

Submission  
No 74

**INQUIRY INTO CHILDREN AND YOUNG PEOPLE WITH  
DISABILITY IN NEW SOUTH WALES EDUCATIONAL  
SETTINGS**

**Organisation:** AEU NSW Teachers Federation

**Date Received:** 18 March 2024

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**AUSTRALIAN EDUCATION UNION  
NEW SOUTH WALES TEACHERS FEDERATION BRANCH**

SUBMISSION TO

NSW Legislative Council Portfolio Committee No. 3 - Education

ON

Inquiry into children and young people with a disability in New South Wales  
educational settings

Authorised by

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**Maxine Sharkey  
General Secretary  
AEU NSW Teachers Federation**

**18 March 2024**

The Australian Education Union NSW Teachers Federation Branch (the Federation) represents teachers, executives, and principals across the public education system in NSW. The Federation is an industrial and political organisation that represents approximately 60,000 practising teachers and student members.

## **Executive summary**

The fastest-growing segment of the NSW public school population over the past two decades has been students with disabilities. Since 2002, the number of students with disabilities in NSW public schools has increased from approximately 32,000 (4% of total enrolments) to around 206,000 (26% of enrolments). This is an increase of almost 540% in 22 years, compared to a 5% increase in total enrolments over the same period. The number of students with autism has also increased by an astronomical 1200% during this time. In 2024, 86% of students with specific learning needs in NSW public schools are in mainstream classes.

Adding to the difficulty of supporting the rapidly growing cohort of students with disabilities in the public school system are natural disasters including floods, bushfires, and drought, as well as the COVID-19 pandemic, which have exacerbated mental health challenges amongst students. This places increased pressure on all teachers including dual qualified school councillors and other staff who work with students with disabilities as well as students struggling with issues related to their mental health, learning and wellbeing.

Numerous comprehensive reviews and assessments of the NSW public education system over more than a decade have consistently emphasised the significant rise in the number of students with disabilities and the urgent need for increased funding and resources to ensure that all teachers and all students are well supported. All students with disabilities and their peers are entitled to receive a high-quality education. These reviews include NSW Legislative Council inquiries in 2010 and 2017, the Gallop Inquiry in 2021 (and its subsequent update in 2023), and a confidential report prepared for the NSW Department of Education by the Boston Consulting Group in 2017.

Despite the compelling evidence presented in these reviews, governments and their departments have lagged in their understanding of or failed to prioritise what is required to provide the enabling conditions for teachers to educate students with disabilities. Consequently, governments and their departments have failed to provide adequate funding and have not kept pace in establishing the policy, regulatory and legal frameworks necessary to ensure excellence and the pursuit of equality in educational outcomes for all students, including those with disabilities within the public education system.

The results of this neglect of the public education system include severely underfunded and under-resourced public schools, a shortage of appropriately qualified teachers, including teachers with the necessary specialisms and education staff, extensive teacher burnout and turnover and a systemic failure to meet the needs of students with disabilities and provide them with high-quality education regardless of context.

The Australian and NSW governments must take responsibility to address these issues by fully funding the public education system to at least 100% of the minimum Schooling Resource Standard so it can operate effectively and provide high-quality education to all students. Needs-

based funding for students with disabilities is critical, as is sustainable long-term investment in quality and appropriate capital and infrastructure.

Specifically, governments and their departments must:

- Increase the number of qualified and specialist teachers in the workforce to ensure that all children and students with a disability can receive a high-quality public education.
- Provide timely and local access to the full range of public education and school settings required to meet the needs of children and students with disabilities and deliver equality in educational opportunity and outcomes.
- Provide the necessary resources and buildings infrastructure (including outdoor environments) to ensure that children and students with disabilities can benefit from the full range of specialist settings in the public education system.
- Provide genuine system-level support that places the classroom at the centre and progressive policy for teachers, school leaders, students and children and families of children and students with disabilities to ensure equality in educational opportunity and outcomes.
- Implement policy, regulatory and legal frameworks that promote and protect the enabling learning conditions for children and students with disabilities and working conditions for their teachers.

Implementing these measures will go some way to ensuring that every student with disabilities in the public education system benefits from the expertise of a team of qualified, specialist teachers, including dual qualified school counsellors. Further it will support students to be educated in an appropriately designed, inclusive setting that meets their individual needs as well as the needs of their peers.

Additionally, it will ensure that every teacher tasked with educating students with disabilities are supported and provided with working conditions that enable them to teach to the highest professional standard and meet the varied and individual needs of those they are educating—every lesson, every day.

## Introduction

In 2017, the NSW Department of Education commissioned the Boston Consulting Group (BCG) to carry out modelling to inform its Disability strategy. The confidential report, obtained under Freedom of Information by the NSW Teachers Federation in 2020, shed light on the critical challenges facing the NSW education system. It revealed that:

- 20% of students in NSW public schools in 2017 had a disability—this amounted to 150,000 students, around 20,000 more than was previously claimed by the Department.
- The number of students with disabilities was predicted to grow by 50% in the decade to 2027, according to Departmental figures and projections by the Australian Bureau of Statistics (ABS).
- Educating the increasing number of students with disabilities would require up to 11,000 additional specialist teachers—double the current number—despite increasing teacher shortages and an ageing workforce. This is on top of the additional 14,000 to 19,000 teachers required to meet overall student growth.
- The number of support and special school classrooms may need to double by 2027, at an additional cost of up to \$3 billion.
- At least six new schools for specific purposes (SSPs) would need to be built each year to 2027—a program of building not factored into current plans.
- The strategy suggested one option for reducing the number of extra classes it creates was to shift children from special schools to support classes and those in support classes into mainstream classrooms. Another option was to increase overall class sizes.

The BCG report shows that the Department of Education knew it was failing to deliver excellence for students with disabilities and that principals and teachers were inadequately supported to meet the growing complexity of student needs. It makes clear that the growth in the number of students with disabilities has been well-understood by successive governments, and that significant future growth has been anticipated for a number of years.

## Growth in number of students with disabilities in NSW

The number of students with disabilities in NSW public schools has been growing rapidly over the past two decades.

