



## **Senate inquiry into current levels of access and attainment for students with disability in the school system**

**National Catholic Education Commission  
31 August 2015**

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### **About the National Catholic Education Commission**

The National Catholic Education Commission (NCEC) is established by the Australian Catholic Bishops Conference through the Bishops Commission for Catholic Education to maintain effective liaison with the Commonwealth Government and other key national education bodies. The NCEC complements and supports at the national level the work of the State and Territory Catholic Education Commissions.

*Learn more at: [www.ncec.catholic.edu.au](http://www.ncec.catholic.edu.au)*

## Introduction

The National Catholic Education Commission (NCEC) welcomes the opportunity to provide a submission as part of the inquiry of the Senate Education and Employment References Committee into the current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support.

The NCEC is the official body appointed by and responsible to the Australian Catholic Bishops' Conference for coordinating and representing Catholic education at the national level. The NCEC is the focal point for ongoing discussions and negotiations with the Commonwealth Government and other national bodies involved in education. The NCEC is also a national forum for discussion and debate on significant matters of interest and concern to Catholic education in Australia. It represents over 1700 schools enrolling more than 750,000, or approximately one in five, Australian students.

The NCEC has no role in the day to day management of Catholic schools. Responsibility for the direct management of Catholic schools in Australia rests with a range of Catholic school authorities, such as Catholic Education Commissions, diocesan Catholic education offices and the Religious Institutes.

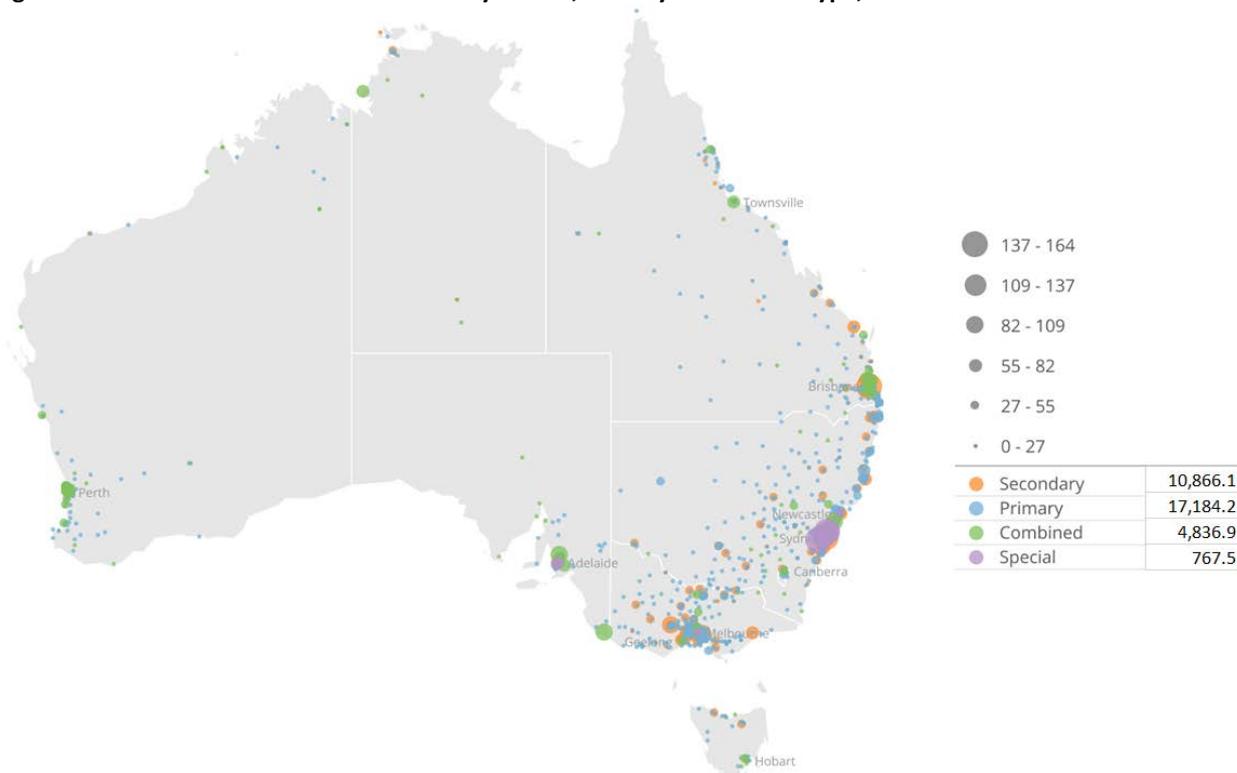
The mission of Catholic education, since its inception, has been to serve students from a range of socio-economic backgrounds, with a particular responsibility for the disadvantaged and marginalised. A cornerstone of Catholic education has been that "all children, in virtue of their dignity as human persons, have an inalienable right to education, adapted to their ability."<sup>1</sup>

