

**National School Resourcing Board**  
**Review of the loading for students with disability**  
**Submission by**  
**The Independent Schools Council of Australia (ISCA)**

## Summary

The role of the Independent sector in educating students with disability has increased significantly in recent decades, with enrolments of students with disability increasing at around 8 per cent per annum, which is significantly higher than overall enrolment growth.

Unlike systemic government and non-government schools, only Independent schools receive their funding directly from the Australian Government, including the student with disability loading. Any shortfall in government funding for educating students with disability in Independent schools must be met directly by parents and the school community.

The quantum of funding directed to students with disability through the loading is not a reflection of the actual costs of educating a student with disability but are based on school expenditure. The loading settings should be based on the actual costs of schools meeting their obligations under *Disability Discrimination Act 1992* and Disability Education Standards.

Schools will continue to need ongoing support to embed and enhance their understanding and implementation of the NCCD data collection.

## About ISCA

ISCA is the national peak body representing the Independent school sector. It comprises the eight state and territory Associations of Independent Schools (AISs). Through these Associations, ISCA represents a sector with 1,140 schools and over 617,000 students, accounting for approximately 16 per cent of Australian school enrolments. ISCA's major role is to bring the unique needs of Independent schools to the attention of the Australian Government and to represent the sector on national issues.

Independent schools are a diverse group of non-government schools serving a range of different communities. Many Independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education. Independent schools include:

- Schools affiliated with Christian denominations for example, Anglican, Catholic, Greek Orthodox, Lutheran, Uniting Church, Seventh Day Adventist and Presbyterian schools

- Non-denominational Christian schools
- Islamic schools
- Jewish schools
- Montessori schools
- Rudolf Steiner schools
- Schools constituted under specific Acts of Parliament, such as grammar schools in some states
- Community schools
- Indigenous community schools
- Schools that specialise in meeting the needs of students with disability
- Schools that cater for students at severe educational risk due to a range of social/emotional/behavioural and other risk factors.

Many Independent schools have been established by community groups seeking to meet particular needs. Examples include Independent community schools for Indigenous students in remote areas, special schools for students with disability and boarding schools to educate children from rural and remote areas. There are also schools that seek to reflect the religious values of a particular community or that seek to practise an internationally recognised educational philosophy such as Rudolf Steiner or Montessori schools. Independent Catholic schools are a significant part of the sector, accounting for eight per cent of the Independent sector's enrolments.

Most Independent schools are set up and governed independently on an individual school basis. However, some Independent schools with common aims and educational philosophies are governed and administered as systems, for example Lutheran systems. Four out of five schools in the sector are, however, autonomous non-systemic schools.

## Introduction

### *Students with Disability in Independent Schools*

There were almost 116,000<sup>1</sup> students with a disability enrolled across 1,093 Independent schools in 2018. This represents 19 per cent of the Independent school student population. The majority of these students attend mainstream Independent schools, although more than 8,000 students with disability attend one of more than 100 special schools in the sector.

The role of the Independent sector in educating students with disability has increased significantly in recent decades. For many years, enrolments of students with disability have been increasing at around 8 per cent per annum, which is significantly higher than overall enrolment growth.

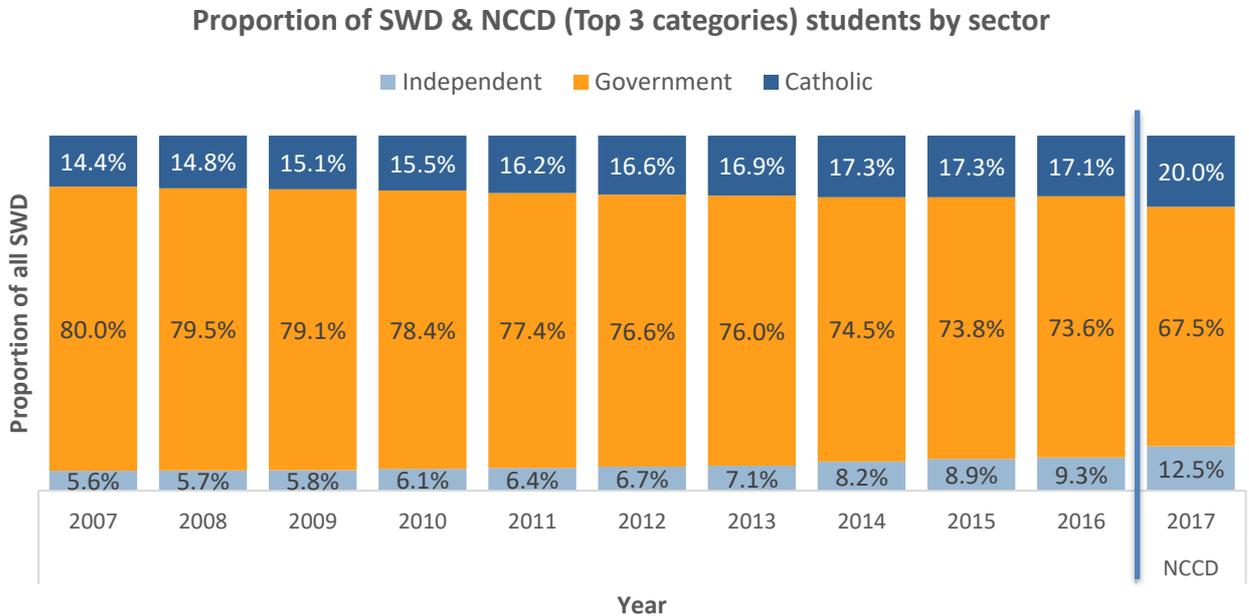
Figure 1 below shows the trend in the growth of students with disability across school sectors for the last decade. The introduction of the Nationally Consistent Collection of Data on School Students with Disability (NCCD) represents a move to a broader definition of students with disability, consistent with the *Disability Discrimination Act 1992*. Utilising the NCCD definition of