In 2002, 4.2% of students in NSW—32,221 out of approximately 767,000 total enrolments—received an adjustment to their educational support due to disability.<sup>1</sup>

In 2016, the NSW Auditor-General reported Department of Education figures estimating there were 91,000 students with disabilities in NSW public schools, representing 12% of all enrolments. Approximately 80% of these students were enrolled in mainstream classes in public schools, with the remainder enrolled in specialist support classes.<sup>2</sup>

By 2021, the number of students with disability in NSW public schools had risen to 183,024, according to data reported to Parliament by then Minister for Education and Early Learning Sarah Mitchell.<sup>3</sup>

In 2022, the Department of Education reported that more than 188,000 students across NSW received adjustments to their learning because of disability and additional learning and support needs.<sup>4</sup>

According to Department of Education figures published in February 2024, there are now 206,000 students with disability in NSW public schools, with the majority (86%) learning in a mainstream classroom in a mainstream public school. Eleven per cent of students with disabilities attend support classes in mainstream schools and 3% are enrolled in schools for specific purposes.<sup>5</sup> This represents an increase of more than 539% since 2002.

Of students with disabilities in NSW public schools in 2024:

- 86% with specific learning needs are in mainstream classes
- 11% with specific learning needs are in support classes
- 3% with specific learning needs are in schools for specific purposes (SSPs)
- More than 30,800 are in approximately 4290 support classes (mainstream and SSPs).<sup>6</sup>

The increase in the number of students with a disability is consistent with patterns in demand for disability support in NSW, which is growing at four times the rate of enrolment growth, according to the Department of Education's current Disability Strategy, which states that "*Compared to 1% overall annual enrolment growth in NSW public schools, we're seeing 4% growth in students receiving targeted individual support.*"<sup>7 8</sup>

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<sup>1</sup> Rajendra, H, Submission to Valuing the Teaching Profession, an independent inquiry, 2021, unpublished.

<sup>2</sup> New South Wales Auditor-General, *Supporting students with disability in NSW public schools: Department of Education*, (Sydney: Audit Office of NSW, May 2016), p2.

<sup>3</sup> Parliament of NSW Legislative Council: House Business Papers QON 8673 - Education and Early Learning - Nationally Consistent Collection of Data on Students with Disability.

<sup>4</sup> NSW Department of Education, *Interim Annual Report 2023: 1 January to 30 June 2023*, p47.

<sup>5</sup> NSW Department of Education, "More support classes in mainstream schools for students with disability," press release, 19 February 2024.

<sup>6</sup> Day 1 2024: a snapshot (website), NSW Department of Education.

<sup>7</sup> Disability Strategy (website), NSW Department of Education.

<sup>8</sup> It is also consistent with national trends. The latest data from the Australian Curriculum, Assessment and Reporting Authority showed that, nationwide, there were 991,272 school students who received an educational adjustment due to disability in 2023. This represents 24.2% of total enrolments, up from 22.5% in 2022 and 18.0% in 2015. Similarly, the Australian Early Development Census identified that the number of

## Growth in number of students with autism and mental health issues

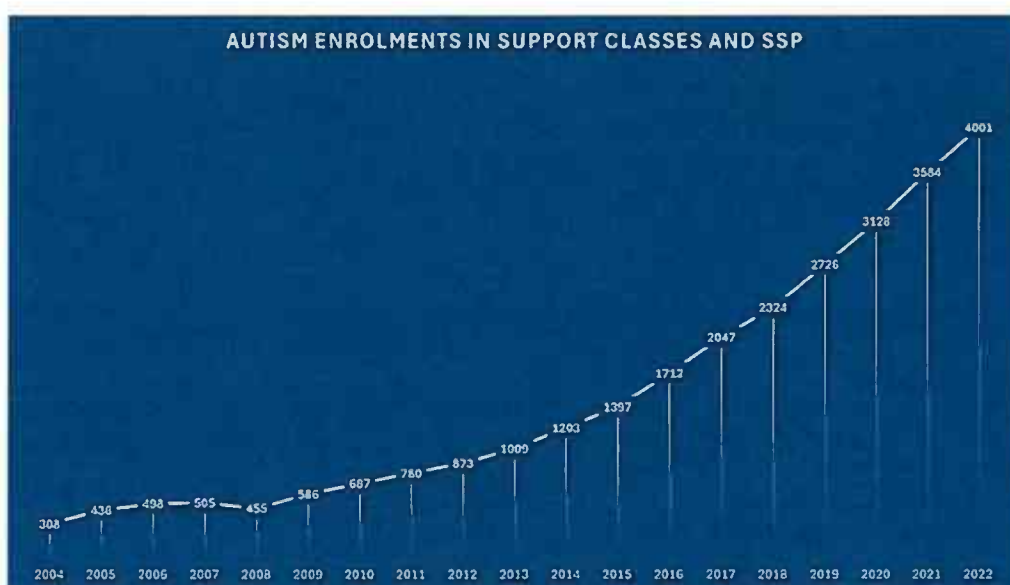
Students with disability in NSW public schools are a diverse group with widely varying needs. Teachers report students are increasingly presenting with complex disabilities, those that are unfamiliar and, in some circumstances, less visible than those seen historically.

The evidence from schools is that the fastest growing groups of students with disabilities are those with autism and those with mental health issues.

### Increase in number of students with autism

The only data published annually on children with different disabilities in the public school system in NSW is for those in support classes and SSPs. This data shows astronomical growth of almost 1200% in the number of students with autism in support classes and SSPs between 2004 and 2022 (from 308 to 4001, see Figure 1 below).

**Figure 1: Growth in enrolment of students with autism in support classes and SSPs, 2004 and 2022**



**Source: NSW Department of Education Centre for Education Statistics and Evaluation Annual Bulletins**

The number of students with autism and intellectual disability was 1524 in 2022, representing an increase of 166% since 2016.<sup>9</sup>

Between 2020 and 2022, the number of students in mainstream classes with autism and eligible for targeted funding (Integration Funding Support) increased by 27% from 6261 to 7971.<sup>10</sup>

Community rates of people with autism have also increased significantly in recent years. The latest release from the Australian Bureau of Statistics (ABS) reports that there were 205,200 Australians

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children with disability increased by 29% between 2015 and 2022 and more than one in five children now start school developmentally vulnerable and behind where they need to be.