Today, building on this welcoming and inclusive spirit, Catholic school communities are geographically, economically and socially diverse. They are located in all states and territories, in metropolitan through to very remote communities, and they educate students from all socioeconomic backgrounds (see Attachment A for further information on Catholic schools in Australia). Catholic schools provide for the needs of students with disabilities in a range of settings including mainstream schools, satellite classes for children with Autism (in partnership with ASPECT and other providers), special schools, majority Aboriginal and Torres Strait Islander schools and sole-provider schools in remote and very remote locations. Commonwealth, State and Territory governments are vital partners in this endeavour. With support from Australian governments, Catholic schools can continue to serve families from all walks of life.

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<sup>1</sup> *Gravissimum Educationis*, Declaration on Christian Education (October 28, 1965), [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651028\\_gravissimum-educationis\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_gravissimum-educationis_en.html), viewed 18 August 2015.

**Figure 1: SWD Catholic School Enrolments by School, Density and School Type, 2014**



Catholic education relies on families, teachers and school communities, working together, to support every student. This partnership is particularly important in relation to supporting students with disability.

This submission seeks to broadly address the Terms of Reference of the Inquiry with particular attention given to the More Support for Students with Disabilities Program, funding for students with disability under the Australian Education Act and current activity related to the Nationally Consistent Collection of Data for Students with Disability. It also seeks to complement submissions from state and territory Catholic education commissions and other Catholic school authorities by providing a national perspective.

## Access, Participation and Attainment of Students with Disability in Catholic Schools

As part of their educational and pastoral mission, Catholic schools in Australia have been educating students with disabilities since the 1870s, long before comparable provision was made in Government schools.<sup>2</sup>

