



**THE PROVISION OF EDUCATION FOR
STUDENTS WITH
DISABILITIES/SPECIAL NEEDS**

REPORT PREPARED BY THE

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INTRODUCTION

A scoping exercise undertaken on the nature and levels of funding and resourcing for students with disabilities/special needs shows significant variations within and between the states/territories; sectors (government, Catholic and independent); type of school ('special' or 'mainstream'); and level of school (primary and secondary) in terms of how much funding is directed to students with disabilities/special needs.

There is clear evidence over a long period that the level of resources and funding required to ensure quality education for disabilities/special needs is inadequate with negative consequences for students, families, teachers, other education workers and schools.

While there have been significant increases in funding for students with a disability or special needs by governments, it has not been sufficient to ensure the resources necessary to meet the needs of the increasing numbers of students with an identified disability and increasingly complex disabilities.

There are also growing calls for much greater levels of funding/resourcing for students with disabilities/special needs in non-government schools, as evidenced by such developments as:

- ISCA's campaign lobbying for much higher levels of funding for students with a disability in non-government schools.¹
- the IPA's call for a national differential voucher to deliver additional funding for students with disabilities/special needs in order to overcome what it calls a large government funding shortfall for students with disabilities in non-government schools.²
- articles such as that by Jennifer Buckingham (*The Australian*, April 21, 2009) *Private hurdle for kids* arguing that non-government schools are being denied the levels of public funding which students with disabilities/special needs receive in public schools.³
- Monash study *Investigating the Feasibility of Portable Funding for Students with Disabilities* commissioned by former Howard Government federal education minister Julie Bishop in 2006 which was completed in June 2007 although the report wasn't released until April 2009.⁴

This is despite the fact that the claim by private school advocates that students with disabilities in private schools are funded far less than those in government schools is incorrect. The claim only takes direct funding for students with disabilities into account. In reality, they have an advantage over government schools.

As pointed out by research, such as that undertaken by Trevor Cobbold, it fails to take into account

¹ ISCA media release August 25, 2009 <http://www.isca.edu.au/>;

ISCA publication *Students with Disabilities* http://www.isca.edu.au/html/PDF/Booklet%2003/ISCA_12.pdf

Opening para: *Growth has been rapid in the number of students with disabilities in independent schools during the past ten years and the sector is calling for more government support of its students with disabilities in line with the government schools sector.*

² Julie Novak, *A Real Education Revolution: Options for Voucher Funding Reform*, IPA, July 2009

<http://www.ipa.org.au/publications/1689/a-real-education-revolution-options-for-voucher-funding-reform>

³ Jennifer Buckingham, *Private hurdle for kids*, *The Australian*, April 21, 2009

<http://www.theaustralian.news.com.au/story/0,25197,25361298-7583,00.html>

⁴ Fran Ferrier et al, *Investigating the Feasibility of Portable Funding for Students with Disabilities*, June 2007

http://www.dest.gov.au/sectors/school_education/publications_resources/profiles/Investigating_Feasibility_Portable_Funding_Students.htm

that Commonwealth grants to private schools are linked to average government school costs. These costs include funding for students with disabilities in government schools.

Different private schools receive different proportions of government school costs. If their funding proportion is higher than their proportion of students with disabilities relative to that in the government sector, they effectively have more to spend on students with disabilities or to divert to mainstream students. This is generally the case because private schools enrol less than half the percentage of students with disabilities than do government schools.⁵

SOME KEY DEVELOPMENTS IN THE PROVISION OF EDUCATION FOR STUDENTS WITH DISABILITIES

Disabilities Discrimination Act 1992

The Commonwealth *Disabilities Discrimination Act (1992)* makes it unlawful for schools to discriminate against a person on the grounds of disability, except in those circumstances where the enrolment of the student with disabilities would impose an unjustifiable hardship on the school.

This has both raised expectations of the entitlements of students with disabilities and placed additional resource-intensive obligations on schools in relation to enrolment practices and the provision of and access to education services, resources and facilities for students with disabilities.

Senate Inquiry into the Education of Students with Disabilities 2002

http://www.aph.gov.au/senate/Committee/eet_ctte/completed_inquiries/2002-04/ed_students_withdisabilities/report/report.pdf

Committee: Kim Carr (ALP Vic); Lyn Allison (Democrats); John Tierney (Lib NSW)

The 2002 Inquiry investigated whether Commonwealth funding was being effectively targeted at deficiencies in the provision of education programs for students with disabilities, at school and system levels, and in post-secondary education.

It found what it called clear and unambiguous evidence of:

- an increasing proportion of students with an identified disability, a growing number of students with increasingly complex disabilities relative to the overall student population and a considerable level of unmet need.
- under-funding and resourcing of programs, including capital costs of compliance with legislative changes associated with the *Disabilities Discrimination Act*, aimed at bringing students with disabilities into the mainstream of learning.
- a serious and worsening skills shortage among teachers who increasingly find students with disabilities assigned to their classes, with teachers not always well prepared for this experience and unskilled in methods which involve teaching across a wide spectrum of

⁵ Trevor Cobbold, *Students with Disabilities are actually Better Funded in Private Schools than in Government Schools*, 21 April 2009

abilities, capabilities and disabilities and dealing with the classroom dynamics that are affected by the presence of students with different disabilities.