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<sup>1</sup> Figure includes independent Catholic school enrolments.

students with disability from 2017, the number of students with disability in the Independent sector in 2017 is consistent with this broader definition and historical trend growth of students with disability in the Independent sector.

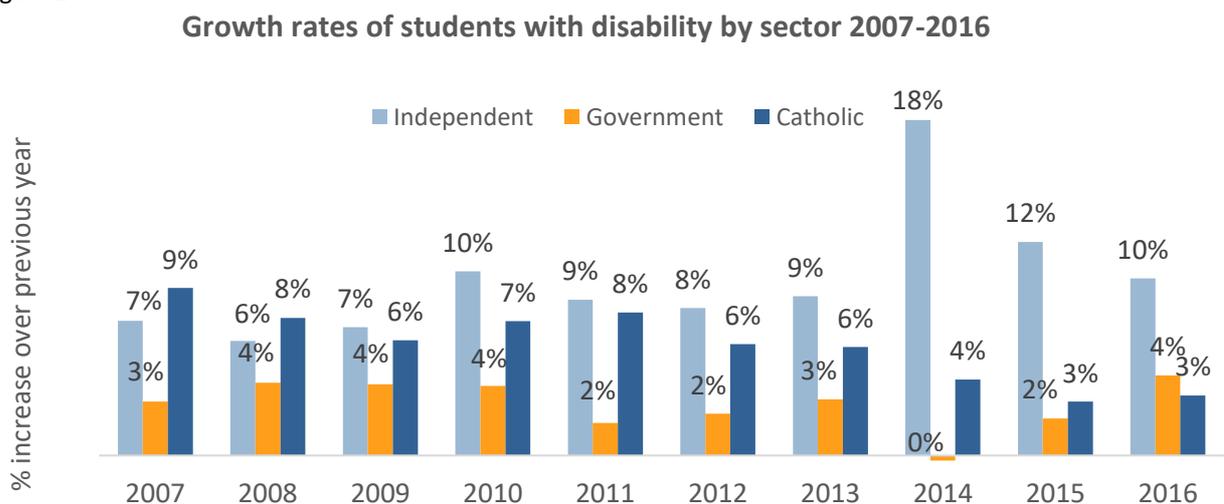
Figure 1



Source: Productivity Commission Report on Government Services 2009-2018; Dept of Education & Training Non-Government School Census 2007-2016, ACARA National Report in Australia Data Portal

Figure 2 below shows the rate of growth for students with disability for the decade 2007 -2017.

Figure 2



Source: Productivity Commission Report on Government Services 2009-2018; Dept of Education & Training Non-Government School Census 2007-2016

Table 1 below shows the proportion of total students<sup>2</sup> in each sector and the proportion of total students with disability. The Independent sector's proportion of students with disability (15.3 per cent) is slightly above the sector's student share (14.5 per cent). In addition, 21.4 per cent of all special schools in Australia are in the Independent sector, well above the student sector share.