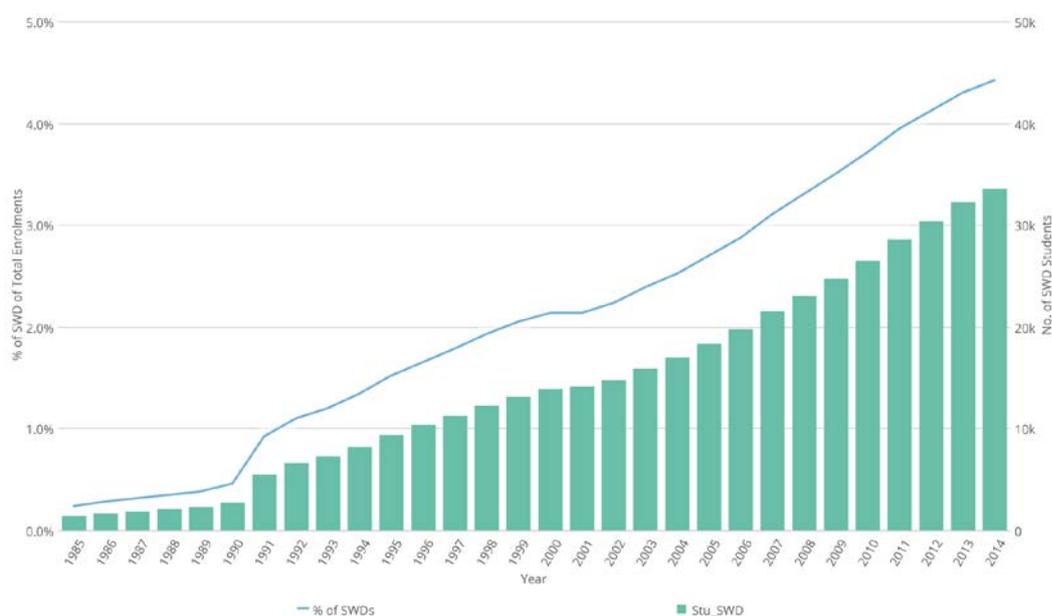
Australian Catholic schools are committed to expanding educational access for students with disability. Since the early 1990s the number of students with disabilities in Catholic schools has grown significantly. In 2014 Australian Catholic schools were catering for 33,655 students defined as students with disabilities (SWD)<sup>3</sup> including 768 students in Catholic Special schools. The percentage increase in enrolments over

<sup>2</sup> The Dominican Sisters arrived in Maitland from Ireland in September, 1867. The Sisters had a strong commitment to special education, establishing an Institute for Girls with a Hearing Impairment in Newcastle in 1873. See <http://www.mn.catholic.edu.au/catholic-identity/diocesan-history>, viewed 18 August 2015. St Dominic's Centre in Mayfield celebrates 141 years of educating children with special needs in 2015. See <http://www.mayfieldsd.catholic.edu.au/history.html>, viewed 18 August 2015.

<sup>3</sup> As defined by various state and territory legislation for Commonwealth and state funding purposes and reported in the annual schools' census to the Commonwealth Department of Education and Training

time is also significant. Students with disabilities now represent 4.4% of students in Catholic schools, compared with 0.2% in 1985. The reality of this expanded access is illustrated in Figure 2.

**Figure 2: SWD Enrolments in Catholic Schools: 1985 to 2014**



It is anticipated that there will be a serious disjunction between the criteria that currently identify students for funding purposes as compared to the criteria that identify students requiring adjustments pursuant to an application of the DDA definition of disability, which is the methodology of the Nationally Consistent Collection of Data for Students with Disability (NCCD). The role and impact of the NCCD is discussed in more depth later in this submission.

In relation to the educational attainment of students with disability, NCEC notes that current available measures of attainment often provide only a narrow snapshot of an individual’s educational experience. While important, other measures of an individual student’s progress in learning, for example progress against an individual learning plan, can be a more meaningful.

If educational attainment is defined as the highest level (or year) of education an individual has successfully completed it is clear that disability remains an important factor affecting levels of attainment. Data from the ABS 2012 Survey of Education and Training, for example, shows that only 36% of people aged 15-64 years with a reported disability had completed year 12 compared to 60% of people without a disability<sup>4</sup>. This issue has been recognised in the National Disability Strategy overseen by COAG which has identified that increasing the educational outcomes of students with disability, including the Year 12 or equivalent attainment rates, is a priority for all Australian governments.

More detailed and nationally consistent data on attainment and outcomes for students with disabilities are difficult to obtain, not least because each state and territory has different approaches to assessment and reporting for students with disability. NCEC notes that the Productivity Commission has cited COAG as developing nationally consistent data on reporting outcomes for students with disability.<sup>5</sup>

<sup>4</sup> Australian Bureau of Statistics 2012, *Disability, Ageing and Carers, Australia: Summary of Findings*, 'Disability - Education and Employment,' Commonwealth of Australia, Canberra, viewed 18 August 2015, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/E82EBA276AB693E5CA257C21000E5013?opendocument>

<sup>5</sup> Productivity Commission 2015, 'Report on Government Services: Volume B: Childcare, education and training', Commonwealth of Australia, viewed 18 August 2015, <http://www.pc.gov.au/research/recurring/report-on->

As most states and territories now require students to either be in school or in full-time study or employment until the age of 17, it is increasingly important that schools provide an engaging and inclusive school experience for all students. This requires an Australian curriculum that is inclusive of all students and teachers who are well-trained and able to personalise and differentiate the curriculum for their students.

