures for programs enabling equitable access to examinations conducted by NESA

Table 1: Students with approved Disability Provision applications for the HSC 2011–2015

Year	Approved applications	Total candidature	Percentage of approved applications
2011	4,911	69,735	7.0
2012	5,098	70,367	7.2
2013	5,857	71,640	8.2
2014	6,226	72,712	8.6
2015	6,541	73,408	8.9

Table 2: Students using provisions for the optional online literacy and numeracy tests 2011–2015

Year	Number of students using provisions	Total number of students completing at least one test	Percentage of students using provisions
2012	25	688	3.6
2013	36	2,267	1.6
2014	98	2,532	3.9
2015	23	860	2.7

## APPENDIX E: Enrolment figures for students undertaking Life Skills courses in NSW schools

Table 3: Students undertaking Life Skills courses 2011–2015 (%)

	2011	2012	2013	2014	2015
Stage 5	2.9	2.6	2.5	2.5	2.4
HSC	2.4	2.3	2.5	2.6	2.6

Table 4: Stage 5 Life Skills course enrolments 2011–2015 (%)

	2011	2012	2013	2014	2015
English	2.6	2.4	2.3	2.3	2.3
Mathematics	2.6	2.4	2.3	2.3	2.3
Science	2.6	2.4	2.3	2.3	2.2
PDHPE	1.7	2.1	2.1	2.1	2.1
History	2.6	2.4	2.3	2.3	2.2
Geography	2.6	2.4	2.3	2.3	2.2

Table 5: Year 12 Life Skills course enrolments for most popular courses 2011–2015 (%)

	2011	2012	2013	2014	2015
English	1.9	1.8	1.8	1.9	1.9
Mathematics	1.8	1.6	1.8	1.8	1.8
Work and the Community	1.3	1.3	1.3	1.3	1.3

## **APPENDIX F: Programs and initiatives funded by the Department of Family and Community Services (FACS) that support access to, and participation in, school education for students with disability**

### **School Age Years Inclusion Support Program**

#### **Project definition and funding**

The NSW Government, through FACS, has funded Lifestart to deliver the School Age Years Inclusion Support (SAY) Program from 1 July 2014 to 30 June 2018 across four Sydney districts, with additional capacity building activities in another two areas.

#### **How is this program impacting students with disability and their families?**

The SAY program assists families, service providers, schools, and community organisations to meet the needs of students with disability as they transition into school and provides ongoing support as they progress through primary and secondary education.

The program also builds the skills of students with disability and their families to make decisions about their interests and goals, and supports them to participate in mainstream settings and environments.

Key program components include:

- Belonging at School - resourcing students with disability, their families and school environments for positive and successful inclusive practice
- Lunch Bunch – assisting students with disability to build inclusive positive social networks in school environments
- resourcing social and recreation activities - support for universal and community services that are inclusive of students with disability in regular programs
- preparation for post-school life - working with students in Years 9-12 to assist these young people to be ready for life after school, and
- supporting positive relationships for students with disability - developing safe, positive and appropriate relationships with their peers and friends.

#### **Collaboration with Education in program delivery**

SAY facilitators work with the family and the school to enhance shared understanding of the goals of the student and family in the school setting, and to support the family to engage with the school.

### **The Transition to School resource**

#### **Project definition and funding**

The Transition to School Resource was developed by Early Childhood Intervention Australia (ECIA) NSW/ACT, with funding from the NSW Government through FACS, to assist families and carers of children with disability to prepare for the transition to school.

This online resource contains practical information for families and carers on various topics, including:

- considering school options

- activities to prepare children for school
- developing positive relationships with the school
- information about the rights of parents and children, and
- information to support children and families in the early days of starting school.

The Transition to School Resource also provides useful information and advice for professionals including those in mainstream early childhood services, early childhood intervention services, schools, families and local community organisations.

ECIA NSW/ACT also developed Transition to School videos and a DVD involving a family's transition to school experiences, to build upon the success of the Transition to School resource and in response to feedback from users seeking real case examples of best practice.