- an under-resourced assumption that with inclusion policies now broadly accepted, classroom teachers will develop skills in areas that were once the domain of specialists.
- significant inconsistencies in funding policy and financial arrangements between the states and variations in the quality of education for students with disabilities.

The Inquiry highlighted the difficulties associated with states and territories' differing definitions/diagnoses of learning disabilities and the importance of reaching national agreement on the definition and assessment of learning disabilities. There was a widespread perception that the expectations raised by the *Disabilities Discrimination Act* to access choice of schools had not been adequately supported by funding on the part of governments.

The continuing MCEETYA wrangle over the education standards, and concerns about the largely untested scope of the definition of disability under the Disability Discrimination Act show that commitment to fiscal rectitude is taken more seriously than commitment to principle.⁶

The Inquiry received many submissions from the NGS sector about the problems of meeting the needs of a growing number of students with disabilities in the sector and calling for the same level of government support irrespective of the school sector, including access to state and territory government provided services, such as transport and therapy services, as well as funding.

It is significant that the Inquiry rejected these proposals on the grounds that it did not accept that the sector lacked the financial resources required to address the needs of students with disabilities. The Committee found no justification for increasing the total quantum of funds provided to the non-government school sector and considered that the implementation of the private school lobby proposals would result in significant funding increases for non-government schools.

The needs of students with disabilities would be more appropriately served if the sector made better use of its current resources. It therefore makes no recommendations in relation to further financial assistance to the NGS.⁷

One of its conclusions is particularly noteworthy: "Given the extent of Commonwealth funding for this sector, the Committee was surprised to find how little these students were supported. The Committee accepts that funding disability education in all school sectors will continue to be problematic but argues that any review of funding arrangements for the NG sector must be considered in the context of the total resources already available to that sector.

The Committee noted that state education and other school authorities had either made recent policy pronouncements on education for disabilities or were in the process of revising policy.

The coincidence of this with MCEETYA's deliberations over standards provides the Commonwealth with an opportunity to initiate policy, leading to sustained improvement in the educational and lifetime prospects of students with disabilities ... [which] will depend almost entirely on an investment in knowledge and skills.

⁶ Key findings of the 2002 Inquiry (xxi)

⁷ Report p129

Productivity Commission Review of the *Disability Discrimination Act 1992*⁸

<http://www.pc.gov.au/projects/inquiry/dda/report>

The purpose of the review was an examination of the impact of the legislation on people with disabilities and on the community as a whole and the extent to which the objectives of the legislation — including eliminating discrimination on the grounds of disability — had been achieved.

It argued that exclusion from, and segregation in, education was one of the most serious forms of disability discrimination in terms of long-term effects on individuals.⁹

In its consideration of education it found that education accounted for the third highest number of complaints made under the DDA in 2002-03, and that disability discrimination complaints about education were also made under State and Territory anti-discrimination Acts and directly to education authorities. Complaints included:

- refusal of enrolment;
- reduced or limited enrolment;
- exclusion from sports, excursions or other activities;
- negative attitudes, harassment or bullying by other students;
- lack of suitably trained staff or special amenities; and
- unsuitable or inflexible curricula.¹⁰

It found that the number of FTE students identified as having a learning disability almost doubled between 1995 and 2002 in government schools; from 50,280 (2.2% of FTE students in government schools) to 96,567 (4.2%). Numbers also increased in non-government schools from 1991 to 2002, albeit from very low bases, but remained highest in government schools.¹¹

Although the report stated that the reasons for the large increase were not clear, the Review attributed it to increased and/or earlier diagnoses and changes in the range and severity of conditions that are recognised as a disability for government disability funding and programs.

2000 States Grants Act

General recurrent grants based on the Average Government School Recurrent Costs [AGSRC] are the principal Commonwealth funding source available to government and non-government schools. The AGSRC includes the costs associated with educating students with disabilities.

Prior to 2000 the Commonwealth had provided funds for specific purposes such as disability education and attempted to limit their use to that purpose. The 2000 States Grants Act ended this approach and introduced what the Government called 'a new accountability framework focussed on improving student outcomes'. As a condition of funding, state and territory authorities were required to commit to the National Goals of Schooling and to achieve any performance measures, including targets, incorporated in the Act.

Under these arrangements funds previously provided under the literacy and numeracy grants program were combined with special education support grants to fund a new program for educationally disadvantaged students, including students with disabilities, the *Strategic Assistance for Improving Student Outcomes (SAISO) Program*. The funds were not intended to meet all of the

⁸ Report released July 14 2004.

⁹ p83

¹⁰ p84

¹¹ pp 84-86

costs of improving education for educationally disadvantaged students, but aimed to provide education authorities with funds to be used strategically to improve educational outcomes over time.

The 2002 Senate Inquiry found that these new arrangements resulted in a loss of transparency about the total level of government resources provided to meet the specific additional educational support needs of SWD and the use of Commonwealth funds to support students with disabilities.¹²

Its analysis of 2001-2002 SAISO funding allocated on a per capita basis to students with disabilities showed that it included an amount of \$116 for every government student and \$589 for every eligible non-government student.

It also found that eligibility to per capita funding was restricted to the traditional categories of sensory, physical and intellectual disabilities, and that many disabilities which fell within the broad definition of disability under the Disability Discrimination Act did not qualify for per capita support.