In the context of growing enrolments of students with disability, Catholic school authorities are committed to establishing practices and procedures that incorporate inclusive educational practices for all students.

## **Funding for Students with Disability**

The Universal Declaration of Human Rights affords all Australian parents “a prior right to choose the kind of education that shall be given to their children.”<sup>6</sup> Catholic schools embrace this principle and work together with families, carers and their children to ensure students with disabilities can access high quality educational and other opportunities on an equitable basis including through the provision of an inclusive curriculum and personalised planning. Catholic education cannot realise this objective without adequate resources and support from governments.

Historically, SWDs in Catholic schools have not received as much government support as SWDs in government schools. However, prior to the schooling resource standard (SRS) prescribed by the *Australian Education ACT 2013*, there was no standard measure across jurisdictions to measure the shortfall in student need, and arguably there still isn't. In many cases the government funding available has not been sufficient to meet the needs of SWDs in Catholic schools, particularly in comparison to government schools. According to the SRS, the majority of Catholic schools received government funding in 2014 that is not adequate to meet total needs of students, though the exact level of unmet need for SWDs is not clear. As a result of the transition funding arrangements under the Australian Education Act which are in place until at least 2017, the growing proportion of SWDs in Catholic schools are not being catered for by a proportional increase in funding. For each additional SWD to a Catholic school, the increase in government funding may be as little as 10% of the funding calculated for other students with similar attributes. This is described in more detail later in the submission.

### ***Subsidiarity and System Autonomy***

Catholic schools look to governments to ensure that, through equitable needs-based funding arrangements, they have the capacity and flexibility to serve the broad socioeconomic spectrum of Australian families and the needs of each child in their school communities.

Under the principle of subsidiarity, local Catholic school authorities are best placed to make decisions regarding the distribution of funds and the implementation and administration of programs and initiatives in order to most appropriately and efficiently serve their communities' interests and needs.

Recognition by government of the merit of allowing Catholic school authorities to allocate funds according to local needs is an important principle for Catholic education.

### ***Needs Based Funding***

Catholic education strongly supports a needs-based funding model that includes appropriate recognition of the needs of all students, including students with disability. The mission of Catholic schools is to strive to ensure that all students are achieving their potential, irrespective of background or family

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[government-services/2015/childcare-education-and-training/download-the-volume/rogs-2015-volumeb-child-care-education-and-training.pdf](http://www.un.org/en/documents/udhr/).

<sup>6</sup> Article 26 (3), <http://www.un.org/en/documents/udhr/>, viewed 18 August 2015.

circumstances, regardless of the location of their schools, and notwithstanding any disability or other additional needs they may have. NCEC believes funding for students with disability should follow students between sectors according to their particular needs.

Catholic education has welcomed the certainty provided by the Commonwealth Government's commitment to needs-based funding for all Australian schools under the *Australian Education Act* through to 2017. Stable, predictable and sustainable funding for Catholic schools is imperative and is complemented by local system autonomy over funding distribution based on need. Both needs-based funding and system autonomy over funding distributions are critical for Catholic schools in furthering their objectives of equity and accessibility.