#### How is this program impacting students with disability and their families?

ECIA NSW/ACT commissioned an action research project to evaluate the resource. Families reported that they find the Transition to School Resource helpful and said it increased their capacity to ask for assistance and information they needed.

#### Collaboration with Education in development and program delivery

Department of Education staff were involved in the Transition to School project via representation on the project steering committee, peer review of content for the resource and by raising awareness about the resource through their communications.

The Department of Education and ECIA NSW/ACT are discussing possibilities for including the Transition to School Resource website within the Department of Education website.

### Delivery of specialist disability supports at school

#### Project definition and funding

The NSW Government, through FACS, currently funds specialist supports for students with disability, including therapy and behaviour management.

#### How is this program impacting students with disability and their families?

Children and young people and their families are able to participate in their communities through the provision of specialist supports in mainstream settings, including schools.

#### Collaboration with Education in program delivery

FACS and/or non-government specialist providers work in partnership with schools to:

- plan and support students' transition to and from school
- embed therapeutic supports in the classroom that align with the child's learning needs
- increase communication between the family, early childhood service provider, child and school
- build staff knowledge and skills to support the participation of students in education activities, and
- develop staff skills in positive behaviour management and communication.

## 'Decisions, decisions...' Supported Decision-Making Workshops

### Project definition and funding

The NSW Government, through FACS, is funding Carers NSW to engage Mirri Mirri to deliver 50 workshops over two years from July 2016.

The 'Decisions, decisions...' Supported Decision-Making Workshop is a two-hour interactive workshop delivered at school, and is specifically designed for young people with disability aged 14-18 years. All schools, regardless of location, are able to access the program, with each workshop designed for a maximum 15 students.

Through a series of interactive activities, students with disability are immersed in the decision-making process. Importantly, the students are taught simple techniques that allow them to work more effectively with those involved in the decision-making process, including family members and/or carers.

### How is this program impacting students with disability and their families?

The "Decisions, decisions..." Supported Decision Making program aims to provide young people with a disability with the tools and confidence to make decisions. It works to:

- improve student communication skills and confidence to make decisions
- empower students to speak up and ensure their voices are heard, and
- provide students with the tools and knowledge to make informed decisions, with the support of their families and carers, and build their capacity to exercise choice and control on issues that impact upon them.

### Collaboration with Education in program delivery

As at November 2016, 24 workshops have been held in 11 schools, with 221 students accessing the workshops. Around 60 per cent of the workshops have been held in regional schools.

Teacher feedback about the program has been positive. Of the 11 schools that have held these workshops, nine schools have completed the post workshop evaluation and all indicated that:

- students were engaged and enjoyed participating in the workshop
- the program content and activities were suitable to the needs of the students
- the facilitator effectively communicated with the students
- the facilitator provided an interactive and engaging workshop, and
- the facilitator was respectful of the students, their needs and capabilities.

## Transition Support Project

### Project definition and funding

The NSW Government, through FACS, invested \$4.6 million over five years (2011/12 to 2015/16) to deliver 700 places under the Transition Support Project (TSP), to improve transitions supports for secondary students with disability.

### How is this program impacting students with disability and their families?

An evaluation was conducted on the TSP Pilot prior to its rollout across NSW. The result of the evaluation demonstrated that the pilot provided valuable support, information and experience to students with disability at a critical juncture in their lives.

The supports delivered within the Pilot effectively linked students to employers, industry and community networks.

### Collaboration with Education in program delivery

The TSP was implemented with support from the Department of Education, the Catholic Education Commission NSW (CECNSW) and the Association of Independent Schools of NSW (AISNSW). The TSP built on existing transition strategies within the school system at Years 9 and 10 to develop personalised transition plans to assist students achieve their post-school goals.

## Assessment for Post School Programs for School Leavers with Disability

### Project definition and funding

Each year, school leavers with disability are assessed for a FACS funded Post School Program supports (Community Participation or Transition to Work (TTW)).