<sup>9</sup> Centre for Education Statistics and Evaluation, *Schools and students: 2022 statistical bulletin*, (Sydney: NSW Department of Education, 2023), p19.

<sup>10</sup> Parliament of NSW Legislative Council: House Business Papers QON 8673 - Education and Early Learning - Nationally Consistent Collection of Data on Students with Disability.

with autism in 2018, a 25.1% increase from the 164,000 with the disability in 2015. The ABS report states: *“In 2018, 92.3% of young people (101,900) aged 5 to 20 years on the autism spectrum attending school had some form of educational restriction, including a small number who were unable to attend school because of their disability.”*<sup>11</sup>

### **Increase in number of students with mental health issues**

Between 2020 and 2022, the number of students in mainstream classes eligible for targeted funding (Integration Funding Support) for serious mental health issues jumped 30% from 3503 to 4571.<sup>12</sup>

In a Federation survey in September 2020, 98% of members said the number of children with mental health concerns at their school had increased in the last three years. Eighty per cent said the number had increased a lot.<sup>13</sup>

According to teachers and principals, natural disasters including bushfires, floods and drought along with the COVID-19 pandemic have increased the number of students with mental health issues. A total of 91 per cent said the number of children with mental health concerns at their school had increased as a result of COVID-19.

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<sup>11</sup> Disability, Ageing and Carers, Australia: Summary of Findings (website), Australian Bureau of Statistics, October 2019. The next release of data from the Survey of Disability, Ageing and Carers (2022) is expected to be available in June 2024.

<sup>12</sup> Parliament of NSW Legislative Council: House Business Papers QON 8673 - Education and Early Learning - Nationally Consistent Collection of Data on Students with Disability.

<sup>13</sup> NSWTF Member mental health and school counselling survey, Sept 2020.



## Growth in school counselling service needed

Dual-qualified school counsellors provide psychological counselling, assessment and intervention to students in NSW public schools,<sup>14</sup> working directly with students to help them with issues related to their mental health, learning and wellbeing. Their role also includes presenting supporting information and making recommendations about students' eligibility for targeted disability support provision.<sup>15</sup>

Over the past 20 years, four inquiries—including parliamentary inquiries in 2009/10<sup>16</sup> and 2016/17<sup>17</sup> as well as the Vinson and Gallop inquiries—have recommended schools maintain a ratio of one counsellor for every 500 students. Despite these recommendations, the current ratio remains around one counsellor to every 750 students.

The Minns Labor government has since committed to putting more school counsellors into schools to ensure students have the support they need, stating in a 2023 press release that, "*A Minns Labor Government will invest \$75 million to recruit an additional 250 (FTE) school counsellors in the next term, to deal with the growing mental health crisis in NSW schools and improve education outcomes... Labor's announcement is the first step towards reaching a ratio of one counsellor for every 500 students.*"<sup>18</sup>

Parliamentary Budget Office costings submitted by the Minns opposition prior to their election show 50 new counsellors in 2024/25, 100 in 2025/26 and 100 in 2026/27.<sup>19</sup>

While this commitment is positive, it is addressing a deficit in school counsellors that was identified two decades ago. Given the increasing complexity of the issues that school counsellors are dealing with, the escalating needs of students (particularly in the realms of disability, wellbeing, and mental health, which have been exacerbated by events such as bushfires and the COVID-19 pandemic), and the growing number of students with disabilities, it is, at best, a catch-up effort. It underscores the need for increased funding for the public education system to ensure that students' fundamental learning and wellbeing needs are adequately met.

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<sup>14</sup> NSW Department of Education, *School Counselling Service Practice Guide: Roles, structure, admin*, p5.

<sup>15</sup> NSW Department of Education, *School Counselling Service Practice Guide: Disability, learning and support*, p6.

<sup>16</sup> Parliament of NSW, Portfolio Committee No. 2 - Health, *The provision of education to students with a disability or special needs*, 2009.

<sup>17</sup> Parliament of NSW, Portfolio Committee No. 3 - Education, *Students with a disability or special needs in New South Wales schools*, 2016.

<sup>18</sup> NSW Labor Party, "\$75M for 250 new school counsellors to support students and lift outcomes," press release, 19 March 2023.

<sup>19</sup> Parliamentary Budget Office/Australian Labor Party, Education Future Fund, 20 March 2023.

## Changes in the skills and responsibilities of teachers and principals

Along with a changed legal framework, policies and practices aimed at creating a safe and more inclusive learning environment in schools have contributed to the increased numbers of students with disabilities in schools—particularly in mainstream classrooms. Higher community prevalence rates are also a factor along with an improved capacity to detect and diagnose the disabilities children have.

Another factor is the increase in the school leaving age from 15 to 17 from the start of 2010. All students are now required to complete year 10 or turn 17. For those who complete Year 10, but are not 17, they must continue in education, training, paid work or a combination of those things until they turn 17.

The additional students have led to a significant increase in the skills and responsibilities of NSW public school teachers, along with their teaching workloads. There has been more work for principals, school learning support teams and learning and support teachers in determining how to allocate available resources, develop and implement teaching and learning strategies and engage in an ongoing and collaborative way with parents and carers.

School learning support teams also need to navigate convoluted and time-consuming processes to try to access funding to provide integration support for students with higher needs and to seek places for students, where appropriate, in the limited number of school support classes in each area.

Classroom teachers are asked to develop learning plans for each student with a disability. A previous senior NSW Department of Education executive, Georgina Harrisson, told a parliamentary committee in 2019 that *“our expectation is that in every one of our schools every student with a disability will have an individualised learning plan in place”*.<sup>20</sup> The obligations on classroom teachers also extend to identifying the needs of students with disability, modifying lesson plans and the curriculum, collecting data, implementing and evaluating their strategies and supervising and supporting students in class. All this is done while trying to meet the needs of all other students and collaborate with colleagues and learning and support teachers. Teachers report vastly increased welfare and mandatory reporting obligations.