***Current Funding for Students with Disability in Catholic Schools under the Australian Education Act***

The Schooling Resource Standard (SRS) under the Australian Education Act was intended to denote the funding required from all sources to provide sufficient resources for a quality education for all students. This included both state and federal funding together to make up the SRS.<sup>7</sup>

Loadings are a supplement to the base funding generated from the schooling resource standard. The rationale for loadings was identified in the Gonski report as being to:

*“ensure that differences in education outcomes are not the result of differences in wealth, income, power or possessions. They are intended to represent the additional efficient cost, funded from all sources, to give schools with a particular characteristic or with particular types of students the same opportunity to achieve nationally agreed educational outcomes as schools that do not attract loadings”.*

The current definition of the SWD loading under the Act, is calculated as a percentage of the SRS: 186% of the base SRS per student for students attending non-special (mainstream) schools, and; 223% of the base SRS per student for students attending a special school. The theoretical student with disability loading entitlement under the SRS in 2014 is \$17,244 for primary schools and \$22,679 for secondary schools.

According to the current formulation of the SRS funding model, all students with disability should attract the same loading amount. Current funding arrangements do not deliver this. Currently, the SWD loading per SWD attracted to Catholic school systems averages \$13,643, which is less than the theoretical SRS loading described above. However, under Australian education legislation, Catholic school authorities are able to distribute funding within their school systems according to local needs.

Under the *Australian Education Act* transition funding arrangements, there is a significant difference between the funding new students with disability attract and the funding attracted by students with disability already in the Catholic education system. Until at least 2017, the growing proportion of SWDs in Catholic schools will not attract a proportional increase in funding. For each additional SWD to a Catholic school, the increase in government funding may be as little as 10% of the funding attracted for existing students. Catholic schools continue to welcome growing numbers of students with disability despite this unintended outcome of the transition funding arrangements.

The current funding shortfall arising from this issue is estimated to be in the vicinity of \$20 million per year for Catholic schools nationally. This shortfall has the potential to affect the resources available for all students with disability in Catholic schools. The NCEC believes this issue should be addressed to ensure

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<sup>7</sup> Base funding for non-government schools is determined by the SES of a school with reference to a capacity to contribute (CTC) measure. By definition of the CTC relationship, a non-government school must raise between 10% and 80% of the SRS in fees if it wishes to operate at a per student funding level equal to the SRS.

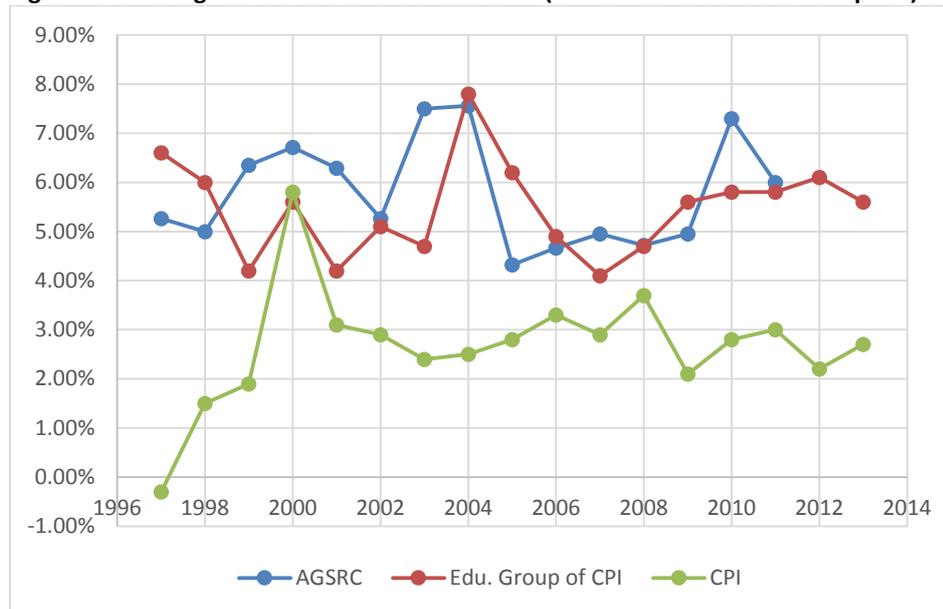
there is a genuinely needs-based funding model for all school sectors. Further detailed analysis of this issue was conducted by Ernst & Young and is included at Attachment B.

