Australian Education Union

Submission

to the

2020 Review of the Disability Standards for Education 2005

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Introduction

The Australian Education Union (AEU) represents more than 194,000 members employed in public primary, secondary and special school settings and the early childhood, TAFE and adult education sectors as teachers, educational leaders, education assistants or support staff across Australia.

The AEU welcomed the introduction of the Disability Standards for Education (the Standards) in 2005, particularly the intent that students with disability receive education on an equal basis to other students. We have welcomed the continued use of the Standards at each subsequent five year review and we now welcome the opportunity to contribute to this current review of the Standards.

However, as we have consistently highlighted in our submissions to each previous review, the ability of schools and educators to meet the Standards is significantly compromised due to the lack of resources available to public schools. This lack of funding means that schools are compromised in their capacity ensure students with disability receive the education they need. Without adequate resourcing the Standards are unenforceable in practice and become ineffective to the daily experience of many students with disability and to their schools. This was raised as a key problem as far back as the 2010 Review of the Standards – with stakeholders believing that "the resourcing available to meet the needs of students with disability is inadequate and this compromises the effectiveness of the Standards". That Review reported, a decade ago, that all education sectors had experienced an increase in participation rates of students with disability, leading to the stretching of available resources to meet the needs of a growing number of students. Since that time the level of need in schools has risen to an even greater extent and is not being met under the current funding and loading arrangements contained in the Australian Education Amendment Act 2017.

The discussion paper for this review highlights the key question of "whether, and to what extent, the Standards are making a positive difference towards students with disability being able to access education and training opportunities on the same basis as students without disability."[1] In response, this submission will make specific recommendations on how the Standards could be improved to better support the experience of students with disability in schools. It will also provide evidence for the wide and entrenched gap in resources and

[1] Review discussion paper

professional support that is available to educators and what is required to effectively support students with disability in public schools.

Prevalence of disability among school students

According to the Australian Bureau of Statistics (ABS) *Disability, Aging and Carers 2018* report, among school aged children (5 to 14 years) with disability, almost all (95.8% or 285,500) attended school, and of these, nearly one third attended special classes or special schools (31.2% or 89,000).[2] Additionally, the ABS describes a range of different support and assistance options that are available for school children with disability. In 2018, over half of all children with disability who attended school accessed support or a special arrangement (58.6% or 167,400). Around one third accessed special tuition (36.8% or 105,200) while around one quarter accessed a counsellor or special support person (23.2% or 66,100). Of those children aged 5-14 years who received support or special arrangements, over one third (36.1% or 60,500) reported that they needed more support than they received.[3]

The Nationally Consistent Collection of Data dataset as reported by the Australian Curriculum and Assessment Authority (ACARA) has consistently reported a much higher prevalence of disability among school students than the ABS, with the 2019 collection showing 19.9% of all students, and 20.5% of public school students had a disability, as defined by the Disability Discrimination Act. According to ACARA there were approximately 359,000 students with disability in public schools in Australia in 2019, but at least 150,000 of these students were not in receipt of any loading.[4]

Funding shortfalls have hindered the ability of schools to meet the standards

A well-resourced public education system that values diversity, understands social and cognitive development, engages all learners through inclusive processes and is responsive to fundamental human needs, has the potential to develop actively engaged, resilient and connected members of the wider community. The AEU affirms that Australia's public education system must value and provide a range of services, programs and educational settings to ensure the inclusion of all students.

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2 Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings,* retrieved from: https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4430.0Main%20Features152018?opendocument&tabname=Summary&prodno=4430.0&issue=2018&num=&view=

3 Australian Bureau of Statistics, *Ibid.*

4 ACARA, *National report on Schooling Data Portal*, retrieved from: https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/national-report-on-schooling-in-australia-data-portal/school-students-with-disability#SWD

As nearly 70% of students with disabilities enrolled in public schools and 86% of all students with disability are educated in mainstream schools[5] the AEU wishes to emphasise the huge and ongoing contribution that our members make in the education of students with disability, in an under resourced system where workload pressures are immense.

Resourcing for students with disability is by its very nature intensive. This resourcing must continue to ensure adherence to philosophies of equity, social justice and inclusivity. Despite numerous official reports and State and Commonwealth government reviews over the past two decades identifying serious deficiencies in the resourcing of the education of young Australians with disability, and recent changes to funding and loading arrangements, there has been little progress in this regard. While governments have talked about the problem and made changes to funding and associated loadings, many thousands of children with disability have started and finished primary school without seeing any improvement in the resources provided by governments for their education. It is not acceptable that schools are limited in the support they can provide to students with disability in terms of in-class assistants, personalised lesson plans, or vital equipment. For many years there has been clear evidence available that disability education is under-resourced and that the pressure of dealing with this is being shifted from governments to individual schools and educators.

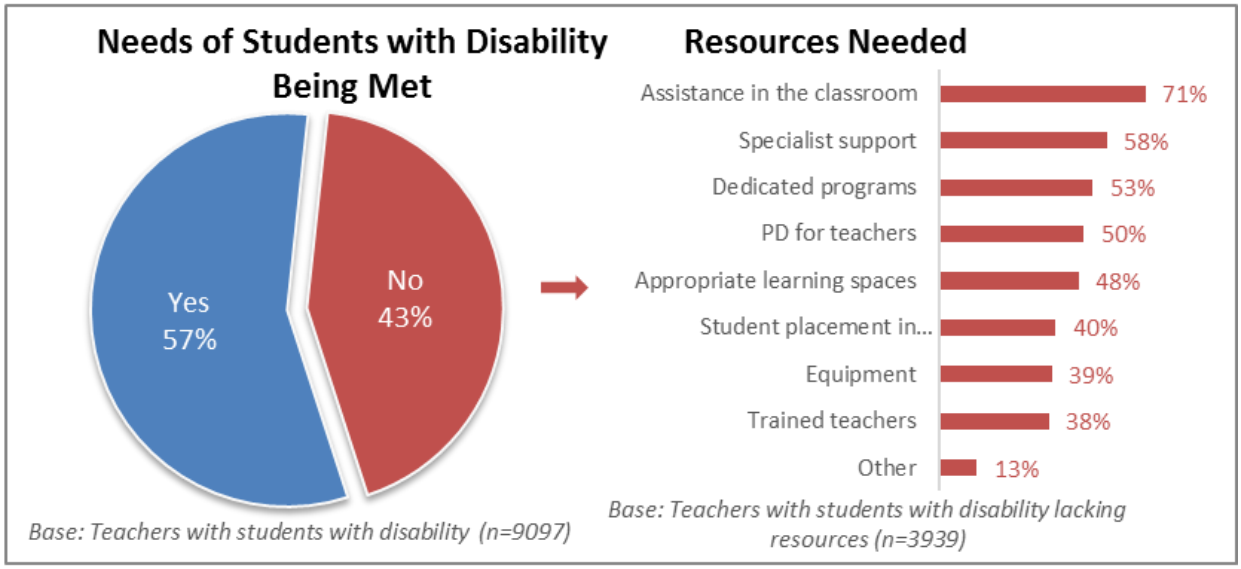
The AEU's 2020 "State of Our Schools" survey found that 87% of 787 public school principals surveyed said they have had to divert funds from other parts of school budgets in the last year because they do not have the resources to provide adjustments for students with disability. This figure has consistently been above 80% over the decade that the survey has been conducted and has increased over time. In 2020, principals said that they divert an average of $89,000 per year from other budget areas to cover funding shortfalls for students with disability.[6]

