Senate Inquiry: Australian Education Bill 2012

In 2008 Education Ministers endorsed the goal that “all young Australians become successful learners, confident and creative individuals, and active and informed citizens.” At present Australia falls far short of achieving this goal for children and young people with disability.

More than 150,000 children with disability attend government and non-government schools around Australia. While the evidence is sketchy it suggests that many of these children are not faring well in the current school system: almost two-thirds report experiencing difficulty at school.

As a signatory to the **United Nations Convention on the Rights of Persons with Disabilities**[15] Australia has committed to improving the educational experiences of people with disability:

> States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:
>
> a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
>
> b).The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
>
> c) Enabling persons with disabilities to participate effectively in a free society.

The Convention sets out further obligations, including that students with disability receive the individualised support they require for an effective education that maximizes their academic and social development “consistent with the goal of full inclusion.”

This includes: “Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.”

“In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who

are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities."

Supporting these obligations in the UN Convention is the **National Disability Strategy**, endorsed by the Council of Australian Governments, which responds to the poorer educational outcomes and experiences of people with disability by including 'Learning and skills' as one of the six policy action areas. It lists four immediate priorities for action:

> Strengthen the capability of all education providers to deliver inclusive high quality educational programs for people with all abilities from early childhood through adulthood.
>
> Focus on reducing the disparity in educational outcomes for people with a disability and others.
>
> Ensure that government reforms and initiatives for early childhood, education, training and skill development are responsive to the needs of people with disability.
>
> Improve pathways for students with disability from school to further education, employment and lifelong learning.

While the responsibility for achieving better educational outcomes for children with disability is shared between the Federal Government and State/Territory Governments, current national reforms in education—including the Australian Education Bill 2012—offer opportunities to rectify the poor educational experiences of children with disability. This submission makes suggestions on how the Bill may be improved to make this happen.

Comments on the Bill

The Australian Education Bill 2012 establishes the framework for major national reform for education. However, because education involves joint responsibilities negotiations with state and territory governments will need to flesh out the initiatives the Bill makes provision for. During these negotiations, NDS hopes that the reforms required to assist students with disability are a priority.

NDS is pleased by the Australian Government's commitment to establish a schooling resource standard for all students, to which loadings would be added for types of disadvantage, including for disability.

However, unlike the move within the disability sector to give more control to people with disability and their families, it appears that the additional funding for a child with disability would be provided to the school or school systems to employ the resources as they determine. The best educational outcomes are achieved when schools and families work in partnership, a principle that should apply to any disability loading.

Schools should work with the families of students with disability when making decisions about how to maximise the effectiveness of additional disability-related funding.

Related to this is the critical need for disability funding provided by the Australian Government (as a result of this Bill) to complement any provided through the states and territories. Maximising the impact of all available disability-related funding is essential.

The Bill is inconsistent in in its references to ‘school students’. Some sections refer to ‘all school students’, others just to ‘school students’. NDS recommends that references to ‘school students’ be amended to include the word ‘all’. This change would amplify the commitment to equity and inclusion.

Objects of the Act

Given the commitment of governments—through the National Disability Strategy—to create “an inclusive education system responsive to all abilities and learning styles”, consideration should be given to amending 3 (b) (i) to ‘for Australian schooling to be **inclusive** and highly equitable’.

Definitions

The absence of a definition of disability is a significant omission from the Bill, particularly as the planned school funding reforms cannot proceed without it. NDS is aware that work continues on the development of a nationally consistent approach to identifying school students with disability but is concerned that the forthcoming trial will take three years to complete. Children with disability should not have to wait this long for additional resources to be made available.

Given the extensive work that has already be undertaken to define ‘disability’ in an education context—with results available from an initial trial—an interim definition should be included in the Bill.

Reform Directions for the National Plan

Quality Teaching

The Bill’s commitment to ‘quality teaching’ is welcome. It is critical that ‘all teachers will have the skills, and support they require, to improve their performance over time and to deliver teaching of a high quality to all of their school students’.

Achieving this will require investment. Good teacher training is essential, as are professional development opportunities, and access to specialists in the development and implementation of individual learning plans for students with disability.

All teachers (and schools) must be aware of their responsibilities under the Disability Standards for Education 2005 and should be held accountable to them.

Quality Learning

This section would be strengthened by the inclusion of a statement that commits schools to take an individualised approach to all students (so that schools identify and respond to the varying learning styles of students). This is consistent with expectations under the Disability Standards for Education.

Empowered School Leadership

In NDS's view, two distinct streams of funding to meet the needs of children with disability in education are required—one to provide for each child's specific learning needs and the other to build the capacity of schools to welcome and support any child with disability.

The first stream is captured in the Bill's commitment to provide funding to address the educational disadvantage resulting from having a disability (together with disability-related education funding provided by State and Territory Governments).

A second stream of funding should be directed to preparing all schools to be ready and willing to accept children with disability through:

- the ongoing professional development of staff (including leadership development);
- making school infrastructure accessible; and
- disability awareness within the broader school community.

NDS is concerned that insufficient attention is given to the importance of preparing all schools (and their communities) to accept all children.

Transparency and Accountability

Improved 'transparency and accountability' is essential. The Australian Council for Educational Research (ACER) report on the *Assessment of current process for targeting of schools funding to disadvantaged students* gave significant attention to the funding provided to schools to assist with educating children with disability. In 2009-10, about $4.4 billion was provided for programs to address educational disadvantage around Australia; 62% of this was targeted to children with disability, heavily weighted toward supporting government schools. Unfortunately, the report also noted that it was not clear how effectively current funding is being used: only about half the programs reviewed have been evaluated and only some of those evaluations considered student outcomes.

School Funding

Funding reform will be critical to improving the educational outcomes of children with disability. NDS would like to see the section on school funding clarified to reflect the following findings of the *Gonski Report*:

- the disability loading should be of the same magnitude regardless of the school sector; and
- the amount of funding provided should reflect the degree of educational disadvantage caused by the disability.

These elements of the *Gonski Report* are not explicit in the Bill.

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About National Disability Services

National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes about 800 not-for-profit organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services—from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.