**Commonwealth Funding post 2017—Consumer Price Index (CPI) Indexation**

A significant concern for Catholic education is to ensure that the indexation of school funding keeps pace with real school costs. The imposition of CPI indexation from 2018 onwards is likely to result in a significant decline in funding over time, relative to school costs and particularly staff costs.

CPI over the past 10 years has been around half the rate of the AGSRC. Similarly, the Education Group of the CPI has been consistently greater than the CPI for most of the past two decades. Figure 3 illustrates the movement in CPI, the Education Group of CPI and AGSRC indexation over the last twenty years.

**Figure 3: % Change in CPI and Education Indices (AGSRC and Education Group CPI) from 1997 to 2013**



Source: Australian Bureau of Statistics and Australian Government Department of Education 2014

In addition to CPI indexation not keeping pace with real cost increases, the funding shortfall relative to student need in 2017 will be compounded over time. In the future, adequate indexation will be required to close the gap between funding and need.

Catholic schools have a commitment to supporting all families, no matter their economic or social circumstance. However, the capacity for Catholic schools to maintain this commitment depends on the level of government funding. Without sustainable funding, fees will increase, schools could close and the quality of education will be compromised. This will impose additional pressure on government schools when students transfer out of Catholic schools.

**Other Legislative Obligations and their Funding Implications**

Under the *Disability Discrimination Act 1992* (the Act) and the *Disability Standards for Education 2005* (the Standards), Australian schools—including Catholic schools—have specific enrolment obligations and must meet various student access and participation requirements. Catholic Schools also acknowledge the *United Nations Convention on the Rights of Persons with Disabilities* (2006). Disability services for students in Catholic schools are allocated with specific reference to the Act and the Standards, which are applied to determine how schooling can be made more accessible, more supportive and more inclusive for students with disabilities.

Catholic school authorities work together with families, carers and governments to meet these obligations and respond to the needs of students with disabilities. These legal obligations and the substantial requirements they create—which apply across all school sectors—have considerable funding implications. Despite clear evidence that Catholic schools are welcoming more and more students with disability, the challenges school authorities face in understanding, supporting and meeting the needs students with disability are significant.

Given the legal obligations and the substantial requirements they create apply across all school sectors, NCEC believes funding for students with disability should be sector-blind. A student with disability should attract the same level of funding, irrespective of which schooling sector she or he may attend. Funding for a student with disability in a Catholic school should, therefore, be comparable to the per capita funding that a student with a similar disability and need would attract in a government school.

Beyond their funding implications, the Standards create complex questions that school authorities must grapple with on a regular basis. How should the Standards be applied in circumstances where there are complex issues that may arise from disability? How should school authorities determine what is a reasonable adjustment and what is an unreasonable adjustment? The Standards (see Standard 3.4) and Guidance Notes (see Guidance Note 4.2) are not entirely clear on how these questions should be answered. Additional guidelines could be developed in a way that enables both the school and parents to understand the processes that are required to be followed and the factors to be taken into account when determining what adjustments need to be made and whether these adjustments are reasonable or unreasonable. These guidelines could better assist all parties to implement reasonable adjustments and might envisage what may constitute an unreasonable adjustment or an adjustment that may not be in the best interests of a child. With respect to this matter of the proper application of the Standards for Education, it is important to note that the Catholic sector has separately engaged with the recent Australian Department of Education and Training 2015 Review of the Disability Standards for Education (see the copy of the Catholic Education Commission NSW submission at Attachment C).