The Post School Programs assessment process is widely recognised as best practice and has been trialled by the National Disability Insurance Agency (NDIA) in Tasmania, Victoria and the ACT. NSW is currently in discussions with the NDIA about continuing the NSW post-school assessment process for the NDIS School Leaver Employment Support Program, which will replace the NSW Community Participation and TTW programs as part of the NSW transition to the NDIS.

### How is this program impacting students with disability and their families?

Each year, approximately 60 per cent of young people on the TTW program successfully transition to employment.

Recent improvements to the assessment process have further enhanced service outcomes, including:

- more online teacher training to expand the reach and flexibility of assessor training
- earlier availability of assessment outcomes for young people with disability and their families through a text message and email, and
- the use of social media to communicate important information on the assessment process.

### Collaboration with Education in program delivery

This annual State-wide assessment process is undertaken in partnership with FACS, the Department of Education, the CECNSW and the AISNSW. School based assessors and Support Teachers Transition undertake the assessment of school leavers with disability on behalf of FACS.

This well-established, long-standing arrangement has been refined and enhanced over many years to ensure a well-supported and streamlined post-school transition for school leavers with disability.

## **'Social Inc.' Project**

### **Project definition and funding**

The NSW Government, through FACS, funded the Cerebral Palsy Alliance to deliver the Social Inc. project over the past two years.

Social Inc. is a social inclusion program delivered in high schools that challenges students to help change the perception of disability in their school, and breakdown social stigmas through raising awareness, active social networks and engagement. The project aims to:

- expand a student's circle of support and engagement in their local school community
- build an increased level of emotional resilience and
- develop skills in students to navigate social networks and social media and build a sense of belonging and contribution.

### **How is this program impacting students with disability and their families?**

Social Inc. has been working to challenge and change the perception, stigma and social disadvantage of disability in schools through strategies such as awareness, active social networks and inclusion councils that develop the leadership skills of young people with disability.

The program has used a range of strategies to improve awareness, understanding, acceptance, belonging and inclusion of students with disability in high school, including:

- the development of a website, social media and multimedia resources
- Annual Inclusion Surveys (including a visual survey for students with disability) to monitor how students and staff experience inclusion
- Social Inc. Kit designed to increase awareness of disability and inclusion in schools, and
- Inclusion Councils to develop leadership of students with disability.

### **Collaboration with Education in program delivery**

Social Inc. was developed in collaboration with the Department of Education. Schools across the Sydney Metropolitan area were engaged in program planning and implementation.

Since the program commenced in early 2013 it has been rolled out in 17 schools across NSW, and has been well received by both students and schools.

## **Clinical Practice Outreach and Support Service (CPOSS)**

### **Project definition and funding**

In 2013/14, FACS provided over \$1.3 million to Lifestart over three years to implement the CPOSS program in the Illawarra Shoalhaven District. An additional \$645,459 was



allocated to continue this service until the rollout of the NDIS in the Illawarra region from 1 July 2017.

CPOSS is an innovative service model that involves a key worker with expertise in childhood development to work with children and families, and develops the clinical leadership skills and capability of early childhood intervention services to support families and promote inclusion in mainstream services.

#### [How is this program impacting students with disability and their families?](#)

While the project's clinical focus is primarily on early childhood providers a key component is supporting families as their child transitions to school.

#### [Collaboration with Education in program delivery](#)

The CPOSS program is actively building connections between early childhood education services and schools, particularly in remote areas of the region, and assisting them to meet the needs of the child with disability or developmental delay.

## **APPENDIX G: NSW Health programs and initiatives that support access to, and participation in, education for students with disability**

NSW public health services delivered to school-aged children with disability by Local Health Districts (LHDs) and Specialty Health Networks (particularly the Sydney Children's Hospitals Network) support student access to education. Certain programs and services delivered by LHDs work closely with schools, teachers, families, and carers to support continuing participation in the education system for school-aged children with disability.