Increasing parent and community expectations around inclusion and the appropriate levels of support for all children with disabilities in mainstream schools have also contributed to higher reporting and consultation requirements for classroom teachers.

The introduction of the Nationally Consistent Collection of Data (NCCD) also increased the expertise and responsibilities principals and teachers have. The NCCD was progressively introduced into NSW public schools from 2013. It has been completed by all schools since 2015. Teachers are required to use their professional judgement and experience to collect and record data on every student with disability. This time-consuming process is undertaken each year and teachers report that it has to be done in addition to their regular duties, further increasing their workload. Principals report “enormous” efforts are involved in the collection of data, data entry and the professional learning necessary to understand and complete the NCCD.<sup>21</sup> Time has not yet

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<sup>20</sup> Evidence to Portfolio Committee No.3, NSW Parliament, Sydney, 4 September 2019, p80 (Georgina Harrisson, Deputy Secretary, Educational Services, Department of Education).

<sup>21</sup> NSW Primary Principals Association, Submission, Valuing the teaching profession – an independent inquiry, p2.

been given across the system to reduce face to face teaching loads or participate in practises that support meaningful teacher engagement in this work.

In an effort to meet their obligations and be able to effectively assess and respond to the needs of students with disability, principals and teachers have undertaken extensive professional learning (both paid and unpaid).

According to the NSW Department of Education, more than 74,200 teachers completed one or more modules of the Disability Standards for Education e-learning between 2013 and 2019. Over the same period, almost 30,000 teachers completed training designed to assist them understand and respond to the needs of students with disabilities and deliver personalised learning and support.<sup>22</sup>

A report by the NSW Audit Office in 2016 said most teachers surveyed said they were challenged by the range and complexity of students' needs and wanted more training. However, the biggest barrier to training was the inability to get time away from class.<sup>23</sup>

Teachers have also had to adapt to the use of new tools designed to assist in the education of students with disabilities. The varied individualised support plan documents needed to justify the adjustments made for students with disabilities in mainstream classes has left specialist learning support teachers with less time to teach students with disabilities. Some members have expressed concern about such tools, claiming that while the tools highlight where to begin in making adjustments for students' learning, it does not support the implementation of adjustments beyond the point of initial identification.

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<sup>22</sup> Portfolio Committee No 3 - Education, NSW Legislative Council, Budget Estimates 2019-2020, Supplementary Questions, p326.

<sup>23</sup> New South Wales Auditor-General, *Supporting students with disability in NSW public schools: Department of Education*, (Sydney: Audit Office of NSW, May 2016), p20.

## Review to Inform a Better and Fairer Education System

On 16 December 2022, all Education Ministers announced their intention to establish an expert panel to inform the next national school agreement. On 29 March 2023, the Commonwealth Minister for Education, the Hon Jason Clare MP, announced the Expert Panel and Terms of Reference for the Review to Inform a Better and Fairer Education System.<sup>24</sup>

The Expert Panel delivered its report, *Improving Outcomes for All: The Report of the Independent Expert Panel's Review to Inform a Better and Fairer Education System* to all Education Ministers, on 31 October 2023. The Report was published in December 2023 and highlights areas of reform focus for governments' consideration.<sup>25</sup>

The report reaffirmed that 98% of public schools in Australia are underfunded<sup>26</sup>; that is, they are funded below 100% of the Schooling Resource Standard (SRS), which is the government's own measure of the minimum level of funding deemed necessary to meet the needs of students.

The government summary of the report stated: "*The panel was clear in the report that full funding to 100 per cent of the SRS is a critical prerequisite for successful education reform and student learning and wellbeing improvement across the country.*"

The independent panel made clear that the need to fully fund public schools was "urgent and critical",<sup>27</sup> with the report stating that "*all jurisdictions should fully fund schools within a comparable timeframe*".<sup>28</sup>

The independent panel also noted that "*The call to action around reaching full funding for government schools – across all jurisdictions – is all the more urgent because of the full funding arrangements that already exist in the non-government sector.*"<sup>29</sup> This inequality of funding between private and public schools is significant and is driving inequality in outcomes between students of different backgrounds and locations. Data from a Productivity Commission report shows public school funding increased by 20.3% (or 2% per year) in real terms between 2012-13 and 2021-22. Over the same period, private school funding from governments increased by 37%. The report also shows that private schools have fewer students per teacher than public schools, despite public schools educating the vast majority of students with higher needs including those from disadvantaged backgrounds, rural and remote areas, students with a disability and Aboriginal and Torres Strait Islander students.<sup>30</sup>

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<sup>24</sup> *Improving Outcomes for All: The Report of the Independent Expert Panel's Review to Inform a Better and Fairer Education System*, p27.

<sup>25</sup> Expert Panel's Report (website), Australian Government Department of Education.

<sup>26</sup> *Improving Outcomes for All: The Report of the Independent Expert Panel's Review to Inform a Better and Fairer Education System*, p35.

<sup>27</sup> *Ibid*, p177.

<sup>28</sup> *Ibid*, p72.

<sup>29</sup> *Ibid*, p77.

<sup>30</sup> Australian Education Union, "Inequality in school funding must be urgently addressed by governments," press release, 6 February 2024.

## **Inadequate funding levels in NSW schools**

While the NSW government has committed to full funding of public schools to 100% of the SRS by 2029, under the current bilateral funding agreement between the state and commonwealth no public school is funded to this level. Rather, NSW public schools are only funded at 88.65% of the SRS in 2024.<sup>31</sup>

In 2022, the Coalition government changed the way it calculated the disability funding that schools receive. More than 700 schools were deemed to be eligible for less funding and had funding cut in 2024. The government offered no transparency over the data used in the calculations to determine the funding cuts, and provided no information to the schools facing cuts. The new funding arrangements were phased in over 2023 and 2024, and schools were given a special top-up payment for 2023 to ensure that they did not get less money, in what was clearly an attempt to avoid politically damaging cuts being made before the state election.