This burden of a lack of resource is clearly evident in the responses of the more than 9,000 teachers who responded to the survey. 43% of teachers said that the needs of students with disability were not able to be met at their school with the vast majority saying that the main resources lacking were those reliant on staff resource including classroom assistance (71%), specialist support (58%) dedicated programs (53%) and professional development (50%) being the most frequently selected areas in need.

[5] Education Council, *2016 Emergent data on students in Australian Schools receiving adjustments for disability,* retrieved from: https://www.education.vic.gov.au/Documents/school/principals/health/ED17-0046%20SCH%20NCCD%20Report%202017_ACC%20%281%29.pdf

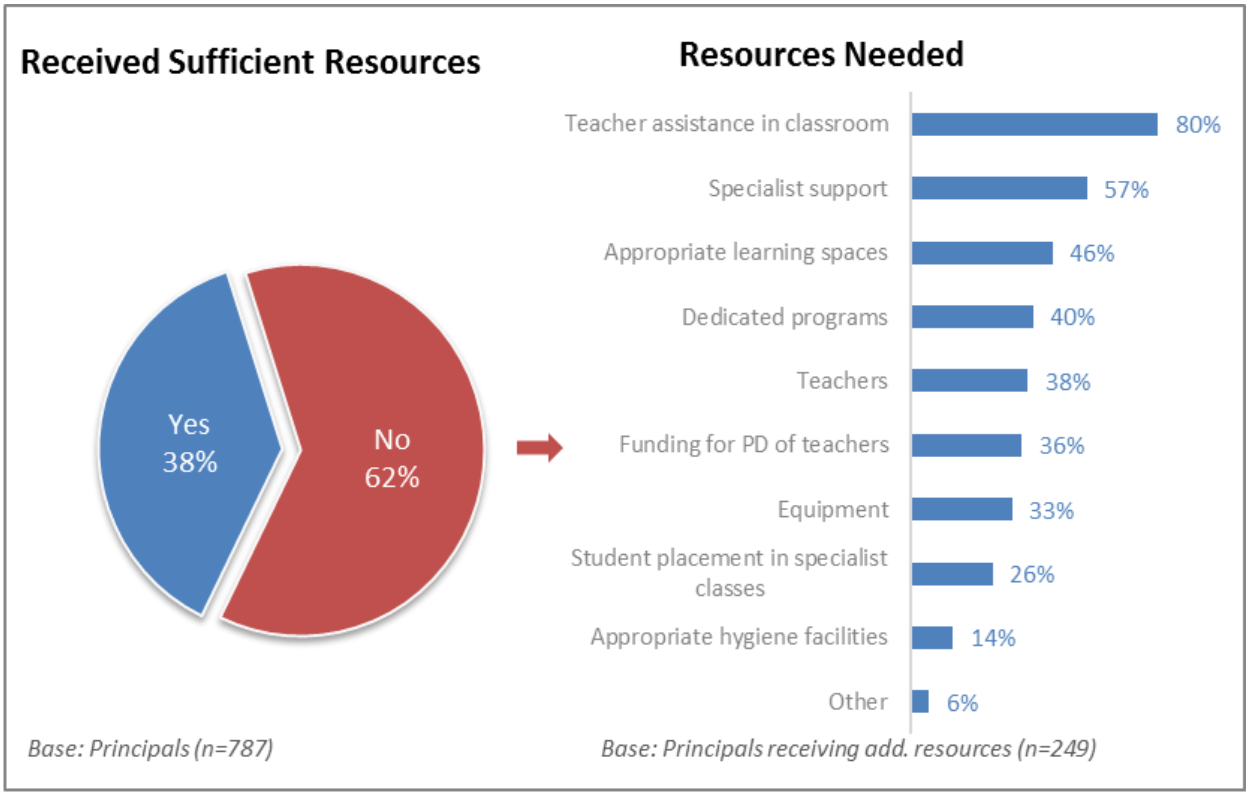
[6] Internal AEU analysis of *State of Our Schools* 2020 survey data - available on request

Figure 1



Even more starkly, as shown in figure 2, 62% of principals said that they did not have sufficient resources to meet the needs of students with disability with the vast majority of areas lacking being those reliant on staff resource with the availability of classroom assistance (80%) and specialist support (57%) being the most frequently cited areas of need.

Figure 2



School systems have ultimate authority for ensuring that students with disability have access to the support that they need to participate in education on the same basis as if students without disability. It is the responsibility of governments who administer and fund these systems to ensure that schools have the resources necessary to support students with disability. Putting full responsibility on to schools which do not control their own level of resourcing places an unfair burden on educators. These results show, too often the responsibility for complying with the Standards falls to teachers and principals rather than on the authorities which manage school systems and the state, territory and Commonwealth Governments that fund them. More onus must be placed these governments and renewed attention must be paid to the calculation and impact of disability loading allocation across school sectors and settings.