These services broadly fall into the following categories:

1. specialised allied health and rehabilitative services that focus on school-aged children with disability, and support access to education
2. certain health programs and services targeted at school-aged children with disability, that have a particular focus on supporting continuing participation in the education system
3. mainstream health services provided to school-aged children with disability, which are likely to support their access to and engagement with the education system.

Health programs and services adopt a variety of delivery models which reflect:

- patients' clinical health needs, and
- local context, including partnership arrangements with schools, local health service capacity and the historical or current provision of services by NSW Family and Community Services and NGO providers.

During the roll out of NDIS, and until planning and service delivery to patients has bedded down, NSW Health will continue work with Family and Community Services and the Department of Education to monitor and support the provision of services to school-aged children with disability that promote their health and wellbeing, and facilitate their access to education.

Specialised and other health services provided by LHDs and Specialty Health Networks that support access to education for school-aged children and young people include:

- specialised allied health and rehabilitative health services are supporting school attendance and decreased risk of crisis management and unplanned hospitalisation for school-aged children with disability
- continued participation in, and supported return to, education among school-aged children with mental health issues
- increased access to speech pathology and other allied health services support access to or engagement with education among school-aged children with disability
- increased capacity of teaching staff to apply therapeutic strategies in the class room
- for many parents of school-aged children with disability, increased understanding and management of their child's needs.

NSW Health has also noted the following impacts/changes since the Department of Education introduced its Every Student, Every School initiative in 2012:

- greater focus on partnerships and capacity building with schools and education staff – for example specialised allied health services and community paediatric teams providing training and support to education staff, including greater alignment with the school year (i.e. prior the commencement of the school year and on pupil-free days)
- increased referrals and inquiries to specialised health services indicate an increased awareness and understanding of the need for support within education settings
- School Learning Support Officers (SLSOs) are supporting programs and strategies addressing behavior problems in school-aged children who have disability, and complementing allied health services
- best practice models of health care that complement key areas and themes in the Every Student, Every School framework
- roles and responsibilities of staff in the Sydney Children’s Hospitals Network’s Hospital School are aligned with the Every Student, Every School framework within a Hospital School context.

### **Specialised Multidisciplinary Teams**

A small number of Local Health Districts (LHDs) have a specialised multidisciplinary allied health teams working specifically with students with physical and intellectual disabilities.

The teams comprise Occupational Therapy, Speech Pathology and Physiotherapy which provide essential clinical interventions to minimise the impact of students’ physical disabilities (arising from various syndromes, diagnoses and causes) on safe and equitable access to the school setting and curriculum. Interventions are based on best practice and provided in the child’s natural environment.

Clinicians who are part of these services work collaboratively with students, their carers, school staff, hospital based medical services and other stakeholders, such as NSW Family and Community Services (FACS).

The School Therapy Team based at St George Hospital, South Eastern Sydney Local Health District (SESLHD) provides services to students in government and non-government schools in the Kogarah, Hurstville, Rockdale and Sutherland Shire LGAs. The School Therapy Team works with students with physical and/or intellectual disabilities accessing support or regular classes within mainstream schools.

The Specialist Disability Health Team based in South Western Sydney Local Health District (SWSLHD) operates multidisciplinary school clinics consisting of a developmental paediatrician, clinical nurse consultant and social worker. The clinics operate on the premise that vulnerable families with children with disability benefit from a “wrap around” model to support access to comprehensive health and disability services.

Through these clinics, many children with disability who present with challenging behaviour can continue to be enrolled at the school due to joint management of their behaviours between education, disability service providers and the health service. This clinic also provides access to tertiary services for children who require further tests or specialist input.

Under the school clinic model, information exchange occurs in a setting where families, school staff and the child can be present. The clinic setting enables school attendance to continue whilst child is being assessed. It also provides an opportunity for health staff to observe the child's behaviours in the educational setting.

More than 60 per cent of the referrals to the service relate to weight management or challenging behaviours. Specialist Disability Health Team clinics have had approximately 180 episodes of service in the last 3 years.