The Department of Education website at the time stated: “*Schools whose allocation is reduced under the new methodology will receive a one-off transition payment for the 2023 school year to support them to adjust to these changes.*” In correspondence with the union the department revealed 718 mainstream schools received the transition payment in 2023, with an average payment of \$20,360. The same correspondence claimed this change to the way assessments are made was “*in response to the 2017 Upper House Inquiry.*”

There is an urgent need for new and upgraded public schools that can meet the increasingly diverse needs of students and equip them with the knowledge, skills and capabilities required to be successful in the modern world.

Additionally, the Expert Panel recommended that ‘full service’ schools be established to provide a broader range of allied health and community support services on site to better support students and their families.<sup>32</sup>

## **Unmet need in capital funding**

There is an urgent need for new and upgraded public schools that can meet the increasingly diverse needs of students and equip them with the knowledge, skills and capabilities required to be successful in the modern world.

However, for the past decade, Commonwealth Governments have been derelict in their duty to provide the buildings, equipment and learning environments that students in public schools need to thrive. Over the decade from 2012 to 2021 capital investment in public schools averaged \$1,110 per student per year, while in private schools the average was \$2,401 per student per year – more than double. For 2021 alone the gap in investment on a per student basis between public schools and private schools was \$2.7 billion.<sup>33</sup>

The government must address this inequity and rectify the decade of neglect of public school infrastructure by urgently investing in the built environment of public schools. As well as helping to

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<sup>31</sup> Figure calculated from information in: Appendix 2: Bilateral agreement between New South Wales and the Commonwealth on quality schools reform: [New South Wales Bilateral agreement *and* Extended agreement]. (2023). *and* Evidence to Budget estimates 2023-24 – Education portfolio. Parliament of Australia. Senate, Canberra, 25 September 2023, QON 178, Portfolio Question No SQ23-000357 Answer attachment A, Table 8 (Department of Education).

<sup>32</sup> Improving Outcomes for All: The Report of the Independent Expert Panel’s Review to Inform a Better and Fairer Education System, p89.

<sup>33</sup> Australian Education Union, *Ending the Capital Funding Divide in Australia’s Schools*, (2009), p5.

improve inclusion, student engagement, wellbeing and students' academic results, this investment will deliver a multitude of wider community, and ultimately societal, benefits.

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The government must address this inequity and rectify the decade of neglect of public school infrastructure by urgently investing in the built environment of public schools. As well as helping to improve inclusion, student engagement, wellbeing and students' academic results, this investment will deliver a multitude of wider community, and ultimately societal, benefits.

## Impact of inadequate funding

Inadequate school funding is having a severe impact on teachers, students with disabilities and the quality of education provided, with the dramatic growth in the number of students with disability, particularly in mainstream classes, exacerbating long-standing resource shortages in this critical area.

Successive governments have been aware of the impacts of inadequate funding on teachers for well over a decade. A 2010 NSW Legislative Council inquiry found there was a “*pressing need*” to substantially increase funding for students with a disability.<sup>34</sup>

A 2017 Legislative Council inquiry also recommended an increase in funding, warning that “to date students with disabilities and special needs have not benefited from clear or equitable recurrent funding”.<sup>35</sup> The committee also reiterated “*the concern expressed by the 2010 Upper House inquiry that the NSW Government risks breaching their legal obligations to students with disability. Similar to 2010, participants during this inquiry indicated that students with disabilities and special needs in New South Wales cannot equitably access and participate in education on the same basis as their peers, due to a continued lack of funding.*”<sup>36</sup>

A 2018 internal NSW Department of Education report stated: “*While there are pockets of excellence, we fail to deliver excellence consistently across NSW for every student with disability. Many parents feel unsupported, principals and teachers feel inadequately supported to meet the growing complexity of needs of students with disability.*”<sup>37</sup> The same report also quoted a mainstream primary principal saying: “*Every classroom has 4 or 5 kids who need additional support in some way—RAM funding doesn’t meet the need and we are left to manage alone.*”<sup>38</sup>

The 2019 Federation Time to Act disability survey involving 486 mainstream schools found that:

- 96 percent of schools reported their flexible funding allocation was inadequate to address the additional learning and support needs of students.
- 94 per cent stated that they had to take funds from other parts of the school budget to meet the learning and support needs of students.<sup>39</sup>

One third of schools reported their learning and support teacher allocation was lower than one FTE. In relation to the effective teaching and learning of students with disability, over 80% of schools reported inadequate access to any medical support, a Department network specialist centre coordinator or a Department NDIS Coordinator.

Over 70% of schools reported inadequate time for collaborative, personalised/transition planning, specialist expertise in curriculum support, complex case management or trauma informed practice, or access to allied health professionals such as speech pathologists, occupational therapists, or physiotherapists.

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<sup>34</sup> General Purpose Standing Committee No 2, NSW Legislative Council, *The provision of education to students with a disability or special needs* (2010) p xv

<sup>35</sup> Education of students with a disability or special needs in New South Wales, Portfolio Committee No. 3 – Education, 2017, p66.

<sup>36</sup> *Ibid*, p67.

<sup>37</sup> GIPA Strategy for Students with Disability, 2018. Released in GIPA-20-257 20/08/2020.

<sup>38</sup> *Ibid*.

<sup>39</sup> Australian Education Union NSW Teachers Federation, Time to act on inequity in mainstream settings, unpublished, 2019, p3

When questioned as to the three things their workplace needs to effectively teach all students, most respondents listed smaller class sizes, more support staff and more staff training. Most also acknowledged that the key to all of the suggested strategies was additional integration funding support. Release time was also frequently cited in order to work with individual students and for planning and collaboration with other staff. Assigning school learning and support officers (formerly known as teacher aides) to all classes with students with disabilities was mentioned frequently by respondents.

A national survey conducted by the Australian Education Union in 2023 found that almost 90% of principals are taking funding from other areas of their school budget, such as maintenance, due to a lack of funding for students with disability.<sup>40</sup> Over 90% of teachers said four key changes would help them improve student outcomes: additional support for students with a disability or behavioural issues, more time for lesson planning, more classroom assistance and smaller class sizes.<sup>41</sup>

Further polling by the AEU in 2023 shows 85% of public school teachers are spending their own money on essential items such as stationery, classroom equipment, library resources and textbooks, with the average amount being just over \$885 a year. NSW, WA and NT teachers are spending on average more than \$1000 each a year.<sup>42</sup> Teachers report that the top reasons they are spending their own money is that it is the only way to deliver a lesson (44%) and students would miss out if they didn't (40%).<sup>43</sup>

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<sup>40</sup> Australian Education Union, "New campaign for full funding of public schools," press release, 2 August 2023.