'Reasonable adjustments' and 'unjustifiable hardship' as described in the Standards don't take account of entrenched funding shortfalls

The definition of a reasonable adjustment according to the Standards is:

> *"A measure or action taken to assist a student with a disability to participate in education and training on the same basis as other students. Adjustments are considered reasonable where they take into account a student's learning needs and balance the interests of all parties affected, including those of the student with disability, the school, staff and other students."*[7]

The standards then go on to state that:

> *"Education providers are required only to make reasonable adjustments. Schools can draw upon a broad range of resources to provide reasonable adjustments – including resources, materials and programs that may be in the form of targeted funding through a disability program, ongoing school funding or a redirection of general school resources to address the needs of students with disability. Other options include support through student services and allied health staff, specialist and targeted curriculum material and use of expertise within the school or network."*[8]

This definition is augmented by guidance notes which state that "reasonable adjustments" are not required if the provider can demonstrate that their provision would cause it "unjustifiable hardship". The guidance notes accompanying the Standards state:

> *"The Standards do not require changes to be made if this would impose unjustifiable hardship on the education provider. All relevant circumstances are to be taken into account when assessing unjustifiable hardship including:*
>
> - *benefit or detriment to any persons concerned*
> - *disability of the person*
> - *financial circumstances of the education provider."*[9]

[7] Australian Government, Department of Education and Training, *Disability Standards for Education 2005*, p.2. retrieved from https://docs.education.gov.au/node/35943
[8] *Ibid.,* p2
[9] *Ibid.,*p2

And that:

> *"Where a claim of unjustifiable hardship is made, an education provider should take into account all the financial and other resources that are reasonably available for the purpose of making any necessary adjustments for the student, and the impact of those adjustments on the provider's capacity to provide education of high quality to all students while remaining financially viable. The provider should consider all costs and benefits both direct and indirect that are likely to result for the provider, the student and any associates of the student, and any other persons in the learning or wider community, including:*
>
> - *costs associated with additional staffing, the provision of special resources or modification of the curriculum;*
> - *costs resulting from the student's participation in the learning environment, including any adverse impact on learning and social outcomes for the student, other students and teachers; and*
> - *benefits deriving from the student's participation in the learning environment, including positive learning and social outcomes for the student, other students and teachers, and any financial incentives, such as subsidies or grants, available to the provider as a result of the student's participation. "*[10]

What these definitions and the accompanying guidance fail to recognise is that many public schools experience significant and ongoing hardship caused by a lack of adequate recurrent funding, and that this hardship exists irrespective of any additional costs that may be incurred as a result of making reasonable adjustments in order to adhere to the Standards.
The AEU believes that the only way to address this is the full funding of public education through a needs-based, sector-blind model that incorporates the full Schooling Resource Standard (SRS) and its associated loadings which provides the basis for fairness and equality of opportunity in education.

However, public schools do not have access to the required level of funding. This lack of funding results from the current 20% SRS cap on Commonwealth funding to public schools in combination with the inadequate SRS proportions agreed by states and territories in the five year bi-lateral agreements signed by all governments in late 2018 and early 2019. The total impact of these two measures is the total underfunding of public schools reaching $16.3 billion during this Parliamentary term and $22.7 billion dollars by the conclusion of the National School Reform Agreement that locks in funding levels in 2023.[11]

In addition to the reductions in SRS outlined above, the five year bilateral agreements include provision for states and territories except the ACT to include "additional expenditure items" such as building depreciation and transport costs within their SRS calculations. These items have never been included in SRS calculations before and are not included in national SRS calculations. This narrows the gap between actual spending and the SRS goals by four percentage points and further reduces the actual effective SRS contribution made by each

[10] *Ibid.,* p35.
[11] Cobbold, T, "Public Schools are Defrauded by Billions Under New Funding Agreements", 2019, retrieved from http://saveourschools.com.au/funding/public-schools-are-defrauded-by-billions-under-new-funding-agreements/

state or territory. This clause will deprive public school students of an additional $9.0 billion in recurrent funding to the conclusion of these agreements.[12]

The failure of the Commonwealth and state and territory governments to meet the minimum funding standard means that on average every public school in Australia will miss out on $8,700 per student in funding during this parliament and $12,400 per student by the conclusion of the National School Reform Agreements in 2023.[13]

This entrenched shortfall in recurrent funding makes it very difficult for public schools to meet the Standards. In particular, and despite the absolute best efforts of public school teachers and principals, the severe funding constraints that public schools operate under make it very difficult for schools to meet the following standards at all times:

- 5.2 Participation Standards.
- 6.2 Standards for curriculum development and accreditation and delivery.
- 7.2 Standards for support services (2&3).
- 7.3 Measures for compliance with standards (b,c,d).

We have included this information on funding in this submission as it relates to specific Standards and provides context for the circumstances under which schools are attempting to meet the needs of all students, including providing the reasonable adjustments required to adhere to the Standards. Our education system must be funded to ensure that all students, including those with disability, are able to receive the support they need at school to reach their potential and to prepare them for further education and life after school. Any real and ongoing progress in equity of access and inclusion for students with disability will only happen if resourcing is increased, which in turn will enable schools to provide reasonable adjustments for students with disability and an increase in specialised training and professional development for teachers and educational support staff.

In this context, it is disappointing that the issues of resourcing which were raised in previous reviews of the Standards have not been included in the terms of reference for this review.

Gonski's aim of providing the resources to realise the Standards has been systematically undermined

The 2011 Review of Funding for Schooling - also known as the Gonski Review - endorsed the NCCD and recommended it inform new funding arrangements to realise the intent of the Standards.

[12] AEU calculations from Cobbold, *Op.it* & Australian Bureau of Statistics, *4221.0 – Schools, Australia, 2018*, retrieved from https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4221.02018?OpenDocument

[13] AEU calculations from Cobbold, *Op.cit* & Australian Bureau of Statistics, *4221.0 – Schools, Australia, 2018*, retrieved from https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4221.02018?OpenDocument

Research conducted for the Gonski Review cited the 2009 National Disability Strategy Consultation Report, found that:

> *"The education system continues to fail to respond to the needs of students with disabilities…the current system has little or no capacity to meet the learning needs of students with disabilities and lacks the resources to ensure their full participation in classrooms and schools."*[14]

Without adequate resourcing, inclusive education policies are likely to be perceived merely as efficiency measures. Extra demands placed on schools without adequate support and recognition of matters such as class size will affect the quality of education received by all students and potentially lead to a loss of support for inclusion.