Table 1

**Total and % of students, students with disability, special schools by sector, 2017**

	Government	Catholic	Independent
Total students <sup>1</sup>	2,524,865	766,870	557,490
Total students with disability <sup>2</sup>	482,249	129,601	110,941
Total special schools <sup>3</sup>	332	39	101
<b>Total student %</b>	<b>65.6%</b>	<b>19.9%</b>	<b>14.5%</b>
<b>Total NCCD (All categories) %</b>	<b>66.7%</b>	<b>17.9%</b>	<b>15.3%</b>
<b>Total NCCD (Top 3 categories) %</b>	<b>67.5%</b>	<b>20.0%</b>	<b>12.5%</b>
<b>Total special school %</b>	<b>70.3%</b>	<b>8.3%</b>	<b>21.4%</b>

<sup>1</sup> <https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia-data-portal/student-numbers>

<sup>2</sup> <https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia-data-portal/school-students-with-disability>

<sup>3</sup> <https://www.acara.edu.au/reporting/national-report-on-schooling-in-australia-data-portal/school-numbers>

The growth in enrolments of students with disability has been greatest in mainstream schools, which now account for 82 per cent of students with disability in Independent schools, including many students with high to very high support needs. Some mainstream Independent schools incorporate a unit to cater for students with a range of disabilities including profound hearing loss, severe language disorders, social and emotional disorders, or intellectual disability.

Many Independent schools employ specialist teachers to work with class teachers and parents to develop individual learning programs for students with learning difficulties and to assist class teachers to develop strategies and materials to meet the needs of students. Some schools employ teacher aides to work with students in class or withdraw students from class to work with specialist teachers.

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<sup>2</sup> Figures from the ACARA National Report on Schooling data portal classify independent Catholic schools in the Catholic sector

### *Independent Special Schools*

Whilst noting the trend over recent decades to integrate students with disability into mainstream classrooms or special needs units in mainstream schools, parents should be able to choose a non-mainstream educational environment if a special school is the best option for their child.

Special schools provide alternative educational settings for students with disability with high-level needs. In 2018, there were 111 Independent special schools and special assistance schools across Australia educating around 18 per cent of students with disability enrolled in Independent schools. Similar to mainstream schools, there has been significant growth in the demand for Independent special schools, with more than 30 new Independent special schools or campuses of existing schools opening in the last 20 years.

### *Independent Special Assistance Schools*

Independent special assistance schools also enrol many students with disability. Special assistance schools enrol high-needs students who are at risk, have social/emotional and behavioural difficulties, or whose needs are better met by flexible learning structures that may not be available in all mainstream schools.

### *Legal Obligations of Schools*

All schools have a legal obligation to provide access to and meet the needs of students with disability. The *Disability Discrimination Act 1992* makes it illegal to harass or discriminate against a person with disability or their associate, on the basis of disability, across a range of areas including education. The Disability Standards for Education were introduced in 2005 to clarify the obligations of education and training service providers, and the rights of people with disability under the *Disability Discrimination Act 1992*. This includes the right to access and participate in education on an equal basis as students without disability and receive reasonable adjustments to facilitate a student's participation. The Act and the Education Standards make it unlawful for schools to discriminate against a person on the grounds of disability, except in those circumstances where the enrolment of a student with disability would impose an unjustifiable hardship on the school.

Unjustifiable hardship depends on the particular facts of each case and therefore the precise legal obligations on schools can be unclear. The legislation and its associated education standards place open-ended obligations on schools. For example, the Education Standards require collaboration and planning involving specified stakeholders.

While this is aimed at prohibiting discrimination against students with disability, the costs faced by individual schools in taking on students with disability can be prohibitive. Unlike government or Catholic systemic schools, the majority of Independent schools are stand-alone, autonomous entities that cannot access support from a system authority to provide any additional resources needed for high-needs students with disability. The bulk of any unfunded additional costs fall on individual families and school communities. Therefore, appropriate funding support from governments to assist Independent schools meet their obligations to students with disability is a

critical issue for Independent schools and for families choosing an Independent education for their children.

### *Funding for Students with Disability in Independent Schools*

The Schooling Resource Standard (SRS) funding model, which commenced in 2014, includes a number of loadings to address specific areas of educational disadvantage, including disability. These loadings are to be fully publicly funded and when fully implemented, would theoretically provide the same amount for students with disability whether they attend government or non-government schools. There are several reasons why the consistent funding of students with disability across school sectors is not currently a reality.