Its general conclusion was that although per capita support was targeted towards students with higher support needs theoretically, broadbanding of funds for educationally disadvantaged students allowed education authorities considerable discretion in the use of the vast majority of SAISO funds which could be directed towards any disadvantaged student; e.g. the bulk of money to literacy and numeracy areas and relatively little to students with disabilities.

¹² *The program is designed to give educational authorities the flexibility to make decisions about which schools have the greatest need for additional assistance to achieve improved outcomes. These authorities have the responsibility to distribute SAISO funds throughout the sector and determine appropriate funding amounts for schools. These are required to provide the Commonwealth with details about how the funds are managed. The committee accepts that the current funding arrangements are administratively simple, and allow authorities to address the needs of students with multiple educational disadvantages without being constrained by artificial divides between programs. However, these new arrangements result in a loss of transparency about the use of Commonwealth funds to support students with disabilities. The problem is that there is no corresponding mechanism to measure improvements in educational outcomes for students with disabilities.*
Inquiry Report p123

DEFINITIONAL DIFFERENCES BETWEEN THE STATES/TERRITORIES

The definition of students with learning disabilities varies between states and territories. For funding purposes the Commonwealth uses the definition applying in the relevant state or territory.

The annual Productivity Commission Report on Government Services notes that all include intellectual, sensory, physical and social/emotional impairments, but vary in their definitions about the level of impairment and related level of a student's support needs required for the student to be classified as a student with disabilities. In particular their practices vary in the extent to which students with learning difficulties are included.

For example, SA data include a large number of students in the communication and language impairment category. This subset of students is not counted by other States/Territories under-funded students with disabilities as they fund these students with other specific programs.¹³

The lack of a nationally agreed definition of students with learning disabilities between State/Territory and Commonwealth governments leads to difficulties in terms of comparison of funding models and service provision across Australia.

The fact that no progress appears to have been made in this regard despite it being a major issue, as evidenced by the recommendations of the 2002 Senate Inquiry, is highlighted by the fact that reforming funding for students with disabilities is a notable omission from the National Education Agreement which came into effect in January 2009. The only significant reference to reform in the area of students with disabilities is for 'future work' by all governments "to work towards a nationally consistent approach to identifying students with disability and disengaged students in both government and non-government sectors and funding levels sufficient to support achievement of COAG outcomes and the National Declaration on Educational Goals for Young Australians."¹⁴

CHANGING ENROLMENT PATTERNS

The Productivity Commission's Report on Government Services is released annually in January. It began reporting data on the number of SWD in 2003 (data for 2001).

The amalgamated data for the years 2001 – 2008 shows the dramatic increase in the number of funded students with disabilities over that period.

Note: ROGS data sources are ABS and unpublished DEEWR data.

¹³ Productivity Commission *Report on Government Services 2010* p4.13

¹⁴ See Appendix for Relevant Sections of the National Education Agreement: Intergovernmental Agreement on Federal Financial Relations

Funded students with disabilities 2001 - 2008									
2008	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust</i>
Government schools	43,080	29,658	21,106	8,087	14,891	2,996	1,748	3,650	125,216
Non-government schools	13,010	8,451	4,597	2,321	2,726	454	434	278	32,270
All schools	56,090	38,109	25,703	10,408	17,617	3,451	2,182	3,928	157,486
2007									
Government schools	41,891	28,158	19,504	7,721	14,833	2,981	1,704	3,597	120,389
Non-government schools	12,298	7,842	4,059	2,164	2,714	380	406	231	30,094
All schools	54,189	36,000	23,563	9,885	17,547	3,362	2,110	3,828	150,483
2006									
Government schools	40,720	27,698	18,339	7,491	14,405	2,976	1,690	3,585	116,904
Non-government schools	11,512	7,132	3,618	1,903	2,597	373	332	214	27,681
All schools	52,232	34,831	21,957	9,394	17,002	3,349	2,022	3,799	144,585
2005									
Government schools	38,445	24,507	16,968	7,088	13,631	2,955	1,659	3,595	108,849
Non-government schools	10,742	6,857	3,237	1,763	2,575	340	323	180	26,015
All schools	49,187	31,364	20,205	8,851	16,206	3,294	1,982	3,775	134,863
2004									
Government schools	37,180	23,141	15,573	7,309	12,916	2,954	1,603	4,246	104,922
Non-government schools	10,230	6,274	2,844	1,592	2,528	325	303	168	24,264
All schools	47,410	29,415	18,417	8,901	15,444	3,279	1,906	4,414	129,186
2003									
Government schools	36,097	21,379	14,973	7,200	12,533	2,966	1,522	4,546	101,127
Non-government schools	9,621	5,662	2,646	1,494	2,544	328	303	145	22,742
All schools	45,718	27,041	17,620	8,693	15,077	3,294	1,825	4,691	123,959
2002									
Government schools	33,184	20,857	14,480	7,306	11,862	2,954	1,413	4,512	96,568
Non-government schools	9,060	5,210	2,388	1,311	2,509	309	261	194	21,241
All schools	42,244	26,067	16,868	8,617	14,371	3,262	1,674	4,706	117,809
2001									
Government schools	31,706	19,205	15,184	7,567	11,487	2,957	1,440	4,622	94,168
Non-government schools	8,521	4,779	2,356	1,337	2,347	303	261	179	20,083
All schools	40,227	23,984	17,540	8,904	13,834	3,260	1,701	4,801	114,250

The data for 2008 (contained in ROGS 2010) shows that nationally, the proportion of students with disabilities for all schools was 4.6% and almost twice as high in government schools (5.5%), compared with non-government schools (2.8%) in 2008.