A number of LHDs operate multidisciplinary Diagnostic and Assessment services. In Sydney Local Health District (SLHD), clinics in Croydon and Canterbury Community Health Centres are staffed by a developmental paediatrician, clinical psychologist, career medical officers and developmental paediatric trainee.

Across these two SLHD clinics, between seven and nine developmental assessment clinics and six community paediatric clinics are run each week, seeing an average of 32 children per week. Approximately 49 per cent are in the 4-12 year age group with 30-60 referrals per fortnight. Most of the children are referred for developmental delays or to seek a diagnosis for autism spectrum disorder or other developmental disability diagnoses. Many of the 4 -6 year age group referrals are for school placement purposes (24.5 per cent).

### **Child and Adolescent Mental Health Services**

Child and Adolescent Mental Health Services (CAMHS) inpatient and community services provide a range of specialist mental health services to children and young people 0-18 years and their families and carers across NSW. Services are oriented to support recovery from mental illness.

Along with CAMHS clinical services delivered in schools, CAMHS deliver school based programs and initiatives through:

- School-Link
- Getting on Track In Time! (*Got It!*)

### **School-Link**

School-Link is a longstanding collaborative initiative between NSW Health and the Department of Education to improve the mental health of children and young people in NSW. Through School-Link, CAMHS provide specialist mental health services through consultation liaison, clinical care planning for recovery and delivery of specialist mental health individual and group interventions in schools and TAFEs. School-Link supports early identification of mental health issues in students, access to evidence-informed mental health early intervention programs in schools, early access to specialist mental health services, and support for the recovery journey.

The NSW Ministry of Health funds LHDs and Specialty Networks to employ School-Link Coordinators to implement this initiative across approximately 3,000 NSW schools and TAFEs in partnership with teachers, school counsellors and specialist mental health staff. The School-Link program has recently been enhanced through the NSW Mental Health Reform providing funding to support an additional 3 School-Link Coordinators bringing the total FTE to 18. These additional positions will create stronger links to Department of Education's Networked Specialist Centres.

### Getting on Track in Time (Got It!)

*Got It!* is a whole of school social and emotional learning program and a targeted clinical intervention aimed at young children with conduct problems. *Got It!* also provides support to parents, teachers and education staff. *Got It!* is an early intervention service which aims to reduce the frequency and severity of conduct problems at a time when intervention is likely to be most effective and to prevent the development of severe behaviour problems, such as conduct disorder, in young children from Kindergarten to Year 2 (between the ages of five to eight years).

*Got It!* also aims to improve schools' capacity to respond to children with conduct disorders in a context where children and families can be engaged with the school setting.

CAMHS deliver *Got It!* in partnership with the Department of Education. NSW currently has three teams that deliver the *Got It!* mental health program in selected NSW schools. In 2016-17, the *Got It!* program was expanded under the NSW Mental Health Reform by 15 new teams, which will provide services across all LHDs in partnership with the Department of Education.

### Community Paediatric Services

Community Paediatric Teams (CPT) support the health care needs of children with chronic and complex medical needs and their families. CPTs support the transition from newly diagnosed/acquired disability, to ongoing support within the community.

Support specifically to schools can include:

- engagement on supporting children in the school environment
- attendance at school for specific procedural care, e.g. gastrostomy tube change
- education for schools on a child's specific disability needs (eg epilepsy management, enteral feeding needs, gastrostomy tube management and intermittent catheterisation)
- coordination with allied health regarding access and mobility needs of children as they transition to school.

Sydney LHD runs a bimonthly dual diagnosis clinic for children and adolescents with developmental disability. This clinic is staffed by a developmental paediatrician, child psychiatrist, developmental paediatric fellow and a disability psychiatry fellow. Most of the referrals are for children and adolescents with complex behavioural and potential mental health issues whose schools are struggling to maintain their attendance at school.

The clinic adopts a wrap-around approach to supporting children with a developmental disability through partnerships with the school. This model supports an increased understanding of the factors influencing the child's behaviour at home and school, and informs recommendations in terms of pharmacological treatments, behaviour management strategies, and referrals to disability support agencies including linking to NDIS/local paediatric services/respite services.