- Only non-systemic Independent schools receive their funding directly from the Australian Government, including the student with disability loading. The funding received by individual systemic government and non-government schools is determined by their system authority according to their own needs-based funding arrangements. This means that students with disability with the same levels of adjustment can attract very different levels of government funding support depending on their jurisdiction and sector.
- Schools only attract their full student with disability loading when they or their system have fully transitioned to their SRS funding entitlement. The majority of Independent schools (82 per cent) are below 80 per cent and receive less government funding than their SRS funding entitlement and are therefore transitioning up to their actual entitlement. ISCA estimates that in 2019 Independent schools are not receiving more than \$15 million in students with disability funding because of this transition. ISCA analysis shows that the most disadvantaged schools which are the furthest from their SRS entitlement are receiving the lowest levels for funding support under the student with disability loading.
- Students with disability funding from state and territory governments is not necessarily consistent with the SRS funding model and most states and territories utilise their own methodologies. Thus, the level of state or territory government funding students with disability receive in Independent schools depends on the jurisdiction in which the school is located.
- The Consultation paper provides an outline of funding available for students with disability in 2019. Exhibit 1 does not take into account the application of capacity to contribute in non-government schools. It is important to note that students in the Quality Differentiated Teaching Practice category are assumed to be receiving the full 2019 SRS funding rate. This is misleading and is not an accurate reflection of funding available to these students as it implies all schools receive funding at their SRS entitlement. The capacity to contribute discount is applied to the base funding for all non-government schools. This means that a student with disability in the unfunded Quality Differentiated Teaching Practice category of the NCCD could attract as little as \$2,269 for a primary student and \$2,851 for a secondary student in Australian Government funding in 2019.

These issues are significant because in Independent schools, the shortfall in the cost of educating students with disability that receive no disability funding or inadequate disability funding from governments is borne directly by parents and the school community.

The Board should be aware that there are a number of other issues with the loading for students with disability in Independent schools:

#### *Timing*

Australian Government funding for students with disability in the Independent sector is dependent on students being identified in the Australian Government Non-government School Census which takes place in August. Funding for students identified in the Census is then paid as part of the final payment to schools in October. So even if a new student with disability has been enrolled in a school since the beginning of the school year, the student with disability loading will not be paid until October. This means that schools have to support newly enrolled students with disability for what is in effect the entire school year, and depending on the circumstance, may receive funding just as a student is leaving the school. This issue is particularly pertinent for schools serving low socio-economic communities and small schools, especially if they are educating students with very high needs.

#### *Volatility*

Volatility in funding is problematic for stand-alone Independent schools, making planning and prudent financial management difficult. For some special schools, special assistance schools and small schools, changes in student cohorts coupled with the timing of the Non-government School Census means that their SRS funding levels can shift dramatically from year to year. These changes can be unexpected and significantly impact on schools' financial certainty and financial planning. For example, a special assistance school which caters for only one year level may experience a shift in their entire cohort over one year and the funding impact of these changes may not be felt until the October payment. This makes financial planning extremely difficult, particularly as these schools are frequently operated with minimal staff and little administrative support.

The implications of the volatility of loadings is exacerbated by the changed relativities between base funding and disadvantage funding inherent in the move from the former Socio-economic Status (SES) funding methodology to the SRS funding methodology. Previously under the SES methodology, Australian Government base funding represented around 85 to 90 per cent of most schools' funding, with disadvantage program funding making up the balance. Under the SRS funding methodology, the level of base funding is much lower at around 70 per cent of Australian Government funding, and the loadings making up a much larger 25 to 30 per cent. This means that Independent schools are having to undertake their fiscal planning in an environment where a far larger proportion of their Australian Government funding is subject to volatility.

#### *Parental expectations*

The recognition of the critical importance of consistent funding for students with disability across sectors has been greatly appreciated by parents and school communities. However,

much of the rhetoric and publicity surrounding the introduction and application of the student with disability loading has focused on student entitlement. This has meant that many parents, and indeed special education staff, have assumed that the funding a school attracts for a student will be directly expended on that student.

The current funding arrangements, however, do not accommodate the linking of funding directly to individual students. A school's SRS entitlement is the total of its base funding and loadings. There is no requirement under the *Australian Education Act 2013* that the constituent elements of a school's SRS entitlement be considered separately. This is particularly relevant during the transition phase as the majority of schools and systems are not receiving their actual SRS entitlement. Therefore, their base and loadings do not represent their true entitlement. It is not the intention that a particular loading or portion of a loading be attached to a particular student or that the student with disability loading be allocated separately from the school's overall SRS entitlement. Changing this would present difficulties for schools in budgeting and monitoring expenditure and diminish scope for efficiencies and economies of scale.

Managing parental expectations regarding funding can be challenging for school communities. The reality of the SRS funding model means schools cannot directly attribute funding to individual students because the loading is not considered separately from a school's overall SRS entitlement. Further, as noted above, the proportion of a school's funding made up of loadings is considerable and elements of loadings must be utilised to support the ongoing operation of the school, including teacher salaries including special education teachers.