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust
Total Students with Disabilities										
Government schools	no.	43,080	29,658	21,106	8,087	14,891	2,996	1,748	3,650	125,216
Non-government schools	no.	13,010	8,451	4,597	2,321	2,726	454	434	278	32,270
All schools	no.	56,090	38,109	25,703	10,408	17,617	3,451	2,182	3,928	157,486
Total Students										
Government schools	no.	734,642	535,159	479,850	230,947	162,473	58,280	34,028	29,175	2,264,554
Non-government schools	no.	373,909	303,174	226,612	118,710	88,988	23,311	25,151	9,882	1,169,737
All schools	no.	1,108,551	838,333	706,462	349,657	251,461	81,591	59,179	39,057	3,434,291
SWD Proportion all Students										
Government schools	%	5.9	5.5	4.4	3.5	9.2	5.1	5.1	12.5	5.5
Non-government schools	%	3.5	2.8	2.0	2.0	3.1	1.9	1.7	2.8	2.8
All schools	%	5.1	4.5	3.6	3.0	7.0	4.2	3.7	10.1	4.6

Comparable data for the years 2004-2008:

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
2004								
Government Schools	5.0	4.3	3.5	3.2	7.8	4.8	4.5	15.0
Non-Government Schools	2.8	2.2	1.5	1.5	3.1	1.5	1.3	1.9
2005								
Government Schools	5.2	4.6	3.8	3.1	8.3	4.9	4.7	12.6
Non-Government Schools	2.9	2.4	1.6	1.6	3.0	1.6	1.3	2.0
2006								
Government Schools	5.5	5.2	4.0	3.3	8.8	5.0	4.8	12.6
Non-Government Schools	3.1	2.4	1.8	1.7	3.0	1.7	1.4	2.4
2007								
Government Schools	5.7	5.3	4.1	3.4	9.0	5.1	4.9	12.4
Non-Government Schools	3.3	2.6	1.9	1.9	3.1	1.7	1.6	2.5
2008								
Government Schools	5.9	5.5	4.4	3.5	9.2	5.1	5.1	12.5
Non-Government Schools	3.5	2.8	2.0	2.0	3.1	1.9	1.7	2.8

Detailed research from New South Wales on changes in enrolment patterns for the ten years from 1997 to 2007 shows significant increases in the number of students with disabilities in mainstream classes previously educated in SSPs and support classes now in mainstream classes as a consequence of integration funding and students in SSPs having higher support needs.¹⁵

¹⁵ NSWTF Submission to the NSW Legislative Council Inquiry into the Provision of Education to Students with a Disability or Special Needs p2.

Over those years the percentage of students with a diagnosis of disability eligible for additional support across the continuum of provision in New South Wales government schools more than doubled, rising from 2.7% to 6.7% of total enrolments.

The increase in student numbers was most dramatic for students with disabilities in regular classrooms. Approximately 26,154 students were receiving support in regular or mainstream classes in 2007 compared to approximately 5000 in 1997 – a 523% increase.

In SSPs there was an increase of 254% in the number of students with behaviour disorders.

In primary school support classes there was an increase of:

- 139% in the number of students with a diagnosis of emotional disturbance, including a 61% increase in the number of children enrolled under the autism category; and
- 41% in the number of students with moderate intellectual disability.

In secondary school support classes there was an increase of:

- 23% in the number of students with a moderate intellectual disability;
- 280% in the number of students with autism;
- 348% in students with emotional disturbance; and
- 585% in the number of students with a behaviour disorder.

The Auditor General identified in primary schools over the five year period 2001 to 2006:

- around a 50% increase (from 6,885 to 10,275) in the number of primary school students confirmed as having moderate or severe levels of disability; and a
- 15 per cent increase in the number of students in special classes, “much of this due to the rising number of students with autism and mental health problems”.¹⁶

The research clearly suggests that:

*... increases in the number of students with disabilities and special needs in mainstream classes, the massive increases in the diagnosis of autism and mental health disorders and the increased severity of the disability of students in SSPs and support classes constitutes the most dramatic change in the classrooms in public education in New South Wales in the last ten years.*¹⁷

¹⁶ The data in this section is from the NSWTF Submission pp2-4 and summarises research from Professor Tony Vinson’s *Inquiry into the Provision of Public Education in NSW* (2002), research by Dr Linda Graham and Dr Naomi Sweller into SWD issues in NSW, and by the NSW Audit Office into the education of children with disabilities in NSW.

¹⁷ NSWTF Submission to the NSW Legislative Council Inquiry into the Provision of Education to Students with a Disability or Special Needs p4

COMMONWEALTH FUNDING FOR SWD

Sources:

- http://www.deewr.gov.au/Schooling/Programs/Pages/funding_for_students_with_disabilities.aspx
- http://www.dest.gov.au/sectors/school_education/programmes_funding/programme_categories/key_priorities/literacy_numeracy_initiatives/
- Green Book *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004 report on financial assistance granted to each State in respect of 2008*

Literacy, Numeracy and Special Needs (LNSLN) Program

Targeted funding for SWD is provided through the Literacy, Numeracy and Special Needs (LNSLN) Program, the key program contributing towards implementing the National Literacy and Numeracy Plan (NLNP).