After the 2011 Gonski Review handed down its final report, the former Labor Commonwealth Government reached a National Education Reform Agreement with the states. This included a transition to a new schooling resource standard comprising an increased per student amount supplemented by loadings for specified measures of disadvantage, including disability. This loading, much fairer in its distribution than the current model, was fundamentally undermined by the changes introduced in the Australian Education Amendment Act 2017 and by further changes entrenched through to 2023 through the National School Reform Agreement (NSRA) and its associated bi-lateral agreements with each state and territory.

The Gonski Review also addressed the issue of compound disadvantage. This is the concentration of different sources of educational disadvantage at the school level. Research by the Australian Institute of Health and Welfare has found disability is more common among those living in areas with fewer economic resources.[15] The well-established negative effects of combined disadvantage led the Gonski Review to recommend that in devising a better funding system, high priority be given to schools that enrol students who experience multiple factors of disadvantage.

The Nationally Consistent Collection of Data has led to increasingly inconsistent funding

The inadequacy of historical methods used for determining whether a student has disability based on individual state and territory counts has been well established for decades, and solutions were sought as far back as 2008 when the Council of Australian Governments agreed to work towards a nationally consistent approach to identifying students with disability.

The first full nationally consistent collection of data on school students with disability (NCCD) took place in 2015 following a gradual phasing in of the collection from 2012. The NCCD entails informed professional judgement by teachers to determine the extent of adjustments made to enable participation of students with disability on the same basis as students without disability.

[14] Australian Council for Educational Research (2011) *Assessment of current process for targeting of schools funding to disadvantaged students.* (A report prepared for the Review of Funding for Schooling Panel), p.63.
[15] Australian Institute of Health and Welfare (2009) *The geography of disability and economic disadvantage in Australian capital cities.*

The NCCD has provided a national definition of the four levels of disability support available to students across four levels of increasing frequency and intensity of adjustment as shown in Box 1, below.

Box 1: Nationally Consistent Collection of Data on School Students with Disability (NCCD)[16]

Box 1: Nationally Consistent Collection of Data on School Students with Disability (NCCD)

NCCD gives us a national definition of a student with disability.

The NCCD reports school students with disability by the level of support they receive to access and participate in learning, rather than on category or medical diagnosis of a specific disability.

The NCCD has four levels of adjustment: support provided within QDTP, supplementary, substantial and extensive. The frequency and intensity of the adjustments increases through the levels of adjustment.

Quality differentiated teaching practice
- Some students may not need adjustments beyond those expected as part of quality teaching/school practice, which responds to different learning needs of all students.
- Adjustments are made infrequently as occasional action, frequently as low level action such as monitoring.

Supplementary
- Students receive adjustments that are supplementary to the strategies and resources available for all students in the school.
- The adjustments occur for particular activities at specific times throughout the week.

Substantial
- Students have more substantial support needs, and receive essential adjustments and considerable adult assistance.
- Adjustments to the usual educational program occur at most times on most days.

Extensive
- Students have very high support needs and are provided with extensive targeted measures and sustained levels of intensive support.
- Adjustments to the usual educational program occur at all times.

Further information is available at www.nccd.edu.au.

Prior to its launch trials showed that the NCCD would much more accurately capture the real number of students with disability enrolled in Australian schools, and indeed over the five years of its operation it has recorded increased of students with disability beyond those captured by the previous state and territory based system of recording. Previous attempts to count the total number of students with disability by compiling state and territory data had arrived at much lower totals. For example, in 2012 the Productivity Commission calculated the number of school students that satisfied the criteria for funding for disability at 183,610, based on information supplied by states.[17] For the same year the ABS reported there were approximately 295,000 children aged 5-17 with disability attending Australian schools.[18] By comparison, the first NCCD in 2015 counted 674,323 students with disability in Australian schools, and since the introduction of the NCCD there has been a steady increase in the number of students deemed to require an adjustment. The most recent in 2019 counted 786,678 – an increase of 16.7% in five years.

[16] National School Resourcing Board, *Review of the loading for students with disability: Final report*, December 2019, p. 20.

[17] Productivity Commission (2014) *Report on Government Services*, Table 4A.31.
[18] ABS (2014) *Disability, Ageing and Carers: Young People and Disability 2012*.

In 2018 the Commonwealth Government moved from flat rate loadings to allocating funding based on the level of the four NCCD adjustments being determined and delivered by schools. The lowest level of adjustment - quality differentiated teaching practice – receives no additional funding. Essentially, this category recognises when a student has disability but offers no additional resource to allow schools to support them. The three loading amounts for students with disability that do receive funding for their adjustments were based on per-student spending identified for selected students in a national sample of schools. The loading amounts are shown at table 1 below in relation to the full SRS amount.

Table 1: 2019 students with disability loading by NCCD level of adjustment

	Base per student amount in 2019	Supplementary	Substantial	Extensive
Primary student	$11,343	42%	146%	312%
		($4,764)	($16,561)	($35,390)
Secondary student	$14,254	33%	116%	248%
		($4,704)	($16,535)	($35,350)

In its recently published review of the loading for students with disability, the National School Resourcing Board (NSRB) made a significant finding that the cost of adjustments varies according to school context, such as the number of disabled students enrolled, school size and location and stage of schooling.[19] As outlined earlier in this submission, almost 70% of students with disabilities attend public schools[20], which work extremely hard to ensure that issues such as access, specialist support, and health and wellbeing are appropriate so that they can learn in a safe environment, but the stark reality is that this requires a significant increase in investment, and while the number of students eligible for disability loading continues to grow, the total per student amounts of available funding are in decline.