#### *The quantum of funding for the student with disability loading*

As detailed below, the quantum of overall funding directed to the student with disability loading is not a reflection of the actual costs of educating a student with disability, but rather derived from the actual expenditure of systems on students with disability when the loading was developed with introduction of the SRS funding arrangements. The loading therefore represents a proxy measure of costs rather than a loading based on the real costs of education for these students.

#### Is the funding provided under the loadings for the top three NCCD levels of adjustment appropriate to support students with disability to access and participate in education on the same basis as other students?

Initially, the quantum of funds available for the student with disability loading was based on what the Australian Government was expending on students with disability at the time the loading was developed rather than an assessment of actual need and what would be required to educate students according to best practice.

Best practice analysis would demonstrate that schools are expending at least the amount in each setting for adjustments beyond normal classroom practice. As a consequence, loadings predicated on best practice will be higher than those based on previous expenditure. It should not be assumed that the current loadings which are based on expenditure represent the actual cost of best practice. The original student with disability loading was a single rate regardless of

the level or type of disability. It is only with the use of the NCCD data that there has been a move to differentiated loading entitlements.

This question is particularly relevant for the Independent sector as the majority of Independent schools are stand-alone entities which receive their funding, including their student with disability loading directly from the Australian Government. Where the current loading settings are not adequate to support best practice support, Independent schools must raise the additional funding required.

The Consultation Paper is system focussed and does not consider the circumstances of stand-alone Independent schools. The paper notes that the Board has been asked to “consider the level of funding for educational adjustment provided by **approved system authorities** to member schools for students with disability and any significant variations related to school setting or context”. It is important to note that the situation for stand-alone schools is very different to systemic schools and may have cost implications. For example, systems benefit from economies of scale and can purchase services and manage administration on behalf of large numbers of schools. These efficiencies are not necessarily applicable to stand-alone Independent schools.

In order to support teachers to implement best practice approaches, access to specialists with expertise in special education is critical. In this way teachers are supported to identify, implement and monitor the academic as well as social and emotional needs of students. School systems generally provide specialist support services as described above. For non-systemic schools, efficient and effective access to cross-sectoral expertise to implement the NCCD is provided through state and territory Association of Independent Schools.

In addition, the loadings were developed prior to the full implementation of the NCCD collection. Therefore, these costs do not include the cost of competing the documentation required for the NCCD process, thus underestimating the actual cost in an NCCD environment.

### How does the level of resources required to support a student at each level of adjustment differ?

The NCCD Guidelines support an understanding of the different levels of support required for a student at each level of adjustment. It is clear that the frequency, intensity and range of adjustments increase as the level of adjustment progresses from Quality Differentiated Teaching Practice to Extensive. This impacts on the level of resources required.

Resources are identified through the collaborative planning process, which is cyclical and dynamic, including:

- gathering information to identify the needs of students;
- consulting and collaborating with students and families;
- planning and implementing adjustments within a reasonable timeframe to facilitate effective learning for students;
- monitoring and reviewing processes to ensure that the adjustments made are still relevant and required to enable students to achieve high quality outcomes, and
- determining whether further support measures are required.

Increasingly student needs and adjustments are more complex, with schools consulting with multi-disciplinary teams involved in the ongoing care of the student. This requires school personnel to have a specific skill set and expertise in the ongoing collaborative planning process.

The NCCD Guidelines (Appendix 2) provide direction as to the level of adjustment based on frequency, intensity and range. The Guidelines also provide direction as to the type of activity under each level of adjustment as well as a broad description of the typical student characteristics per level of adjustment.

The resource settings have been set by the Australian Government and align with the descriptions of the levels of adjustments outlined in Appendix 2 of the NCCD Guidelines. The current loadings are listed on the Australian Government's Department of Education website and are also shown in the Consultation Paper at Exhibit 1 (noting that these figures do not take into account a school's transition arrangements to their Australian Government SRS entitlement or the application of capacity to contribute to the base per student amount for non-government schools).

The current loading levels are based on school expenditure rather than a best practice model. This is inconsistent with the methodology used for the development of the SRS. To be consistent, the student with disability loading settings should be based on the actual costs of meeting the *Disability Discrimination Act 1992* and the Education Standards requirements which underpin the NCCD. Costs also need to include the costs of resources and professional development. In reality, most schools currently spend significantly more than the loadings in order to provide reasonable adjustments. As all schools strive to implement best practice, the current NCCD loading settings are too low. This is a particular issue for Independent schools where system funding and expert support services are not universally available.

Much of the focus of NCCD costing is on recurrent costs, however, a further consideration is the cost of capital works and equipment. These costs are covered by Independent schools which receive no funding to undertake building modifications or purchase specialist equipment that may be identified as a reasonable adjustment to meet student need.