The LNSLN Program was introduced for the 2005-2008 funding quadrennium. It aims to improve the literacy, numeracy and other learning outcomes of students who are educationally disadvantaged and who require additional assistance. It is the main source of targeted Australian Government funding for students with disabilities.

For the current funding quadrennium, 2009-12, it includes approximately \$814 million to assist students who are educationally disadvantaged, including students with disabilities.

The LNSLN Program has three elements:

- (a) Schools Grants (formerly known as SAISO);
- (b) Non-Government Centres Support (formerly known as the Special Education - Non-Government Centres Support (SENGCS) Program); and
- (c) National Projects (formerly known as the National Literacy and Numeracy Strategies and Projects Program).

The Schools Grants and Non-Government Centres Support elements of the LNSLN Program were included in the funding agreements between the Commonwealth and State Governments, Catholic and Independent school education authorities in each State and Territory. The National projects element of the LNSLN Program is subject to separate contracts with funding recipients.

Schools Grants

The Schools Grants element (formerly SAISO) provides supplementary funding for additional assistance for the most educationally disadvantaged students to support activities such as literacy and numeracy intervention programs; additional specialist learning assistance; teachers for students with disabilities and learning difficulties; and classroom resources and equipment for students who require extra help to achieve an appropriate standard of learning.

In 2008 the Commonwealth provided total funding of \$490,587,817 under Schools Grants. Of this \$318,681,270 (65%) was allocated to government schools and \$171,906,097 (35%) to non-government schools.

\$444,595,000 was provided under the recurrent component of which \$298,336,045 was for government schools and \$146,258,955 for non-government schools.

Strategic assistance per capita funding was provided for the number of eligible students with disabilities. Government schools attracted strategic assistance at the rate of \$169 for each eligible student with \$20,345,676 provided. Non-government schools receive \$853 for each eligible student with \$25,647,146 provided.

The national allocation for the Schools Grants element is distributed using a composite allocative mechanism which reflects the wide range of students who have special needs.

8% of funding is for the students with disabilities (SWD) per capita element based on the reported numbers of students with disabilities.

Role of State and Territory Education Authorities

State and Territory education authorities are responsible for determining where the greatest needs are for additional assistance and the quantum of funding that is provided to support schools and students, including students with disabilities.

Use of Funds

Funding provided under the Schools Grants element may be used for the following:

- Literacy and numeracy intervention programs;
- Additional specialist learning assistance;
- Provision of teachers for students with disabilities and learning difficulties;
- Provision of classroom resources and equipment for students who require extra help to achieve an appropriate standard of learning.

Non-Government Centres Support

To be eligible for funding, a non-government organisation must provide programs or activities designed specifically for children with disabilities who are below school age to prepare them for integration into regular pre-schools or schools; to assist school-aged children with a severe disability by improving their access to educational programs; or to assist children with a disability in residential care.

The organisation must not be managed or controlled by, or on behalf of, the government of the State in which it is located or conducted for profit. Examples of a non-government centre include a pre-school, an early intervention centre, a registered charity, a religious organisation, a local government instrumentality, or community organisation eg: parent group.

Funds allocated for recurrent purposes may be used for:

- the salaries of teachers, therapists and support personnel;
- essential travel and transport costs of children and staff;
- consultancy and advisory services;
- curriculum development;
- monitoring and evaluating educational programs and other services;
- professional development programs associated with special education; and
- the purchase of specialist educational equipment and technology.

At least 5% of the program funding must be allocated to the construction or refurbishment of non-government centre facilities.

National Projects

The National Projects element provides funding for national projects and initiatives that seek to address emerging priority areas for educationally disadvantaged students. These are students who

are not achieving a national benchmark standard of literacy and numeracy, and/or require additional assistance to achieve an appropriate standard.

It also funds early childhood education initiatives and development of policies for the use of information and communication technologies to improve learning outcomes for students who are educationally disadvantaged.

The National Projects element is administered nationally, and projects for funding are approved by the Minister for Education, Science and Training.

These projects are advertised for tender from time to time in the national press.

Commonwealth Funding for Students with Disability in Non-Government Schools

Australian Government funding to non-government schools is provided under the *Schools Assistance Act 2008*. Targeted funding for students with disability in non-government schools through the LNSLN funding allocations consists of the following components:

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

Responsibility for the allocation of this funding to individual schools rests with the non-government education authorities in each state and territory.

STATE FUNDING FOR STUDENTS WITH DISABILITIES

The following examples highlight the issues referred to within this report.

Queensland

Determination of State Funding for Students with Disabilities

The Government uses a "fixed growth funding" model to support students with disabilities (i.e. the funding described at dot point three above). This is negotiated annually between the Department and Treasury. The Department is required by Treasury to manage services for students with disabilities "within" the amount of fixed growth funding provided. That is, there is no process for securing additional funding from Treasury if the actual level of "need" or enrolment growth exceeds what can be addressed using the amount provided (i.e. it is "fixed" rather than adjustable).