Assessment involves family members, school staff and disability agency/Family and Community Services case workers.

This service is offered to all schools in the Sydney Local Health District catchment area for children and adolescents with developmental disability, and sees an average of four children per month.

### **Clinical School Programs**

Clinical School Programs, such as the Coral Tree Family Service (CTFS) which operates from Northern Sydney LHD, support the education of primary school aged children who have significant emotional, behavioural or mental health problems that have not improved with secondary local mental health support. Most children referred to the CTFS experience significant difficulty in their home schools with frequent suspensions, reduced attendance or risk of non-attendance

This state-wide service admits children and families from metropolitan and rural areas, following referral through a health practitioner.

### **Allied Health Programs**

In 2013, the *Tweed Byron Community Health in Schools Program* established Schools Clinics in Northern NSW Local Health District (NNSWLHD) to increase access to therapy services for school aged children, and support therapist workforce development.

This program is funded by the University Centre for Rural Health (UCRH) and schools, and is delivered as a partnership between NNSWLHD, schools and universities.

Within participating schools in NNSWLHD, the program is supporting:

- Increased access to local speech pathology services, with increased number of students receiving assessment and intervention;
- Increased capacity of teaching staff to apply therapeutic strategies in the classroom;
- Increased parent understanding and management of their child's needs.

### **School Readiness**

In some LHDs, such as Central Coast LHD, children are seen by occupational therapists and physiotherapists in outpatient clinics for treatment and intervention around essential skills for school readiness and other school milestones, such as handwriting assessment entering primary school.

### **The NSW Centre for Effective Reading**

The NSW Centre for Effective Reading is a joint initiative between NSW Health and the NSW Department of Education providing direct assessment and intervention services for students in rural and regional NSW with significant reading difficulties who have not responded to universal or targeted interventions.

### **Sydney Children's Hospital School**

The Sydney Children's Hospital School (SCHS) is a K-12 school for specific purposes operating within the Sydney Children's Hospital Network (SCHN) and is a joint venture between the Hospital and the Department of Education.

The SCHS recently changed its intake criteria to include outpatients. Children who come to SCHS for outpatient treatment, e.g. patients with chronic pain, can enrol in the hospital

school. The school provides specific programs to enable students to gradually increase their participation in education.

NSW Health is also working in partnership with the Department of Education, and schools, on pilots and the development of best practice models to support access to education for school-aged children with disability.

### **SchoolKit and School Transition Clinics**

SchoolKit Clinics support students with disability and complex health and mental health needs in their educational setting. The clinics bring together the student, the family, health, mental health, teachers and community supports in a round-table discussion to address health and educational issues in a holistic manner.

SchoolKit Clinics are underpinned by partnerships between the student, families and carers, education, health and other professionals. They place the family and student at the centre of all decisions and can involve teachers, school counsellors, paediatricians, disability workers, dieticians, social workers, nurses, and other specialists.

The SchoolKit Clinic model was pioneered by Cairnsfoot Special School, Arncliffe in collaboration with the Kogarah Developmental Assessment Service, SESLHD. In collaboration with the Agency for Clinical Innovation, the model has been developed into a web-based toolkit 'SchoolKit' and is available on [www.schoolkit.org.au](http://www.schoolkit.org.au).

The Metro-Regional Intellectual Disability Network (MRID) provides SchoolKit Clinics in two Schools for Specific Purposes (SSPs) in the Illawarra and Shoalhaven. A number of LHDs have adopted the SchoolKit Clinic model, or have adopted various elements of it to address local needs.

SchoolKit Transition Clinics are an extension of the SchoolKit Clinic model and focus on supporting a young person and their family through the shift from school to adulthood and the shift to post-school life and adult (rather than paediatric) health services. SchoolKit Transition Clinics support the transition from one group of professionals who provide care and support to a young person and their family, to a new group. The new group will generally be more suited to the young person as an adult.