### Does school setting or context impact on the costs of adjustments provided?

School setting is relevant to the costs of adjustment provided as context is significant. Special schools and special assistance schools are a relevant in this instance. For example, where the ratio of students to teachers is much lower than in a mainstream setting which is the usual situation for a special or special assistance school, this is an adjustment. Students in special and special assistance schools are funded on the same basis as students with disability in mainstream schools, that is base funding plus loadings. The cost of providing a teacher and a teacher assistant for approximately every 6 -10 students is not comparable to 1 teacher for 25-30 students.

The context of special units within mainstream schools is also relevant. If a student is placed in a special class, there is therefore an adjustment across a range of relevant provisions including the teacher-student ratio.

Context is also relevant when considering the impact on schools of funding volatility as outlined earlier. For small schools, some special schools and special assistance schools, year on year changes in funding combined with the timing of payments for students with disability late in the school year can make planning for services and supports and other adjustments difficult.

The range of services and supports are different in different contexts. Some schools have specialist learning support teachers and counsellors, others (particularly small schools) do not. Some schools access allied health via government services whereas other schools have to employ or engage private allied health professionals. Access to specialised support services also varies across jurisdictions.

Small schools or schools serving low SES communities may also find it difficult to provide essential services and supports in addition to government funding for students with disability. This also includes schools serving regional and remote communities that do not have the same access to services as schools in metropolitan areas.

The National Disability Insurance Scheme (NDIS) is also relevant to consideration of context. The NDIS is covering different services in different states and territories and even within states and territories. Even if a student is eligible for services through the NDIS, the parent and young person determine whether that service is used within the school or home. This is particularly difficult for young people with high support needs with significant personal care needs. It is not feasible to generically exclude NDIS on the basis that NDIS will provide funding for specific services in schools. In reality, this is not the case.

### Does the stage of education impact the cost of adjustments needed; for example, in the early years and transitioning to secondary education?

The cost drivers at each stage of education are varied and complex. There are different cost drivers at different levels of education.

There can be significant costs in primary school as early intervention usually requires an associated high-level commitment of resources. Also, transition points are likely to have higher costs. For some students who require an initial commitment of expenditure on capital and equipment, costs may reduce over time.

Secondary education requires adjustments across all subjects and extra-curricular activities including work experience. Larger numbers of staff are generally needed to be involved in implementing curriculum adjustments, collaborative planning, monitoring and review.

The key consideration is that it is an individual need and it is difficult to generalise with respect to levels of education.

### What costs of supporting students with disability (for example, fixed system costs, costs of collection, assurance and management of the NCCD at a school level) should be factored into the loadings?

All these examples are about supporting schools to do the NCCD management and collection, rather than adjustments to ensure equitable access across the curriculum for students with disability. As outlined earlier, the current loadings are based on what was spent on students with disability rather than the actual costs of adjustment for each level of adjustment drawing on best practice. A review of costs based on best practice should, as part of its consideration, examine all costs to a school of providing adjustments for students with disability.

The adjustments required by a student are also not necessarily static but should be reviewed and adjusted over time. Costs need to take into account the need for ongoing collaborative planning processes, identifying adjustments on a case-by-case basis underpinned by best practice and reviewed to ensure adjustments are still relevant and whether further support measures are required.

The NSRB's current focus on the costs incurred by system authorities will not provide an accurate reflection of costs in stand-alone Independent schools which cannot rely on support, either in terms of administration or student services, from system authorities. Systems may benefit from economies of scale in administration and service provision which may not be available to stand-alone schools. Any examination of the appropriate level of support for students with disability will need to ensure that the different circumstances of systemic and non-systemic schools are examined and costed appropriately.

### Are there any other factors that impact on the level of resources required to provide adjustments?

Unlike systemic schools, most Independent schools do not have comparable access to systemic or sector educational support services with expertise in the provision of educational access and participation. State and territory Associations of Independent Schools currently provide NCCD support to Independent schools through the Non-Government Reform Support Fund. This support is valued by the Independent sector to ensure equity of access for all students with a disability attending an Independent school. Funding to the Independent sector should provide a comparable service to those available for students with a disability in school systems.

While students in all sectors access medical assessments outside the school, the critical missing link is the provision of expertise in educational access. Expertise in educational access supports collaborative planning with students, families and the students' specialists, identification of relevant services, educational assessment, consultancy and itinerant services and sustained professional learning and classroom support.