It is not possible within a fixed growth funding model to assign specific staffing ratios to individuals or groups of students based on their level of disability, level of "need" or the degree to which they require educational adjustments. The level of resourcing per student will vary depending on how well or poorly the amount of fixed growth funding accounts for increased demands. This is a key difference between the current arrangements and the previous "Ascertainment" regime, in which each student was assessed at a certain level of need and assigned a specific (notional) level of funding. Therefore, resourcing based on fixed growth arrangements is neither clear-cut nor transparent.

There were two strong factors that influenced the Government to move away from specific staffing ratios:

- Disability advocacy groups and the academic literature opposed assigning fixed ratios or entitlements to resources to individuals or groups of students on the grounds that it “labelled” students, encouraged a “deficit” approach to their education, and discouraged schools from exploring how to use a broad suite of resources to support the educational needs of all students. This view prevailed in the recommendations of the report of the former Ministerial Taskforce on Inclusive Education, which formed the basis for the approach to inclusion sanctioned by the then Minister for Education, Anna Bligh.
- Treasury believed that it was not good financial management to have funding arrangements which were “open-ended” in that there were theoretically no restrictions on the numbers/proportion of students with disabilities identified or on the level of disability, and which potentially “rewarded” the Department for overstating levels of need.

It is relevant to the second point above that, even under the fixed growth model, it is a condition of ongoing funding that the Department put in place a “validation” process relating to the processes by which the support needs of students with disabilities are identified and documented.

Schools with students with disabilities are required to provide an Educational Adjustment Profile (EAP) for each of these students. This data is used to support the Department’s “claim” in negotiating the amount of fixed growth funding (although obviously only in retrospect). EAP data forms a part of the basis for distributing the funds to Educational Regions for allocation to mainstream schools (special schools are funded centrally and not on the basis of EAP data). Though EAP data is used, Central Office can and does “adjust” allocations to Regions. Regions are free to distribute the resources as they see fit (i.e. they may or may not rely on EAP data). Regions also “skim” funds for “contingencies” (e.g. to support a high needs student who transfers in mid-year from interstate or where severe or challenging behaviour issues arise).

2009-10 State Budget Papers indicate:

- Number of State Special Schools: 43
- Number of Special Education “Programs” in State Primary and Secondary Schools: 583
- Number of Students in Special Schools: 3,325
- Number of Students with Disabilities in State Schools (other than special schools): 19,090
- State Contribution (2009-10) Students with Disabilities: \$455.164m
- Commonwealth Revenue (2009-10) Students with Disabilities: \$144.722m
- User Charges (2009-10) Students with Disabilities: \$0.645m
- Other Revenue (2009-10) Students with Disabilities: \$7.53m
- Average cost per student with disability: \$27,127
- Average cost per student – senior phase of learning: \$12,354
- Average cost per student – middle phase of learning: \$10,559
- Average cost per student – early phase of learning: \$10,780

Australian Capital Territory

ACT DET provides public schools with School Based Management allocations on a quarterly basis, calculated on the school’s enrolments.

The Department allocates additional resources to schools to support special needs students, as follows:

- to mainstream schools through the *Student Centred Appraisal of Need* process, based on individual student need, in an equitable, transparent and consistent manner, to those students who meet the ACT Student Disability Criteria and who require additional support.

- to special schools through the *Student Centred Appraisal of Need* process, based on individual student need, in an equitable, transparent and consistent manner.
- to support special classes in mainstream schools (e.g. Learning Support Centres and Units, Support Class Language, Hearing Support Unit).

Schools are allocated 'staffing points' based on enrolments and staff: student ratios for mainstream classes, special classes in mainstream, number of ESL students, etc.

2008-09 DET Annual Report indicates:

- Average cost per public primary school student: \$11,771
- Average cost per public high school student: \$14,451
- Average cost per public secondary college student: \$14,972
- Average cost per public special school student in special schools: \$54,861
- Average cost per public special education student in mainstream schools: \$22,979

2008-09 ACT Budget Papers (estimated outcome 2008-09) indicate:

- Average cost per public special school student in special schools: \$53,790
- Average cost per public special education student in mainstream schools: \$23,647

Victoria

In Victoria, three programs or intervention streams – the Program for Students with Disabilities (PSD), the Language Support Program (LSP), and funding to deaf facilities, hospital schools and to students with complex medical needs – provide for students with disabilities.

The Office of School Education Strategic Plan for 2006-07 estimated that around 15% (81,000) of Victorian government school students were students with additional needs; including students with intellectual, sensory or mobility impairment, language disorder, disturbed behaviour, emotional disorder, social and economic disadvantage and/or significant interruptions to school attendance.

A recent report by the Victorian Auditor-General's Office using information provided by the Victorian Department of Education and Early Childhood Development showed that for the 2007 calendar year around 17,300 students were funded through the PSD. This is around 3.25% of the total Victorian government school population. Approximately 56% of these students were enrolled in mainstream primary and secondary schools and 44% in special schools. PSD-funded students were enrolled in 1,418 out of 1,606 government schools (88%) across Victoria.

For the 2007 calendar year, DEECD allocated \$369 million to support students with disabilities in Victorian government schools. Of this total allocation, PSD funding of \$324 million was provided to mainstream and special schools – comprising individual student allocations based on enrolment, as well as core and supplementary funding to support special schools. The Language Support Program (LSP), with funding of \$29 million, was the next most significant program supporting this student group. The remaining \$16 million was provided to specialist deaf facilities, hospital schools, and to teachers with responsibility for the care of students with complex medical needs who require medical intervention.

