



**Independent  
Schools** Victoria

## **Submission to the National School Resourcing Board**

July 2019

*Response to the Review of the  
Loading for Students with Disability  
Consultation Paper*

## **The Independent Schools Victoria Vision:**

‘A strong Independent education sector demonstrating best practice, providing excellent outcomes for students and choice for families’.

To realise this, we:

- advocate for excellence in education
- champion Member Schools
- support quality education
- protect the right of parents to choose where and how their children are educated.

Independent Schools Victoria will assist our 220 diverse Member Schools to continue providing the best possible education outcomes for the citizens of tomorrow.

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# Executive Summary

The Nationally Consistent Collection of Data on School Students with Disability (NCCD) and its link to funding has improved outcomes for students with disability. There are, however, significant problems with implementation and onerous documentary requirements, which put pressure on teachers and school leaders.

Having reviewed the NCCD in Independent schools, ISV believes it should be acknowledged that government funding does not meet the full cost of educating students with disability and that additional resources are required.

ISV's research shows that when considering the visible costs of educating students with disability, schools allocate more support than what is funded through the Schooling Resource Standard (SRS). There are also many invisible costs. It is unrealistic to talk about a single dollar amount of funding for three levels of adjustment that covers the range of students, their complex individual needs, the range of ways schools meet those needs, and the different contexts in each school.

Without allocating funding on a case-by-case basis, and investing significant additional funding, governments can not guarantee appropriate funding to ensure students with disability access education on the same basis as other students. In particular, there needs to be greater differentiation in funding for students on the highest level of adjustment.

The requirement that schools have ten weeks of evidence to include a student in the NCCD has led to perverse consequences, particularly for students who risk slipping through the cracks.

To establish robust quality assurance processes for NCCD funding, the first step is to establish consistency between schools. A central body should be given authority to identify differences of interpretation between schools, to decide on any grey areas, and to provide timely information and resources to schools. In addition, there should be significant investment in professional learning for all teachers on educating students with disability and the NCCD.

# Submission

Independent Schools Victoria (ISV) welcomes the opportunity to make a submission to the National School Resourcing Board's *Review of the Loading for Students with Disability*. The submission should be read in conjunction with the Independent Schools Council of Australia's submission.

This submission is made on behalf of 220 Member Schools, which include special schools, schools with specialist units and mainstream schools. These schools educated over 35,000 students with disability in 2018, using a range of approaches. Fifty per cent of these students were eligible for Australian Government funding support.

The introduction of the NCCD and linking it to government funding has improved the outcomes for students. By expanding the group of students eligible for government funding, the NCCD recognises the additional needs of all students with disability, rather than just a narrow subset, better ensures that all of their needs are met, and helps to ensure no students fall through the cracks, either through a lack of funding, or a lack of identification of their needs. Its more inclusive nature has resulted in a greater focus on curriculum differentiation and catering for the needs of individuals, while also helping to reduce stigma associated with word 'disability'.

By linking the NCCD to teacher professional judgement, the NCCD has improved the awareness and understanding of school staff of the diverse needs of all students with disability. By focusing on the important roles of all teachers in educating students with disability, it has helped to reduce the artificial division between individual learning needs staff, who educated students with disability, and classroom teachers, who educated everyone else.

Finally, the explicit links between the NCCD and the *Disability Discrimination Act 1992 (Cth)* and the *Disability Standards for Education 2005* have improved schools' understanding of their legal obligations – in particular, the requirement to consult and collaborate with parents.

The expansion of the definition of disability under the NCCD compared to old funding definitions, and the associated rapid increase in the number of students with disability, has led to concerns that schools are over-identifying students under the NCCD, particularly where they previously identified relatively small numbers under the old, narrow definitions.

By bringing the proportion of students with disability identified in the NCCD in line with data on the incidence of disability across the total population, the NCCD has demonstrated that all schools have always educated significant numbers of students with disability – it was the historical funding arrangements that failed to reflect reality. Similarly, changes in NCCD data, such as the increase in the number of secondary students with social/emotional disabilities, match data reported across society more broadly.

Schools have always been required to meet the needs of students with disability, regardless of the level of government funding. So rather than leading to substantial increases in the financial support schools provide to students with disability, the NCCD has simply enabled government funding to catch up to the levels of support schools have always provided.

In particular, it is important to note that a large proportion of students identified in the NCCD are in the 'Within Quality Differentiated Teaching Programs' level of adjustment, who do not attract government funding, even though the educational adjustments for them is not costless – particularly since the evidentiary requirements of the NCCD are the same for these students as for students receiving higher levels of adjustment. In Victorian Independent schools, 50.9 per cent of students fell into this category in 2018.

It has been alleged (incorrectly) that some independent schools have been over claiming the number of students with disability. There is no evidence to suggest that this is the case, and given the expanded definition of disability under the NCCD, it is not surprising that numbers have increased. As mentioned above, any increase correlates with the incidence of disability in society more broadly, as identified by the Australian Bureau of Statistics.