The publication of the NCCD and the application of the four new adjustment levels and three new funding loadings has exposed the huge difference between the numbers of students that schools currently are funded to support and the number they actually have to provide assistance to. In the AEU's 2020 *State of our Schools* survey of thousands of principals and teachers across Australia, 91% of principals said teachers would benefit most from additional classroom support when teaching students with disability if additional funds were available, and as outlined above, and nearly nine in ten (89%) said that they divert funds from other areas to assist students with disability.[21]

[19] National School Resourcing Board, *Op. cit.* p.46

[20] Education Council, *2016 Emergent data on students in Australian Schools receiving adjustments for disability,* retrieved from https://www.education.vic.gov.au/Documents/school/principals/health/ED17-0046%20SCH%20NCCD%20Report%202017_ACC%20%281%29.pdf

[21] Internal AEU analysis of *State of Our Schools* 2020 survey data - available on request

Yet, what these loadings actually do is reduce the amount of funding available to schools to make adjustments for students with disability. Data gathered by the AEU through Freedom of Information requests in 2018 shows that the impact of the switch to incremental adjustment levels does not impact on children in all states equally, and the jurisdictions with the lowest overall attainment levels are the worst hit. In that single year, with the change in loading application, Tasmania incurred funding cuts of 46% from $18 million to $9.7 million, and the Northern Territory tool a 36% cut from $26.7 million to $17.2 million as a result of the shift to NCCD based loadings.[22] In total, five states and territories had their funding for students with disabilities reduced by $31 million from 2017 to 2018 as a result of the shift to the NCCD based loading.

Table 2 Commonwealth funding for students with disability loading by state 2017-18

	2017 ($ million)	2018($ million)	Reduction ($ million)	% Reduction
SA	53.7	44.2	9.5	17.7%
WA	44.6	41.1	3.5	7.8%
TAS	18	9.7	8.3	46.1%
ACT	9.1	8.6	0.5	5.5%
NT	26.7	17.2	9.5	35.6%

To date the Commonwealth government has provided no clear evidence for how it set the funding levels for each of the three levels of adjustment. What is apparent is that funding levels have been set without any obvious relationship to student need. Although the "quality differentiated teaching practice" level of support attracts no additional funding the Commonwealth considers that it "means a student requires monitoring and support from the teacher and school staff; for example personalised learning" before going to explain without justification "but this can be done without the need for additional funding."[23]

This begs the question of how increased monitoring and support and personalised learning, all of which require an enormous amount of teacher resource, can be dismissed as not needing to be funded in any way?

[22] AEU, *Fair Funding Now! Delivering fair and equitable funding to public education* (2018), p.25.
[23] Department of Education and Training Fact Sheet, retrieved from https://www.education.gov.au/what-Government-doing-support-students-disability

There is a substantial and increasing level of unmet need recorded by the NCCD

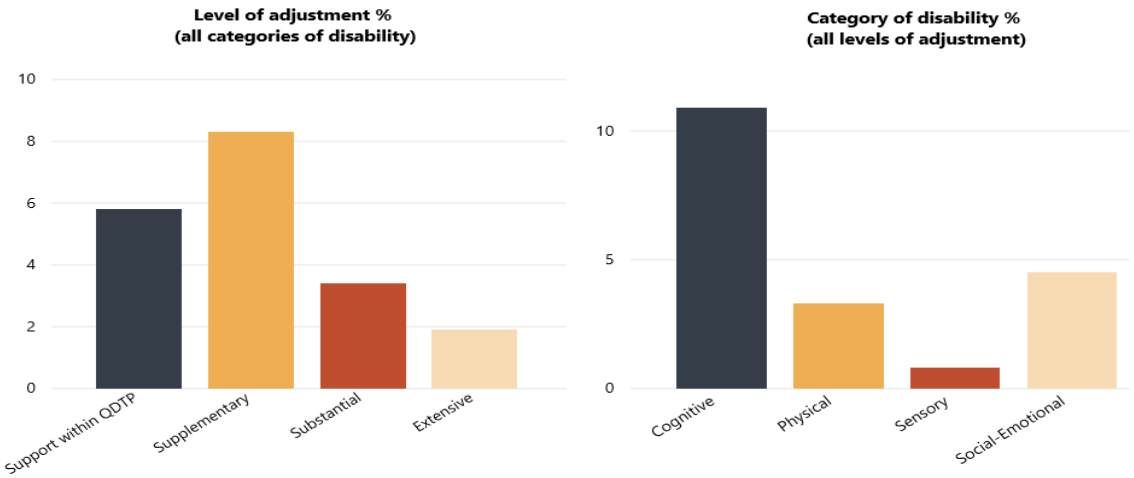
The Australian Curriculum, Assessment and Reporting Authority (ACARA) has recently updated the National Report on Schooling in Australia Data Portal to include the NCCD 2019 Data.[24] This data shows that over the five years from 2015 to 2019 the total percentage of students with disability attending public schools increased from 19.4% of all public school students to 20.5%.

As shown in figures 2 and 3 below, the largest increase was in the unfunded quality differentiated teaching practice category of support, which under the new loadings attracts no additional funding. From 2015 to 2019 the percentage of public school students receiving support within quality differentiated teaching practice has increased from 5.8% to 6.8%, a total increase of around 26,000 public school students who are categorised as having disability and requiring adjustments but who are deemed not to require any additional funds.

Figure 2

Distribution of students with disability by level of adjustment and category of disability, government schools (2015)

Level of adjustment	Cognitive	Physical	Sensory	Social-Emotional	All
Support within QDTP					5.8
Supplementary					8.3
Substantial					3.4
Extensive					1.9
All	10.9	3.3	0.8	4.5	19.4