DEECD data shows a recent trend of increasing enrolments in special schools. Prior to 2005, approximately 1/3rd of PSD-funded students were enrolled in special schools. The proportion is now approaching 45%.

According to the department, while this indicates that parents of children with disabilities are now more often choosing to enrol children in special schools, the narrowing of the gap between special

and mainstream school enrolments is also due to the effect of a restructure of the PSD and introduction of the LSP in 2005. The majority of students with a language disorder, who were no longer eligible for individual funding through the PSD as a result of these changes, now attend mainstream schools.

Students are eligible for PSD funding if they meet criteria for one of the 7 disability categories established by DEECD with reference to WHO criteria.¹⁸

The 2002 Senate Inquiry noted that where funding for students with disabilities was concerned that 'under current arrangements it [the Committee] cannot follow the trail of financial assistance from the Commonwealth to the final recipient':

Consequently the committee cannot be assured that Commonwealth funds are being used as Parliament intended. Committee members have considerable anecdotal evidence gleaned from visits to schools in their states and of reports to electoral offices that children eligible for funded support are not being supported in a manner that corresponds to the funds provided to the school.

The committee does not question the rights of schools to determine the use to which funds are put. The choice of employing specialist assistance, purchasing assistive technologies, modifying school environments or implementing a particular strategy designed to assist a student with a disability is most properly decided by those with specific knowledge of a student's circumstance. What the committee does require is evidence that funds are expended in a way that is relevant and appropriate to the educational task that needs to be performed.¹⁹

The Victorian Auditor-General's findings and recommendations on program accountability indicate ongoing problems in regard to accountability for funding and outcomes:

The individualised and devolved characteristics of the [PSD] program, therefore, present a series of difficult challenges to develop appropriate central, or whole-of-program, accountability mechanisms, capable of reliably informing Parliament, and the community, on the aggregate effectiveness of the PSD.

A review of the relevant literature also highlights the need for careful management of outcomes reporting for programs for students with disabilities, to avoid unintentional service responses. For example, a narrow focus on outcomes limited to academic achievement may result in perceived disincentives for schools to accept students with disabilities.

These challenges are reflected in the lack of good practice examples from other jurisdictions in Australia. Our examination of public reporting in other States and Territories on established measures of performance for programs supporting students with disabilities indicates that Victoria, even with its output-focused reporting, is doing at least as well as any other Australian jurisdiction.²⁰

¹⁸ Source: Victorian Auditor-General's Office, *Program for Students with Disabilities: Program Accountability*, September 2007.

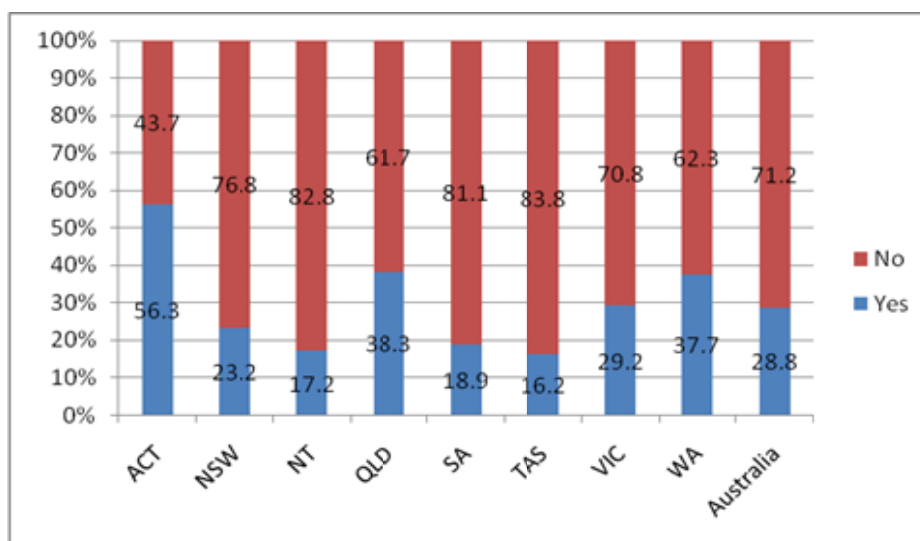
¹⁹ Senate Inquiry Report p. 126

²⁰ VAGO Report Executive Summary pp 3-4

ISSUES FOR TEACHERS AND SCHOOLS

Reports from teachers and schools across the country overwhelmingly show a general feeling that the overall level of resourcing for students with disabilities is inadequate.

Responses to the AEU's 2009 **State of Our Schools Survey** question:- **Does your school have sufficient teaching resources to appropriately meet the needs of students with disabilities/special needs at your school?** show:



Many teachers and schools feel frustration that funding allocation processes are so opaque that they cannot understand how resource levels for their schools were determined.

In Queensland, for example, many teachers and schools consider the EAP process to be time-consuming and frustrating and they lack confidence that “captures” the complexity of educational adjustments required. Many see the EAP validation regime as oppressive.

While the EAP processes are clearly seen as compulsory, teachers have trouble seeing the connection between them and delivery of enhanced resources or to improved programs for students with disabilities, so widespread cynicism.

There are concerns about the narrow definition of “disability” used for funding and tensions between special schools and mainstream classes as an increase in SWD resourcing for one must come at the expense of the other.