It is also very important to note that most, if not all, of these increased numbers of students would be in the Within Quality Differentiated Teaching Programs' level of adjustment which, as mentioned above, does not attract any government funding.

The NCCD is a new process and it has resulted in additional workload for school staff. This is partly due to the NCCD still not being fully embedded in schools' processes, and uncertainty in schools about how to achieve nationally consistent decisions. As schools try to determine their obligations under the NCCD, a lack of certainty about data collection has led to anxiety amongst staff seeking to do the right thing.

It is highly likely that schools, in wanting to do the right thing, are erring on the side of over-preparing documentation for the NCCD. Nonetheless, the evidentiary requirements of the NCCD, particularly with regard to audit requirements, do generate significant additional work for teachers. ISV recognises the need for appropriate accountability for government funding. However, this needs to be balanced against the workload of teachers, to ensure that the collection of evidence for the NCCD supports and encourages schools' ability to meet the needs of students, rather than burdening teachers with documentation, and taking them away from the classroom.

## **Is the funding provided under the loadings appropriate?**

Following work by Pricewaterhouse Coopers (PwC) in 2016 on developing costings for schools to educate students with disability, which led to the development of the Government's funding levels, ISV commissioned PwC to undertake a similar exercise in 23 Victorian Independent schools in 2017. The research undertaken by PwC was based on similar methodology to that previously undertaken for the Government. The aim was to determine whether the loadings applied to schools mirrored the cost structures in our Member Schools.

In 2019, ISV undertook a more detailed costings survey of schools, to try to get more clarity. The survey aimed to cover a wider range of costs, and to provide more detail about the extent to which these costs were borne by schools for different groups of students. Forty-five Independent schools in Victoria and Tasmania participated in this survey.

The number of schools in the PwC survey and the ISV Costings Survey was not large enough to obtain a statistically significant answer to the cost of educating students with disability. Nonetheless, both survey provided indicative information.

Both the PwC survey and the ISV Costings Survey confirmed that:

- the average cost of educating students with disability increases as the level of adjustment increases
- while there is a marked increase in the average cost of educating students requiring substantial and extensive adjustments, there are relatively small differences in the cost of educating students with supplementary adjustments and those whose needs are met within quality differentiated teaching practice
- the cost of educating students in special schools is similar to the cost of educating students with extensive adjustments in mainstream schools, regardless of the level of adjustment provided to the students in special schools

- schools incur significantly higher capital costs to provide adjustments for students with physical disabilities. However, schools typically incur significantly lower staffing and resource costs for these students. Excluding the capital costs for students with physical disabilities will significantly underestimate the cost of educating them.
- students with social/emotional disabilities tend to incur higher staffing costs than other students with disability, but lower resource and capital costs
- the actual cost of educating individual students with disability is highly variable, depending on their particular needs, and the capacity of the school in addressing those needs. Schools identified a range of factors affecting cost, including:
  - the student’s age
  - the length of time at school before the student’s condition was diagnosed
  - the student’s home environment
  - the extent of co-morbidity of disabilities
  - the existence of economies of scale for students with similar needs
  - the need to access specialist health practitioners vs those students whose needs can be met through teachers and teachers’ aides.
- the cost of educating the students with the most extensive adjustments can be extremely high, particularly in mainstream schools which are unable to benefit from economies of scale and are not set up to deal with students with the most extensive needs. In one instance, a school reported in the ISV Costings Survey that it cost more than \$125,000 to educate one student who required extensive adjustment.

Both surveys confirmed ISV’s recommendation that:

additional funding should be provided for students who require the most extensive adjustments.

The ISV Costing Survey was more detailed than the PwC surveys. Even so, participants found it difficult to complete the survey accurately. Schools traditionally have not regarded students with disability as a cost centre to be measured, and much information had to be estimated. Schools also reported that a lot of the costs of educating students with disability are invisible.

Despite the limitations of the ISV Costings Survey, one very clear result was that schools spend considerably more to support students with disability than they receive in government funding. ISV asked schools to report the time staff spent assisting students with disability, from senior leadership, individual needs coordinators and teachers’ aides.

Even when ISV deliberately selected indicative salary amounts at the low end of the spectrum, the hours that schools reported staff provided to support students with disability consistently exceeded the notional proportion of the Schooling Resource Standard (SRS) allocated for students with disability<sup>1</sup>. This was before resource and capital costs had been factored in.

One school in the Costings Survey attempted to measure the time taken by staff just to plan and write documentation for students with disability, in order to share this with parents. The school estimated that its teachers allocated 1588.5 hours per annum – almost five hours per student – just to undertake this paperwork, before any teaching and learning activities took place. Another school indicated that a significant invisible cost was in replacing staff who became burned out by the emotional toll of their job.

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<sup>1</sup> The relatively low levels of funding provided by the Victorian Government for students with disability means that most Victorian schools would receive less than the total value of the loadings from both levels of government.

Another factor which may impact on the level of resources required to provide adjustments has been highlighted by a number of Special and Special Assistance schools.