<sup>41</sup> Ibid.

<sup>42</sup> Australian Education Union, "Teachers spending their own money due to underfunding," press release, 14 September 2023.

<sup>43</sup> Ibid.



## Every Student, Every School policy introduced in 2012

The most significant special education reform in the last 16 years was the 2012 introduction of the Every Student, Every School (ESES) policy. This involved a major reorganisation of school staffing for students with disability, reduced centralised support for schools and led to funding cuts for many schools and the exclusion of thousands of students with autism and mental health issues from the Integration Funding Support program (IFS).

The staffing changes included the reorganisation of more than 1900 full time equivalent positions supporting students with disability and those with additional learning and support needs and the associated funding. Nine categories of specialist support teacher were reallocated into one generalist learning and support teacher role. This included teachers working across multiple schools providing assistance in behaviour, integration and special education.

This shift saw over 400 schools receive a specialist teacher allocation for the first time, although the base allocation for schools was as little as 0.1 full-time equivalent. According to the Department, 96 assistant principal learning and support positions were also created from a reorganisation of assistant principal positions.

Under the revised funding arrangements, which are still in place, each school was provided with a Learning and Support resource allocation (now the Low Level Adjustment for Disability Loading).

That is composed of:

- **A specialist teacher allocation** (the learning and support teacher positions) which is adjusted every three years. This is composed of a base determined by a school's enrolments and a supplementary allocation based on a Student Learning Needs Index (SLNI) (see below).
- **A flexible funding allocation** adjusted annually. This is determined in the same way as the teacher allocation.

The SLNI currently uses literacy and numeracy data drawn from the most recent three years of longitudinal NAPLAN data. It is constructed around the number of students in mainstream classes who perform in the bottom 10 per cent in literacy and numeracy. It is a crude measure of a school's relative level of need within the system, based on the results of a standardised test. The actual needs of students with disability, or the costs of the adjustments they are receiving (or require) are not considered.

While the ESES policy provided all schools with flexible disability funding and a teacher allocation for the first time, it also forced schools to use that funding to educate thousands of students previously eligible for individual funding through the IFS program. Eligibility for the IFS program was changed to exclude more than half the students in it, primarily those with the disabilities that were increasing at the fastest rate—autism and mental health.

The table below shows the long lasting impact of this change. Despite the rapid growth in the number of students with disability, the number supported through the IFS program in 2019 was still 35 per cent lower than in 2011. It is only slightly above the 10,400 students the then Labor Government said were supported through the program in 2005.<sup>44</sup>

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<sup>44</sup> NSW, Parliamentary debates, Legislative Council 22 March 2005 (Carmel Tebbutt, Education Minister).

## Students supported through the Integration Funding Support program

Primary disability	2011	2012	2013	2014	2019	2020	2021	2022
Autism	6,953	7,210	2,214	2,491	5,284	6,261	7,279	7,971
Hearing	333	301	261	214	190	189	190	176
Intellectual moderate	1,101	1,114	1,061	1,061	832	805	724	694
Intellectual severe	54	58	62	68	83	74	63	51
Mental health	6,614	6,378	1,870	1,822	2,874	3,503	4,237	4,571
Physical moderate	1,483	1,509	1,479	1,418	1,335	1,436	1,471	1,500
Physical severe	229	227	216	219	229	225	223	204
Vision	222	210	212	208	192	199	183	174
<b>Total</b>	<b>16,989</b>	<b>17,007</b>	<b>7,375</b>	<b>7,501</b>	<b>11,019</b>	<b>12,692</b>	<b>14,370</b>	<b>15,341</b>

Sources 2011-2019: Department of Education, Government Information (Public Access) Act, GIPA-20-183; 2020-2021: Parliament of NSW Legislative Council QON 8671<sup>45</sup>; 2022: Parliament of NSW Legislative Council QON 9734.<sup>46</sup>

A leaked consultants' report later revealed the Every Student, Every School reforms, trialled in the Illawarra, were primarily driven by the need to constrain the rapidly growing costs of the IFS program. The report forecast the move to exclude the majority of students with autism and mental health issues "will promote sustainability by shifting fastest growing segment into fixed cost program (sic)" and could save "up to \$100-120m over five years".<sup>47</sup>

<sup>45</sup> Parliament of NSW Legislative Council, QON 8671 - Education and Early Learning - Integration and Funding.

<sup>46</sup> Parliament of NSW Legislative Council, QON 9734 - Education and Early Learning - Students with disabilities.

<sup>47</sup> Boston Consulting Group, *Expenditure Review of the Department of Education and Training (DET) – Initial Scan Draft Final Report*, 29 January 2010, slide 75.

Along with the reduction in children supported, spending on the IFS program was cut by 28 per cent after the change in eligibility criteria in 2012.

### Spending on the Integration Funding Support program

Primary disability	2011 (\$m)	2012 (\$m)	2013 (\$m)	2014 (\$m)	2019 (\$m)	2020 (\$m)	2021 (\$m)	2022 (\$m)
Autism	39.3	41.2	25.4	35.3	106.4	134.4	157	172.7
Hearing	2.1	2	1.9	2.1	3.3	3.4	3.7	3.6
Intellectual moderate	15.6	16.3	15.9	19.9	24.2	25.8	24.1	23.7
Intellectual severe	1.7	1.9	2.1	2.8	5	4.8	4.2	3.5
Mental health	31.8	31.3	15.3	18.5	41.7	54.4	66.9	72.4
Physical moderate	12.9	13.3	13.7	16.2	24.6	28	29.1	29.3
Physical severe	6.1	5.9	5.9	7.4	10.9	11.8	12.1	11.2
Vision	1.7	1.8	1.8	2.2	3.3	3.9	3.7	3.8
<b>Total</b>	<b>111.2</b>	<b>113.7</b>	<b>82.1</b>	<b>104.3</b>	<b>219.4</b>	<b>266.6</b>	<b>300.7</b>	<b>320.1</b>

Source 2011-2019: Department of Education, Government Information (Public Access) Act, GIPA-20-183; 2020-2021: Parliament of NSW Legislative Council QON 8671<sup>48</sup>; 2022: Parliament of NSW Legislative Council QON 9734.<sup>49</sup>

The \$31.6 million cut between 2012 and 2013 was not made up for by a corresponding increase in the learning and support resource allocation for schools which increased by less than \$1 million between 2012 and 2013. In total, 1,294 schools received an increased learning and support resource allocation for 2013, while 794 schools received less.<sup>50</sup>

The NSW Primary Principals Association said a far-reaching impact of the ESES policy was the dismantling of the department's behaviour support service and inclusion of responsibility for

<sup>48</sup> Parliament of NSW Legislative Council, QON 8671 - Education and Early Learning - Integration and Funding.