Due to the significant size and constant change in the teaching workforce, on-going professional learning and consultancy support to schools is required. Professional learning on the *Disability Discrimination Act 1992* has been provided since 1990 and on the education standards since 2005. Yet, it has taken the implementation of the NCCD model to gain traction in schools. An important role of state and territory Associations of Independent Schools is to provide on-going and sustainable understanding of the NCCD in Independent schools. For example, schools need to have access to appropriate expertise to strengthen teacher capacity in the facilitation of the collaborative planning process, including effective communication skills, and facilitation skills to ensure agreement.

The current evidentiary requirements for the NCCD are extensive. It is important that the focus on compliant evidence does not shift the emphasis of the NCCD collection away from supporting students to access the curriculum and participate in all aspects of school life, to administration and compliance. Any consideration of increasing evidentiary requirements may well increase the costs of this administration and could reduce the funding available for supporting students to access the curriculum.

Systemic schools also benefit from economies of scale. Independent schools cannot shift funds between schools to address and support changing needs or new enrolments including supporting a new enrolment with a disability who requires extensive adjustments. Similarly, the funding is retrospective, so where a student moves to another school in the following year, the funds do not transfer with the student.

In order to provide educational access for a student with a disability, each Independent school bears the capital costs. These capital costs can be significant and as the schools are not a system, there is no way of sharing the costs. For example, it may be necessary to adjust pathways to ensure that the surface and gradient meets national disability standards. Accessible bathrooms or lifts may need to be installed. Where these capital items provide essential access but need to be retrofitted to an existing school building, or a heritage building, the costs currently need to be borne by the school community.

For capital, the particular circumstances of students with disability in Independent schools should be considered. Previous Australian Government disability funding programs provided some capital funds for Independent schools enrolling students with a disability. This essential funding source has been lost with the transition to the student with disability loading. Capacity for capital funding for students with disability in Independent schools should be re-instated.

Size of school also has a significant impact. Where a small number of staff are undertaking the leadership, teaching, sport, playground duties and administration, there is limited capacity to find the time, capacity and resources to ensure best practice adjustments for students with disability. Examples would include a small school with a teaching principal or a school with several multi age classes extending from years K to 12. This is also true for many regional and remote schools. The needs of these schools need to be taken into consideration.

**Are Australian Government assurance processes, undertaken to support the accuracy of information provided to calculate a school's Australian Government funding entitlement relating to students with disability, appropriate and sufficiently robust and how might they be effectively improved?**

Appendix 1 of the Review of the loading for students with disability Consultation Paper outlines the Australian Government quality assurance activity for the NCCD. While noting that education authorities, systems and schools are responsible for data quality assurance and assessment, Appendix 1 demonstrates that the validation and assurance processes undertaken by the Australian Government are focussed on non-government schools.

Appendix 1 refers to the annual "Australian Government Schools Census". This is misleading as the Australian Government conducts an annual Non-government Schools Census, which does

not include data for government schools. Appendix 1 does not articulate the method for provision of government school data to the Department. All the quality assurance activities of the Department outlined in Appendix 1 including the in-built validation checks and post-enumeration process are in respect of non-government schools. It is not clear whether the Department conducts any validation or quality assurance of government school NCCD data or relies purely on assurances from state and territory education authorities.

### *Post-Enumeration*

There are two issues for Independent schools with the Australian Government post-enumeration process for non-government schools:

- In some cases, there appears to be a disconnect between the criteria used by some Departmental audit contractors used to conduct the census post enumeration exercise and the requirements outlined in the NCCD Guidelines; and
- The data provision requirements should be appropriate to the school environment, with the quality assurance process recognising and being responsive to the different and often challenging operational contexts of some Independent schools.

The Independent sector recognises and supports the requirement for stringent post-enumeration exercises. However, some concerns were raised within the Independent sector following the most recent post-enumeration exercise. The concerns largely related to auditors not having a thorough understanding of disability or the NCCD model as outlined in the NCCD Guidelines.

Concerns raised included:

- auditors requesting evidence of a medical assessment of disability even though this is not a requirement of the NCCD model;
- auditors using templates/checklists to assess a school's compliance without allowing schools to view the document;
- auditors insisting that individual learning plans must be signed off even though this is not required in the NCCD Guidelines; and
- the use of a checklist may preclude consideration of other available evidence.

Further consideration and clarification of the post-enumeration process will ensure schools are able to ensure they are compliant with requirements and non-government education authorities can adequately support schools.

Another concern of the sector is that while the approach to compliance taken by auditors in the post-enumeration exercise is broadly acceptable for the majority of mainstream schools, it does not take into account the particular and often challenging circumstances of schools serving highly disadvantaged communities, including special schools, special assistance schools and majority Indigenous schools.