### **Nationally Consistent Collection of Data on School Students with Disability**

All Australian governments have agreed to work together to implement a number of complementary and intersecting national reform agendas aimed at improving the lives of people with disability. This includes specific reforms such as the Nationally Consistent Collection of Data (NCCD), which is predicated on improving learning outcomes for students with disability through better and consistent data.<sup>8</sup>

The NCCD is intended to provide a nationally representative evidence base about students with a disability that can inform policy and programmes at the school and education authority level in a robust, reliable and systematic way. The aim is to reinforce the existing obligations that schools have with respect to students under the Commonwealth *Disability Discrimination Act* and the Disability Standards for Education. In 2015 it is required that all schools across Australia will participate in the NCCD. This follows phased implementation of the NCCD in selected schools over 2013 and 2014.

Over the course of the NCCD's implementation a number of factors impacting on the quality of the data have been identified, including the consistent application of the categories of disability and levels of adjustment required to support a student with disability. In particular, there appears to be some inconsistency in teacher and school-level judgments in relation to:

- Determining which students to include in the NCCD; confusion over which definition to apply

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<sup>8</sup> On 29 November 2008, the Council of Australian Governments agreed to develop a nationally consistent approach to identifying students with disability in schools. See Australian Government Department of Education and Training, *Background information on the national data collection*, <https://education.gov.au/background-information-national-data-collection>, accessed 19 August 2015.

- Levels of adjustment required (particularly in relation to the previous 'no adjustment at this time' and supplementary levels)
- Determining the category of disability

Furthermore, quality of the data has been impacted by varying consent and privacy arrangements and differing moderation and quality assurance measures across jurisdictions. It is understood that the data display widely varying and anomalous prevalence rates across and within jurisdictions, which would be a clear indication that the data is not yet stable, robust or reliable. This observation is critical to any possible use of NCCD data for funding purposes.

27% of schools—including 24% of Catholic schools and 57% of Independent schools—will be undertaking the NCCD for the first time in 2015 and their understanding and application of the collection is likely to be inconsistent. The NCCD represents a significant conceptual change in the way that schools address the identification and support for students with disability; moving from a medical/diagnosis classification to one based on the levels of adjustment a student needs to support their learning. Evaluations of earlier collections have indicated that in their first collection teachers are prone to either under-report or over-report the prevalence of students with disabilities with teacher judgment heavily influenced by their local experience—an experience that often lacks an understanding of the broader prevalence of disability across Australian schools.

NCEC is also aware of the emerging and growing challenges arising from the increasing numbers of students with mental health issues. This is a challenge across all levels of schooling that points to the need to further boost teacher capacity to exercise understanding and judgment in supporting these students. In particular, the increasing prevalence of mental health issues amongst primary school students is a matter of concern requiring a response. The Catholic sector is engaged in this issue through school-based responses such as *KidsMatter*.

Due to the differing definitions used for the NCCD and current funding arrangements, NCEC anticipates a much higher identification of students with disability through the NCCD compared with those currently identified for funding purposes as students with disability. This raises questions around the adequacy of existing funding arrangements to meet the needs of all students requiring adjustments to their learning.

#### ***Use of the NCCD for funding purposes***

In the future, the NCCD may provide a more appropriate basis for informing funding arrangements to support students with disability. The benefits of using the NCCD to inform funding distribution include that it would provide, for the first time, a nationally consistent approach to identifying students and the broad level of adjustments they require. Furthermore, it would link a data set directly to, and support obligations under, the *Disability Discrimination Act 1992* and the *Disability Standards for Education*.

However, there are significant concerns that the 2015 collection (being the first full collection) is not yet suitable for this purpose. NCEC, along with other jurisdictions, has strongly held the view that the NCCD should only be used to inform funding once it is robust and nationally consistent. It is likely to take time, perhaps two years of a full collection and refinement, for the data collection to mature and for there to be sufficient confidence in the quality and consistency of the data for funding purposes.

**NCEC, therefore, does not support the use of the NCCD as a determinant of funding for students with disability at this time.**

If the data collection is to be used to determine funding then a transparent process informed by detailed policy analysis would be required. Analysis of the level and range of additional resources provided across jurisdictions will also be critical for any discussion around future funding arrangements.