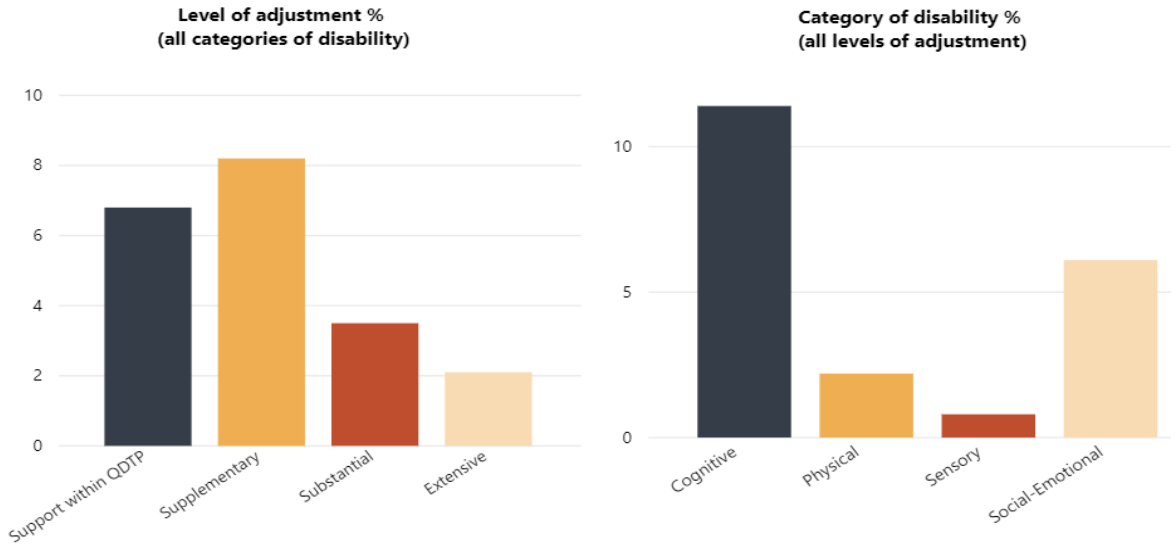


[24] ACARA, *Op. Cit., retrieved from:* https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia/national-report-on-schooling-inaustralia-data-portal/school-students-with-disability#note

Figure 3

Distribution of students with disability by level of adjustment and category of disability, government schools (2019)

Level of adjustment	Cognitive	Physical	Sensory	Social-Emotional	All
Support within QDTP					6.8
Supplementary					8.2
Substantial					3.5
Extensive					2.1
All	11.4	2.2	0.8	6.1	20.5



The original 2011 *Review of Funding for Schooling* identified disability as one of the key factors of disadvantage affecting school attainment and achievement, alongside socioeconomic status, being from an Aboriginal and/or Torres Strait Islander background, and low English language proficiency and made particular note that many students lived with multiple and intersecting forms of disadvantage.[25] The report made a key recommendation that resourcing for students with disability be "set according to the level of reasonable educational adjustment required to allow the student to participate in schooling on the same basis as students without disability."[26] The Gonski review panel saw additional targeted resources as being a basic matter of equity that will keep more students in schools longer and raise skill levels and ultimately lift workforce participation of persons with disability.

Whilst Gonski's language and sentiment directly reflects the Standards, and the panel's desire to see them embedded in schools, the successful achievement of educational equity for students with disability is still severely hampered by the lack of proper adjustment loadings for all students who need them.

[25] Gonski, D. et al, *Review of Funding for Schooling—Final Report*, 2011, p. 111
[26] Gonski, et al, *Ibid.* p.185

Initial Teacher Education is not adequately preparing graduate teachers to meet the Standards

The AEU is concerned that current Initial Teacher Education (ITE) is failing to prepare new teachers for the reality of teaching children with disability. This must become a greater focus for Initial Teacher Education and we need to ensure that no ITE student graduates without sufficient knowledge of how to teach students at all degrees of physical and cognitive ability. The establishment of a specified provision of initial education and ongoing professional development to enable teachers to provide high quality teaching and learning for students with disability is essential. According to the AEU's 2020 *State of Our Schools* survey 47% of early career teachers said that their Initial Teacher Education training was not helpful in adequately preparing them to deal with students with disability and only 8% described their training as very helpful.

While most teacher education courses contain some instruction on educating those with a disability, clearly many graduates feel the level is inadequate. The report to the Teacher Education Ministerial Advisory Group *Action Now: Classroom Ready Teachers* released in February 2015 noted the concern that the ability to work effectively with students with disability be made a core requirement of all teacher education, not an option or specialisation. This is still not the case across the country. For example in Western Australia only a graduate certificate in disability education is offered, no masters course is available, and it is not possible to undertake a major in disability education as part of an undergraduate ITE course.

If teachers feel their training has not adequately prepared them for the many challenges of the classroom, and that little additional assistance is available to support them, it will be more difficult for them to provide the appropriate support for students with disability. This is exacerbated by a lack of professional learning for educators whose classrooms are evolving under an inclusivity model and who then need support to adapt pedagogy and methodology to reflect these changes.

This problem has been officially acknowledged for a long time - a 2005 survey of Australian beginning teachers found fewer than half were satisfied with the preparation they received to teach students with disability, and it is very concerning that fifteen years later the vast majority of teachers still believe they arrive at school ill-prepared. The AEU's *State of Our Schools* 2020 found that 91% of over 9,000 teachers surveyed were of the opinion that additional support for students with disability or behavioral issues would be of the highest benefit to them. It is critical that teachers understand what constitutes best practice in support of students with disability and are provided with appropriate initial teacher education, continuing professional development and support in the classroom.

The pre-service training of all teachers must include mandatory components related to the education of students with special educational needs, exposure to and understanding of the philosophies and practice of inclusive schooling policies and at least one practicum in a setting providing education to students with special educational needs. The AEU supports tertiary institutions providing undergraduate and post-graduate programs with a focus on the education of students with special educational needs.[27]

[27] Queensland Teachers Union, *Special Education Policy 2019-2021,* p.6.

All students with special educational needs, in all settings, should have access to appropriately qualified teachers who have been supported during their training to meet the Standards and provided with the tools and resources they require to do so in their work. Departments of Education across all states and territories must place a much greater emphasis on workforce development and should facilitate the provision of training for specialist teachers as one means of ensuring an adequate supply of specialist teachers.