Meeting all the requirements of compliance may be a challenge for these schools for many reasons including volatility in student enrolments and high teacher turnover, difficulty in

engaging with parents, difficulty in engaging with qualified expertise due to geographic location or budgetary constraints. For example, some special assistance schools may cater to limited year levels, meaning student turn-over is high and the administrative burden of ensuring compliance is high. Remote Indigenous community schools have difficulty accessing expertise, releasing teachers for professional development and engaging parents and students in communities with high mobility across communities.

The assessment of compliance with data collection requirements should consider the context of schools serving highly disadvantaged communities and there should be a formal recognition of the challenges facing these schools and some concession around the burden of expectation of the provision of documentation.

#### *NCCD Data Validation Exercise*

Following the 2018 Non-government School Census, the Australian Government engaged PwC to conduct a data validation exercise. The data validation exercise was not intended to be an audit but was rather an attempt to understand some of the reasons for fluctuations in year-on-year NCCD data in a sample of schools. Further, it was hoped that the exercise could be a capacity building exercise as well by assisting schools to understand where processes and systems could be improved.

The validation exercise has involved representatives from PwC visiting schools to examine the quality of the evidence available for a selected sample of students. While representatives from Associations of Independent Schools were also able to attend, more involvement of AIS staff, particularly those funded under the Non-Government Reform Support funding to provide targeted advice and tailored support for schools in regard to the NCCD, could also build capacity regarding the Australian Government's expectations on schools and tailor the professional support to the school.

For example, this could be an extension to the model currently being funded through the Non-Government Reform Support Fund which focussed on refining teacher and school capacity in respect of the *Disability Discrimination Act 1992*, the Education Standards and the NCCD model through professional learning and classroom support, and cross school and sector moderation activities.

#### *Teacher Judgement project*

The case studies developed by the Teacher Judgement project are reported to have a deeper understanding and descriptions of the student needs and a more granular analysis of the adjustments required. These case studies are intended as an improvement on the current case studies on the NCCD Portal. To date, these have not been available for stakeholders to provide input, however, it is understood that the case studies could be useful in identifying areas requiring further professional learning or refinement of practice. It should be noted that the Joint Working Group workshopped other case studies at a national forum and did not always reach consensus on the required level of adjustment. This reinforces the importance of supporting teachers and schools to develop the skills necessary for improvements in consistent teacher judgement.

## *NCCD Portal*

The website functionality and content are now reported as very useful by schools and sector NCCD support teams.

## *Tools and Templates*

In 2017 the Australian Government commissioned PwC to undertake the NCCD Assurance Pilot. This exercise resulted in draft templates intended to assist schools to meet their evidentiary requirements for the Non-Government School Census. These templates are currently being further refined by PwC following the NCCD Data Validation exercise with additional input from the non-government sector. The Independent sector has welcomed assurances that the templates will not be mandatory but will be made available on the NCCD portal for schools that might wish to use them 'as is' or to use the templates as a means of refining their own existing evidentiary process.

It is important to note that the NCCD needs more time to 'bed-down'. 2019 is only the second year it has been used for the student with disability loading. Focus on training needs to be continued until it becomes embedded in school culture. The Independent sector needs to continue to be funded to provide essential support to Independent schools to embed and enhance understanding of the NCCD. State and territory Associations of Independent Schools provide a key role in training, cross-sectoral moderation and support for special schools, special assistance schools and majority Indigenous schools in the sector.

Given that the NCCD is now an intrinsic part of supporting students with disability throughout their schooling and across the curriculum, it is essential that instruction on and an understanding of the NCCD be included in initial teacher education programs.

## **Conclusion**

The issue of appropriate funding for students with disability has been a priority for Independent schools for many decades. The Independent sector including school communities and parents appreciate the recognition of the principle of consistent funding for students with disability regardless of school sector.

The move to utilise the NCCD to collect data on students with disability has been important in developing in schools an improved understanding of the requirements of the *Disability Discrimination Act 1992* and the Education Standards. The NCCD is only in its second year as a basis for the student with disability loading. It should be recognised that it will take some further time to be embedded in school culture and practice.

Critical to this outcome is the need to continue a strong focus on training and support for schools. The Independent sector needs to continue to be funded to provide essential support to Independent schools to embed and enhance understanding of the NCCD.

It is important to recognise that the quantum of overall funding directed to the student with disability loading is not a reflection of the actual costs of educating a student with disability, but rather derived from the actual expenditure by the Australian Government on students with

disability at the time the loading was developed with the introduction of the SRS funding arrangements. The loading therefore represents a proxy measure of costs rather than a loading based on the real costs of education for these students. The loading settings should be based on the actual costs of adjustment for each level of adjustment drawing on best practice. A review of costs based on best practice should, as part of its consideration, examine all costs to a school of providing adjustments for students with disability.