<sup>49</sup> Parliament of NSW Legislative Council, QON 9734 - Education and Early Learning - Students with disabilities.

<sup>50</sup> General Purpose Standing Committee No 2, NSW Legislative Council, Answers to Questions on Notice: Education, 2013-14, QON No. 35

behaviour in the role statements of the learning and support teachers (LaSTs). *“In practice, principals and classroom teachers were left to manage complex and challenging behaviours on their own while the system attempted to provide the necessary training to upskill LaSTs,”* the PPA said.<sup>51</sup>

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<sup>51</sup> NSW Primary Principals Association, Submission, Valuing the teaching profession – an independent inquiry, p4.

## Teacher shortages increased under the Coalition

A significant area of concern is the shortage of teachers in NSW public schools. Unfilled teacher vacancies increased by 145% throughout the Liberal-National government's term in office, from 744 in 2011 to 1821 in 2023.<sup>52</sup> This shortage was a direct consequence of both the previous government's wage cap, which artificially suppressed teachers' pay and the unsustainable increases in teacher workload that made teaching less attractive as a profession. While the number of unfilled vacancies has since declined from the record high seen under the Coalition,<sup>53</sup> more action is needed from the state government to ensure students receive the high-quality education they deserve.

There are also significant shortages of casual teachers and of specialist teachers for students with disabilities. Freedom of Information requests released by the Department of Education and reported in the media in January 2024 indicated there were almost 500 vacancies in schools "for specialist teachers to support students with physical and intellectual disabilities, autism, ADHD and other complex needs".<sup>54</sup>

The *Sydney Morning Herald* reported:

- 185 full-time vacancies for teachers trained to support students with disabilities
- 162 empty roles for autism support teachers
- 151 unfilled roles for teachers specialising in behaviour difficulties and extra needs.<sup>55</sup>

Department of Education research conducted between 14 August and 1 September 2023 found that NSW public schools had an average casual teacher shortfall of 42% per day across the survey window, ranging from 38.8% to 44.4% on individual days. This equates to an average gap of 3184 casual teachers each day, ranging from 2798 to 3574 on individual days during the survey period.<sup>56</sup>

These staffing shortages were widespread, with 87% of all public schools reporting a shortage of casual teachers during the survey window. Casual supply challenges and impacts were greatest in Schools for Specific Purposes (SSPs), with a 68% casual teacher shortfall. Primary (41%) and secondary (40%) schools had similar average casual shortfalls. Some geographic areas and individual schools were more greatly affected by casual teacher shortfalls, and experienced greater lesson disruption, including at twice or three times the state average.<sup>57</sup>

## Impact of teacher shortages

Teacher shortages have a significant impact on teachers' wellbeing and their ability to meet the needs of students.

The NSW Government's own 2023 NSW People Matter Employee Survey showed that:

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<sup>52</sup> Legislative Council Questions and Answers No. 49—Monday 17 July 2023, p664.

<sup>53</sup> NSW Deputy Premier, Minister for Education and Early Learning, "New figures show encouraging progress on teacher shortage," press release, 20 February 2024.

<sup>54</sup> "'Perfect storm' of teacher shortages hits English, maths, special needs," *Sydney Morning Herald*, January 28 2024.

<sup>55</sup> Ibid.

<sup>56</sup> Department of Education Alternative Supervision Arrangements Survey fact sheet, 23 October 2023.

<sup>57</sup> Ibid.

- 65% of teachers feel burned out by their work
- Only 25% of teachers agree that the amount of stress in their job was manageable. (29 points lower than the public sector average)
- 21% say that they have the time to do their job well (32 points lower than the public sector average)
- 61% plan to leave the profession within next 10 years
- 8% plan to leave the profession within one year.<sup>58</sup>

The need to address the under-resourcing of schools to educate students with disability is critical given the current shortfalls and the unprecedented growth in student numbers in NSW public schools forecast in the next two decades. Without meaningful increases in funding to address the teacher shortage and provide the necessary resources, students with disability will continue to be underserved by the education system and miss out on the education and support they need to succeed and thrive, during their schooling years and beyond.

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<sup>58</sup> People Matter: NSW Public Sector Employee Survey 2023, Public Schools – Teachers.

## **Student Behaviour Strategy and Inclusive, Respectful and Engaging Schools Policies**

In 2020, the Government ambushed the teaching profession with the release of the *Student Behaviour Strategy*. The government heralded this strategy as “a behaviour system in our schools that considers a student’s circumstances” and claimed that it would “empower[] schools to increase proactive early intervention and prevention, balanced with strong and appropriate discipline using evidence based [sic] best practice to support students inside and outside of the school gate.”<sup>59</sup> In reality, it was a unilateral policy change that failed to address the substantial issue of under-resourcing. This led to unmet student need, which ultimately manifested as an increase in unacceptable behaviour from students.

Teachers, parents and students were deeply concerned by the new strategy’s failure to provide the necessary funding, staffing and infrastructure to manage student behaviour, and issued a joint letter opposing the changes.

A second joint statement signed by NSWTF, PPA, SPS and P&C was released on 2 July 2021 (letter), calling on the NSW Government and Department of Education to cease any further development of the policy, maintain the existing policy, and address the many concerns listed.