Professional development support for teachers throughout their careers is essential to meeting the Standards

In the AEU's 2020 State of Our Schools Survey 54% said the professional development they have received for teaching students with disability has not given them the skills they need.[28] It is critically important that there is better systemic focus on professional development for teachers currently in schools to increase their knowledge and skills. All teachers should have access to and receive professional development, provided by the Department of Education, to foster positive attitudes and equip them with the skills needed to deliver appropriate educational outcomes for students with special educational needs. All teachers and school leaders should be able to access Department of Education funded professional development opportunities regardless of the timing of these opportunities and should receive workload relief to allow them to fully participate.[29]

It is essential that the relevant professionals, including and primarily, classroom teachers have been appropriately trained to work with students with disabilities and have access to ongoing training and professional development. It is also essential that there is an adequate allocation of additional teacher resource and/or education support staff hours to support students. The goal of ensuring all students with disability can enjoy the benefits of education in inclusive and supportive environments that are in accordance with the Standards will not be fully realised until adequate resourcing is provided to schools and improved training and professional development is provided to teachers

The AEU believes in order to best prepare teachers to support students with disability at all stages of their careers it is necessary that:

- all teacher preservice degrees should contain at least one mandatory unit on teaching students with disability.
- education departments should provide mentoring, induction and support for all early career teachers with a particular focus on working with students with disability, and early career teachers should have access to advice from a fully qualified specialist teacher in disability education or a specific departmental body in their first two years of work.
- fully funded ongoing professional development on teaching students with disability must be provided and made available to all existing teachers.

[28] Internal AEU analysis of *State of Our Schools* 2020 survey data - available on request
[29] Queensland Teachers Union, *Op. cit.,* p.6.

Provision of professional development to make sure school staff are aware of the Standards and able to uphold them in their work varies greatly across jurisdictions. Some states provide ongoing professional development via online courses. Others conducted training in 2005 when the standards were first introduced but have not followed it up in the fifteen years since. At the local level, professional development on teaching students with disability may or may not be provided, largely dependent on the priority given and on the resources available. This is despite the Standards' recommendation that:

> *Timely, relevant and ongoing professional development (be) provided to staff to ensure they are equipped with the knowledge, skills and understanding to enable students with disabilities to participate in the full range of educational programmes or services on the same basis and to the same extent as students without disabilities.*[30]

Additionally, while schools have proven themselves, within significant resource constraints, as adept at making adjustments for physical disability, they often require greater assistance to identify and accommodate intellectual disability such as autism and conditions associated with behavioural disorder. Upskilling of the existing teaching workforce, supporting new educators and providing additional staff with expertise in disability education is required.

Education Support staff need support

As shown by the survey results cited above, inadequate classroom assistance for teachers is a major issue. In mainstream classes, education support staff allocated responsibility for a small number of 'funded' students often find themselves attending to a larger group, including students with unrecognised autism and behavioural problems. It is often these students who require the most attention. The impact of insufficient support is felt not just by these students but the class as a whole.

It is important that the current review of the Standards considers the interests of teachers and support staff. Their committed work in often trying circumstances needs to be better acknowledged. The resourcing shortfall in disability education discussed in detail in this submission affects not only the quality of education received by students, it has a serious impact on the working life of staff.

Occupational violence is a reality for many educators working with disabled students

Occupational health and safety (OHS) is a common concern among staff working with students with disability. The rights of violent or unpredictable students to participate can come into conflict with the right to a safe workplace. The Standards don't specifically mention the OHS of workers, although it may be covered by the requirement to take into account effects on the education provider, staff and other students. The health and safety rights of workers should be made explicit in the Standards and would benefit from examples being given in the guidance notes.

[30] *Disability Standards for Education, 2005*, Guidance Notes, p.51.

AEU members take their professional responsibility seriously. Unfunded and underfunded cases of disability cannot be ignored. They simply mean that existing human and other resources have to be spread thinner. In large part, it is the professionalism and forbearance of the workforce under difficult conditions that is meeting the gaps in Australia's educational provision for students with disability.

The Standards cannot remain silent on the needs of Aboriginal and Torres Strait Islander students with disability

Census data shows that Aboriginal and Torres Strait Islander people have higher rates of disability than non-Indigenous people across all age groups. Aboriginal and Torres Strait Islander aged under the age of 14 are more than twice as likely to have a disability, and Aboriginal and Torres Strait Islander people aged 35–54 are 2.7 times as likely to have a disability as non-Indigenous people of the same age.

Hearing loss and intellectual disability are of particular concern. Aboriginal and Torres Strait Islander children under 15 are 3.4 times more likely to experience profound hearing loss, while all Aboriginal Australians are nearly four times as likely to have an intellectual disability as the general population. Altogether, Aboriginal and Torres Strait Islander people of all ages are almost twice as likely to need assistance with core activities such as eating and dressing as non-Aboriginal people.31

Despite the much higher prevalence of disability among Aboriginal and Torres Strait Islander students, there is often a disconnect between a student's identification with their disability and their culture, and unintended pressure to engage with school and other institutions as either Aboriginal or as a student with disability, but not as both. This phenomena is encapsulated in the statement below, from a young person named Hayley to the Australian Human Rights Commission:

> *I grew up without being accepted. I had to choose between my identity as deaf or Aboriginal. I went to a deaf school and I didn't have the same opportunities as my brother and sister to celebrate being Aboriginal. I'm hoping to set up a group where people like me can be proud to be both deaf and Aboriginal without feeling forced to pick one.*[32]

The original Gonski report from 2011 refers to the impact of multiple and compound disadvantages, including one or more of remoteness, poverty, disability and Aboriginal and/or Torres Strait Islander status. However, the last three iterations of the Standards and Guidance have been completely silent on the education of Aboriginal and Torres Strait Islander students with disability. For that reason, it is a positive step that the discussion paper for this review of the Standards emphasises that Aboriginal and Torres Strait Islander students will be a focus for the review.

[32] *Australian Human Rights Commission's Social Justice and Native Title Report 2015 cited in* https://www.absec.org.au/supporting-aboriginal-people-with-disability.html

It is vital that the Standards are adapted to emphasise the importance of school systems to ensuring a culturally safe and supportive environment for Aboriginal and Torres Strait Islander students with disability and that an awareness of the Aboriginal and Torres Strait Islander perspectives of disability and the intersections of First Nations identity and disability are ingrained within the next iteration of the Standards.

Early childhood Educators need improved professional development and early access to adjustments

In response to this review's focus on the application of the Standards in Early Childhood Education (ECE) we have consulted with the AEU's Early Childhood Education Committee composed of early childhood educator members from across the country. The picture they provided is one of disrupted and disjointed provision, delays in the assessment process leading to delays in the making of reasonable adjustments, a lack of specialist staff and the misdiagnosis of trauma related developmental delay.