Concerns about the rapid growth of students with disability numbers in certain schools, creates issues such as:

- lack of appropriate facilities to cater for students;
- lack of Heads of Special Education Services to run programs (schools must wait two years after achieving enrolment threshold before becoming eligible for this position);
- over-representation of students with disabilities in general student population at some schools;

- schools being kept in the dark about the level of their disability funding for an unacceptably long time making planning and the recruitment of suitable staff difficult.

In South Australia, particularly in mainstream schools, educators are finding it increasingly difficult to meet the needs of all their students. Their task is made even more complex and challenging by the increase of students with special needs such as autism, who have a rightful place in mainstream classes but require intensive early intervention and ongoing support. This is one aspect of education which has been chronically underfunded and parents have been bearing the financial burden of paying for the extra services that their children need.

Concerns raised by teachers and schools in the ACT include:

- lack of resources to support the diverse range of students with special needs;
- lack of special education teachers, counsellors, and 'wrap around' services;
- lack of DET provision of adequate PD, training, scholarships, study leave etc to enable teachers in mainstream schools (where the majority of students with disabilities attend either a unit/centre or regular class) to keep up to date;
- undiagnosed or 'ineligible' students (e.g. ADHD, behavioural disorders, mental illness etc) not being given additional support because they are not considered in the process to allocate additional resources²¹;
- the lack of transparency of the Student Centred Appraisal of Need (SCAN) process and concerns about its objectivity and adequacy to consider the student's behavioural and emotional needs, the combination of students in any one class (range of abilities, ages, levels of need), the student's physical size (and need to be lifted), the student's learning environment/facilities, the level of qualifications/experience of the teacher and support staff (and their PD needs);
- difficulties for parents associated with the "challenging and mysterious" SCAN process as it concerns discussions about their child's disability/ies and abilities.

Research from NSW shows that the changes with respect to the education of students with a disability or special needs over the last two decades have placed greater expectations and pressures on teachers.

Diagnosis of disability and special need is now more refined. With developments in neurobiology, more categories of mental health disability have been established and an increased prevalence identified, particularly of autism. Teachers are teaching more students with more severe disabilities, multiple disabilities, more complex needs including autism and mental health disorders at a time of curriculum change. Changes in pedagogy place greater emphasis on addressing the needs of individual students in achieving the highest standards regardless of circumstance. Whilst class sizes have been reduced K-2, and all special education classes now have a School Learning Support Officer attached, primary school and junior secondary teachers in regular schools can still be teaching 30 or more students. In any one mainstream class, teachers can be faced with meeting the needs of a variety of different disabilities and special needs in addition to the usual range of abilities and interests in any class. This is a major challenge and change in the work of experienced teachers, let alone early career teachers or casual or temporary teachers relieving for the regular class teacher.

²¹ These students are required to have an Individual Learning Plan in place and then teachers and Principals have to 'jump through several hoops' for months, even years, to get additional funding to support such students.

Since 2010 students are required to stay at school until age 17 unless in training or employment. Teachers report lack of appropriate curricula for some students with disabilities and special needs for whom mere differentiation of the curriculum does not meet student need. Teachers are stressed at not being able to satisfy the educational needs of all the students in their class. It is a major reason for early career teachers leaving the profession.²²

In short, the provision of significantly enhanced levels of funding and resources, through the most appropriate mechanisms, increases both students' chances of success at school and teacher morale.

²² NSWTF Submission to the NSW Legislative Council Inquiry into the Provision of Education to Students with a Disability or Special Needs, pp1-2

Appendix

National Education Agreement. Intergovernmental Agreement on Federal Financial Relations

COAG 1 January 2009

www.coag.gov.au/.../IGA_ScheduleF_national_education_agreement.doc

- (a) Improving Teacher Quality;
- (b) Education in low SES school communities;
- (c) a National Literacy and Numeracy Action Plan;
- (d) the Digital Education Revolution; and
- (e) the Trade Training Centres in Secondary Schools Program.

National Partnerships

COAG has previously agreed to a new form of payment - National Partnership (NP) payments - to fund specific projects and to facilitate and/or reward States that deliver on nationally-significant reforms.

- a) Improving Teacher Quality;
- b) Education in low SES school communities;
- c) A National Literacy and Numeracy Action Plan;

National Report on Outcomes of Schooling in Australian and MCEETYA KPM Framework

December 2008

Reform Directions: Providing support to students with additional needs.

Immediate Work:

2009: PAWG¹ (or successor body) to initiate work to explore reforms and policy actions that best focus on ensuring that all students with additional needs have the support they require to engage in and benefit from schooling. Including:

- a) students with disabilities;
- b) students who have disengaged from education and those at risk of disengaging;
- c) Indigenous students; and
- d) new arrivals with a non English speaking background, including newly arrived migrants and refugees.

1. 2009 onwards: Implement the National Partnership for education needs in low SES school communities.
2. 2009 onwards: Implement the National Literacy and Numeracy Action Plan.

2009-12: Implement MCEETYA's Indigenous Education Action Plan under the Australian Directions in Indigenous Education.

Future Work:

All Governments to work towards a nationally consistent approach to identifying students with disability and disengaged students in both government and non-government sectors and funding levels sufficient to support achievement of COAG outcomes and the National Declaration on Educational Goals for Young Australians. PAWG or successor body to review the likelihood of achieving COAG targets for these students in light of NEA/NP reforms.