## More Support for Students with Disability (MSSD)

The Commonwealth Government provided \$300 million of funding to government and non-government education authorities under the MSSD initiative for activities occurring in schools during 2012–2014. Funding to government education authorities was provided under a National Partnership Agreement. Funding to non-government education authorities was provided by aligned funding agreements. It is important to recognise that the MSSD was intended to support the NCCD. PhillipsKPA has undertaken and completed an independent national evaluation of the MSSD initiative.

MSSD has been an important initiative to strengthen the capacity and expertise of schools and teachers to positively affect the learning experiences and educational outcomes for students with a disability. Indeed, achieving this objective was the genesis of the NCCD. MSSD has contributed significantly to the development of a more inclusive model of schooling in which the focus is on meeting the diverse learning needs of all students in a particular setting through more personalised teaching and learning. The MSSD programme provided Catholic schools with the stimulus and opportunity to develop ways of supporting teachers and also provided important opportunities for cross sector partnerships, collaboration and sharing.

MSSD has allowed Catholic education to significantly increase the provision of professional learning for both teachers and paraprofessional staff focused on students with disability and particularly their obligations under the *Disability Discrimination Act* and the Disability Standards for Education. It has also helped with the preparations for the NCCD, including through the development of data collection tools, updating of existing databases, and teacher professional learning. Finally, the MSSD has strengthened school and teacher capacity to support students with disability by enabling them to work collaboratively with allied health professionals.

Catholic education believes that the MSSD has been a successful initiative and values program funds such as those provided under the MSSD, utilising them well and to positive effect. Indeed, there is still a crucial and ongoing need for direct funding to further support students.

## Other Areas for Consideration

The following have been identified as areas that may merit further consideration by the Committee:

- Pre-service and ongoing teacher education to develop understandings of the Disability Standards for Education, and levels of adjustment
- A national approach to workforce planning initiatives to address the shortages in availability of a skilled workforce with disability specific expertise
- Resourcing for school positions that are responsible for ensuring that students with disability have full access to and participation in learning
- Building the capacity of teachers, schools and families to develop authentic partnerships to support the learning and well-being of students with disability
- Provision of support and services to families of students with disability beyond the school and in the community as envisaged by the National Disability Insurance Scheme (NDIS).
- Developing teacher and school capacity to understand and respond to behaviours associated with specific disabilities and, in particular, mental health issues
- Enhanced and seamless access to allied health services within the school context
- Addressing the issues faced by rural and remote communities in addressing the often multiple forms of disadvantage experienced by students and in accessing much needed specialist and allied health support services.
- Support for transition pathways from prior to school settings (including, for example, pre-school) to school and post-school pathways.

- Finding effective ways of collaborating and supporting ‘at risk’ families who may be disconnected from services.
- Supporting schools in their use of Australian Early Developmental Census (ADEC) data from relevant local community profiles and proactively responding to identified needs and vulnerabilities across the five domains.
- Opportunities to share evidenced based practice through national collaboration.

## Conclusion

1. Catholic education is committed to inclusive education for students with disability.
2. Enrolments of students with disability in Catholic schools continue to grow—as does the complexity of these students’ needs—and Catholic education is committed expanding access to all students with disability.
3. NCEC supports a needs based funding model that meets the needs of all students including students with disability. This funding model should be sector-blind for characteristics of need with funding following need.
4. While the NCCD is an important initiative it is not currently mature enough to determine funding in this area.
5. MSSD was a valuable initiative that enhanced the capacity and confidence of teachers and schools to meet the needs of students with disability.
6. Under the principle of subsidiarity, local Catholic school authorities are best placed to make decisions regarding the distribution of funds and the implementation and administration of programs and initiatives in order to best serve the interests and needs of communities, schools and students.

The NCEC thanks the Senate committee for the opportunity to make this submission.