Despite these calls by the profession and the parents of the students that they serve, in February 2022 the NSW government ambushed the teaching profession again with the introduction of the Inclusive, Engaging and Respectful Schools policy package, which enforced the unilateral changes to the already deeply problematic Behaviour Strategy. The introduction of this new, flawed policy did nothing to ease the concerns of an already overburdened teaching workforce.

The changes sought to artificially reduce the number of suspensions and expulsions in NSW Public Schools by placing arbitrary caps on the maximum number of suspensions and/or expulsions that schools were able to implement through the *Student Behaviour Policy* and *Student Behaviour Procedures Kindergarten to Year 12*.

As part of this package, the *Restrictive Practices Reduction and Elimination Policy* and associated documents were released into NSW public schools. The government claimed this policy was introduced in response to the Disability Royal Commission Inquiry into Violence, Abuse, Neglect and Exploitation of People with Disability. However, the findings of that inquiry were yet to be released.

The changes were intended to reduce and eliminate the use of restrictive practices in schools and promised a plethora of resources that would support schools to reach this goal alongside the goal of reducing suspensions and expulsions. These promised resources included complex behaviour support, dedicated workforces of specialist staff (including allied health and behaviour support services), improved access to behaviour specialists for schools, additional professional learning for all teachers and staff, greater support for students with disability to access the curriculum and early intervention (DoE Media Release, Feb 2022).

However, the government failed to provide these resources effectively across all NSW public schools in a time of crisis for the profession, and, contrary to the government’s rhetoric and stated goals, the policy exacerbated the ongoing failure to address the learning, health and social needs of our most vulnerable students, including students with disability.

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<sup>59</sup> NSW Department of Education, “New plan to tackle student behaviour,” media release, 27 August 2020.

Federation's State Council outlined the union's concerns in council decisions in February, March, May and September 2022, The union called repeatedly for the government to increase systemic support for schools, for the Minister to withdraw the flawed policy, and for the Department to effectively consult with the profession through the NSW Teachers Federation

On June 1, 2022, then opposition leader Prue Car announced that, if Labor were successful in forming government, they would "consult closely with teachers and teacher representatives to develop a more holistic and fairer behavioural management policy." (Car letter 01 June 2022)

On June 2, 2022, in correspondence to the union, NSW Greens Education spokesperson Tamara Smith stated:

*The proposed new policy does not support teachers and students' rights and appears to be a thinly veiled exercise in data suppression and blame shifting putting more of the workload onto schools. It also characterises schools as the point of failure when suspensions are issues, not the years of Government neglect and failure to address the front end of the conversation and provide the resources, infrastructure and expertise required to deliver early intervention.*

*Greens NSW support the Federation's moratorium on implementing the new Inclusive, Engaging and Respectful Schools policy[.]* (Smith letter 02 June 2022)

Through ongoing advocacy throughout 2022 and into early 2023, the Federation successfully maintained the profession's unwavering commitment to the highest standards of educational achievement for all students, while insisting on a high standard of student behaviour.

From April 2023, positive engagement with the union by the new Government and the Department of Education ensured that a new *Suspensions and Expulsion* policy, introduced into schools at the beginning of 2024, upheld the following:

- protecting the rights of teachers to teach and students to learn in a classroom environment free of persistent and sustained disruption
- restoring and upholding the authority of principals and teachers to manage non-compliant students, with such decisions supported by the Department
- ensuring the fundamental need to protect the health and safety of all students, teachers, and support staff
- streamlining and addressing unnecessary administrative tasks and paperwork
- strengthening and clarifying the grounds for suspension, change of setting, and/or expulsions.

Continued advocacy regarding the *Restrictive Practices Reduction and Elimination Policy* and associated documents resulted in a halt to proposed staggered implementation that began at the start of 2023, with full implementation scheduled for the beginning of 2024.

In July 2023, it was announced by the Department that implementation of this policy would halt until the release of the findings of the Royal Commission. The union had been calling for this halt since the flawed policy was released into schools at the beginning of 2022.

Federation has, since the release of this policy, recognised that every attempt must be made to reduce and eliminate the use of restrictive practices in schools and maintains its commitment to



that goal. However, rushed implementation of policy and procedures that failed to account for the complexities of school settings in the absence of systemic preparedness to support the reform and, indeed, the students that were affected, placed that goal at substantial risk.

Federation welcomed the pause in implementation and assurance that the policy will be renegotiated with the profession in order to ensure that the result is a workable policy, with systemic support that will ensure that NSW public schools are able to work towards the reduction and elimination of restrictive practices.

## Conclusion

In 2002, one in every 25 students in public schools in NSW had a disability. That proportion is now greater than one in five in metropolitan schools, rising to more than one in three in remote schools. The number of students with autism and mental health concerns has also increased significantly over this period.

The dramatic increase in the number of students with disability has led to a significant increase in workload for teachers, principals and other staff, and has required teachers and school leaders to take on increased responsibilities and gain new knowledge. New data collection and reporting requirements and the introduction of new planning requirements has further added to teacher workloads.

Governments since at least 2010 have been fully aware of these issues. Numerous reviews, parliamentary inquiries, and internal reports, alongside persistent advocacy and demands for reform from organisations such as the NSW Teachers Federation and the Australian Education Union have highlighted the increasing number of students with disability and the critical—and escalating—need for increased funding and resources. These measures are essential to guarantee that all students receive a high-quality education and that teachers are equipped with the necessary support to cater to the needs of every student.

Rather than addressing these problems through appropriate resourcing and funding, and updating policy, regulatory, and legal frameworks to keep pace with the changing needs of students and teachers, successive governments have instead opted to transfer workloads and responsibilities onto teachers and schools and have introduced policies that at best fail to address underlying issues and at worst exacerbate existing problems.

The result is a severely underfunded and under-resourced public education system that deprives teachers of the resources, funding and support they need to carry out their roles effectively and fails the students it is meant to serve.

Fortunately, governments have the power to resolve this crisis. Fully funding the public education system is the only way to ensure that teachers have the resources, specialist qualifications and support they need to teach effectively, and that every student, regardless of ability and need, can receive an equitable, inclusive education that meets their individual needs and enables them to thrive at school and for the rest of their lives.