### **Aids and Equipment Program and Prosthetic Limb Service**

Through the Aids and Equipment Program and Prosthetic Limb Service, NSW Health assists school aged children with disability to access equipment such as wheelchairs, communication devices or prosthetic limbs for home and community use, including for use within schools.

The funding guidelines for the Prosthetic Limb Service include provision of a recreational limb for children who are under 16 or still attending school. This allows students with an amputation the opportunity to participate in school sporting activities such as swimming. During 2015-16, the Prosthetic Limb Service funded 40 recreational limbs for children still at school (under 18 years).

In conjunction with the Sydney Children's Hospital Network, the Prosthetic Limb Service has established an upper limb terminal devices loan pool. The pool provides students who have

an upper limb amputation the opportunity to access a variety of devices that allow them to trial and participate in school activities, such as music or sport.



## **APPENDIX H: NSW Juvenile Justice educational initiatives for students with disability**

The responsibilities of the Department of Education and the Department of Justice Juvenile Justice in supporting children and young people in custody are set out in a Memorandum of Understanding.

Each juvenile justice centre in NSW has a co-located school for specific purposes managed by the Department of Education. The schools deliver the NESA curriculum with a focus on the achievement of the Record of School Achievement (RoSA) and the Higher School Certificate (HSC). The schools also offer a broad range of dual accredited vocational education and training (VET) programs delivered by trained school staff, TAFE NSW or other registered training organisations (RTOs).

Juvenile Justice is responsible for safety, security and good order in juvenile justice centres and the delivery of a range of evidence based interventions and activities to children and young people (normally aged between 10 and 18 years of age) in their care including offence focused programs, recreational and after school hour's programs.

The majority of teachers working in schools located in juvenile justice centres have special education qualifications and/or experience working with students with learning difficulties or disabilities. This training assists staff in providing specialised support to students with complex learning and support needs. Many children and young people also enter custody with a history of fractured school attendance and without achieving the same educational milestones as their peers.

Data from the *Juvenile Justice Year in Review 2015-2016* states that the average daily number of young people in custody was 291.

It is well documented that the number of juveniles in custody in NSW has been declining over the last 10 years. For example the average number of young people in custody in 1997-1998 was 394. At the same time the average length of stay in custody has fluctuated requiring staff in schools and juvenile justice centres to be flexible in ensuing programs and interventions are designed to meet the needs children and young people in custody for varying lengths of time.

Additional teacher and non-teaching entitlements are provided to schools in juvenile justice centres that implement an extended school year (ESY) model of education. Schools implementing an ESY remain open beyond the normal gazetted school term to enable students to access remedial, academic and vocational programs for longer periods of time over the school year.

The Department of Education also provides policy and support to schools in juvenile justice centres. Support includes liaison with Juvenile Justice senior officers, principals, director public schools and educational services teams.

The Department of Education and Juvenile Justice work together to support the transition of compulsory aged children and young people from custody to appropriate educational settings in the community to continue their pattern of study.

The following data from the 2015 *Young People in Custody Health Survey* provides a snapshot of the 227 children and young people in custody who participated in the survey.

In relation to these young people:

- 21 per cent had been placed in care before the age of 16 years
- 54 per cent have had a parent in prison
- 27 per cent were attending school prior to custody (there were no differences according to gender or Aboriginality)
- 18 per cent have an IQ under 70, meaning they were in the Extremely Low range (existence of an intellectual disability)
- 39 per cent scored in the Borderline range (IQ 70 to 79)
- 83 per cent were found to have a psychological disorder
- 78 per cent were found to have a behavioural disorder
- 51 per cent have severe difficulties in core language skills
- 79 per cent have severe difficulties in reading comprehension.<sup>[1]</sup>

Programs delivered to children and young people with disability or specialist learning needs in custody focus on a range of areas including:

- Intensive literacy and numeracy
- Living skills
- Mental health
- Pro-social skills development and
- Empathy.

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<sup>[1]</sup> NSW Health, *Young People in Custody health survey* (2015 - unpublished).