They have identified that the requirement for schools to have evidence of ten weeks of adjustments in order to include students in the NCCD as being a significant issue. Many special schools act as 'withdrawal' schools - enrolling students who are not able to cope in mainstream schooling, and who frequently have histories of non-engagement with schooling. It is common for these special schools to receive referrals and enrolments throughout the year.

Where a student enrolls at one of these schools within ten weeks of the August Census date, it can be extremely difficult for the special school to obtain evidence from the student's previous school – particularly where the student has a history of school refusal and has not been attending school in order to receive adjustments. As a consequence, the school can not include the student in the NCCD.

Given the high cost per student of running these special schools, and the typically low levels of private income they receive, they can face little option but to refuse enrolment to students within ten weeks of the August Census date, since the schools are completely reliant on government funding to provide necessary support for the students.

Where a special school can provide evidence that a student meets all the other criteria for the NCCD, ISV recommends:

the requirement for schools to have at least ten weeks of evidence to include a student in the NCCD should be relaxed for special schools that act as withdrawal services for mainstream schools.

## **Australian Government Quality Assurance Processes**

Until all teachers share a similar understanding of the NCCD, there can be no national consistency. Until consistency is achieved, any Government quality assurance processes will have limitations.

Work by Victorian Independent schools and ISV over several years has significantly improved the understanding by school staff of the NCCD's data requirements, and of the additional needs of students with disability. While schools are keen to complete the data collection fairly, accurately and consistently, more needs to be done to assist them.

Schools identify a lack of clarity or differences of interpretation in the NCCD requirements. Yet there is no central decision-making body responsible for identifying and resolving issues, and then informing schools. The Joint Working Group does not appear to have authority to make such decisions. As a result, decisions are made at either the jurisdiction level, the system level or the school level, with no guarantee of consistency.

ISV's recommends that:

A central decision-making body should be given the authority to identify and resolve areas of uncertainty and inconsistency in implementing the NCCD.

This body should include members familiar with the educational needs of schools and students with disability. It should be responsible for providing updated information to schools promptly. The NCCD reporting year runs from August to August. However, updated versions of NCCD guidelines and any additional information, such as document templates and case studies, are

invariably not released until early in the calendar year. This creates uncertainty and anxiety for schools. This whole process would be greatly improved if new information on the NCCD, including templates and case studies, could be provided to schools earlier in the year.

ISV's research has demonstrated that, in addition to the lack of clarity in areas of the NCCD, teachers often lack understanding about educating students with disability. Instead, individual learning needs staff have historically been given responsibility for overseeing their education. ISV has identified in interviews with Independent schools that new graduates have very little or no experience in educating students with disability.

Given that all classroom teachers will need to be able to work with students with additional needs, and given their legal requirements under the Disability Standards, ISV recommends that:

Teacher professional learning on the provision of educational adjustments for students with individual needs should be enhanced, particularly for new graduates and in teaching training courses.

Even when national consistency has been achieved, there are still areas where the Government can improve quality assurance processes. The guiding principle should be to promote – not hinder - educational practices.

With the Government's audit process only having been implemented for one year, schools are still uncertain about the level of documentary evidence required in audits. Without clear guidelines, schools are likely to be over-cautious and over-document students on the NCCD. The Government should provide clarity about the required documentation. Schools consistently report that the NCCD's evidentiary requirements require significant resources. Schools are employing additional staff to administer the NCCD, to ensure teachers can focus on students, not paperwork.

In particular, schools want evidentiary requirements to be reduced for students in the 'Within Quality Differentiated Teaching Programs' level of adjustment. Schools do not receive any additional funding for these students, and the level of documentation required for data collection is much greater than the schools need to meet the students' educational needs or the schools' requirements under the Disability Standards. Yet evidentiary requirements for these students are the same as those who do receive funding support.

ISV recommends that:

The level of record keeping required under the NCCD for students in the 'Within Quality Differentiated Teaching Programs' level of adjustment be reduced.

Finally, schools that participated in the Government's 2018 Census Post-Enumeration Exercise noted a wide range of experiences, depending on the expertise of the auditors contracted by the Government. Schools reported that individual auditors lacked understanding of the NCCD by, for instance:

- requiring schools to provide medical diagnoses of disability for students included on the NCCD
- requiring schools to provide a hard copy of all documentary evidence.

Schools reported many auditors lacked adequate understanding of disability or education. Auditors were forced to accept the existence of documentation as evidence of adjustments, with no capacity to assess the quality of the documentation. As a consequence, even schools



that went through the audit in 2019 remain unclear on the level of documentary evidence required in the future.

ISV recommends:

Auditors engaged by the Government to review schools' NCCD data should be trained to understand the NCCD and the education of students with disability.

## **Conclusion**

The NCCD provides significant advantages for students compared to previous arrangements. Any changes to funding students with disability should focus on improving the NCCD, rather than replacing it. These changes should reflect the fact government funding does not meet the full cost of educating students with disability.

The NCCD Guidelines and the quality assurance processes should be designed to promote improved practices in schools and thus improved educational outcomes. The evidentiary requirements should not be so onerous as to take teachers away from their classrooms.