The application and knowledge of the standards as reported by our members varied widely across the country. In the Northern Territory AEU representatives noted that there is specific training provided on the Standards which is mandatory for all Disability Inclusion Advisors, and that there are examples of some schools taking a whole of school approach to this training. By contrast, Victorian ECE representatives reported that there was very low awareness of the Standards in the sector, and no application of any Disability Standards for childcare.

AEU ECE representatives from all states and territories were unanimous that the professional development needs of early childhood educators in relation to the Standards were not being met and that there was insufficient capacity in the ECE system to meet training requirements and demand. For example, the Northern Territory representative stated that were not enough staff delivering training and those that do deliver it often do so to groups of greater numbers than the designated participation level and at beyond full capacity each time a course is run. The South Australian representative responded that professional development was delivered in a very ad hoc way and was plagued by availability issues, release time issues, issues with the difference between Standards in ECE and childcare and issues of access to training for educators in regional areas.

Representatives from the Northern Territory, Victoria and South Australia reported that there is a substantial lack of appropriately qualified disability support staff in ECE settings across the country. In many cases there are carers or disability and inclusion support staff who are not qualified educators. This can often become a burden to the teacher as they then not only have to teach their class but also provide assistance to the disability and inclusion support staff with teaching methodology and pedagogy.

Significant issues were reported in gaining access to the necessary reasonable adjustments, and the majority of these were deemed to the result of barriers and delays related to the assessment process. Some of these barriers as reported by AEU ECE representatives are:

- The assessment process takes too long and the child is often finished in ECE before adjustments are made.
- Funding for adjustments come at the cost to the ECE centre.

- Cultural barriers to assessment.
- Having to use a deficit model of reporting for the adjustments makes it difficult for early childhood educators who are trying to build relationships with parents.
- Not having a strength based report forces parents to describing the children in very negative terms to apply for support. This can be very confronting for parents.

Other issues raised were that the Standards do not take sufficient account of the impact of trauma, particularly inter-generational trauma. Representatives reported that as this is not included in the Diagnostic Statistical Manual of Mental Disorders (DSM 5) children with trauma related learning difficulties are not receiving the proper support they need.

Conclusion and recommendations

The Standards encapsulate an inclusive, human rights-based attitude to disability that has widespread support across the Australian community including from the Australian Education Union. Since 2005 the Standards have provided a framework for students with disability to pursue their right to education on an equal basis. More students with disability are now participating in education, and more are doing so in mainstream classes.

However, the most urgent issue for the Standards is the entrenched funding shortfall. Both the allocation of recurrent funding to public schools and the methods for calculating disability loadings must be revisited and improved to ensure that teachers and schools can fully adhere to the Standards.

The following issues must be addressed with the utmost urgency:

- Public schools having to rely on general recurrent funds to provide reasonable adjustments for students with disability due to inadequacy of funding.
- Students not having their disability recognised by authorities, hence their education providers receiving no additional funding.
- Inadequate or no loadings for students classified with disability at levels of adjustment that do not draw funding to providers for adjustments they are required to make.
- A lack of specialist support staff in classrooms.
- Issues regarding awareness of the Standards, training and professional development and definitions and requirements to comply with the Standards. These result from a substantial deficit in resources and time available to teachers at all stages of their careers to imbue understanding and confidence in educating students with disability.
- A significant improvement in ITE provision to ensure that graduate teachers have the essential skills to provide a high quality education for students with disability.

The AEU's support for an inclusive approach to education is borne of the belief in quality education for all. The commonwealth and state and territory Departments of Education, teachers, parents and school communities have a shared responsibility to ensure the provision of quality education of all students. This is an important and complex task that has fallen too often on individual school communities and teachers, educational leaders and support staff - whose skills, health and workload are unsustainable in the absence of greater systemic support to meet the Standards, and the safe work environments and substantially increased funding required to actively promote them.

Teachers, educational leaders and support staff in public schools play a pivotal role in creating and promoting a society where all students can flourish, and they are essential in promoting social and emotional wellbeing, acting as early detectors of need and implementing effective prevention and intervention strategies. However, they should not and cannot be expected to shoulder this responsibility without the provision of adequate training, ongoing professional development, and support from specialist staff and adequate funding.

Failure to act on the urgent priorities listed above will impact on yet another generation of children with disability, leaving unrealised the object and aim of the Disability Standards for Education that 'persons with disabilities have the same rights to equality before the law in the area of education' and can participate 'on the same basis… as those students without disabilities.'

Accordingly, the Australian Education Union makes the following recommendations to the Review:

1. That the full SRS amount, including appropriate disability loadings, as recommended by the 2011 Review of Schooling Funding, is provided to all schools to provide all students the opportunity to achieve the agreed national educational outcomes
2. That a student with disability entitlement within the SRS is set according to the level of reasonable educational adjustment that is actually required to allow students to participate in schooling on the same basis as students without disability, and is implemented by all Australian Governments without delay.
3. That the National School Resourcing Board urgently revisit the lack of funded adjustments for the Quality Differentiated Teaching Practice category of support, and consider whether the adjustments received by students assessed at this level are appropriate to their needs considering they receive no additional funding for those adjustments.
4. That all Australian university teacher education courses must ensure that Initial Teacher Education course content equips graduate teachers with the necessary pedagogical understandings to teach students with disability in line with the standards.
5. That education authorities ensure that all education personnel have access to fully funded and high quality ongoing professional development to enable students with disability to participate on the same basis and to the same extent as students without disability.

6. That the Commonwealth Government ensure that school staff receive appropriate, funded professional development to support the effective implementation of the Nationally Consistent Collection of Data of school students with disability.
7. That government departments of education and non-government education coordinating bodies be listed under who must comply with the Standards at Section 1.5.
8. That the definition of educational authority at section 1.4 of the Standards be amended to specifically include government departments of education and non-government education coordinating bodies.
9. That greater clarity be provided around the term reasonable adjustment through the provision of precise examples in the guidance notes.
10. That greater clarity be provided around the term unjustifiable hardship through the provision of precise examples in the guidance notes.