Australian Curriculum, Assessment and Reporting Authority

Reporting of Students with Disability Data on *My School*

Children and Young People with Disability Australia
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INTRODUCTION

Education remains one of the most significant concerns students with disability and families routinely contend with. A typical education experience for students with disability involves discrimination, inadequate funding and resources, insufficient expertise of staff, a systemic culture of low expectations, exclusion and bullying. There are increasing incidents of restraint and seclusion reported to Children and Young People with Disability Australia (CYDA), which are seen as a clear consequence of a system in crisis.

CYDA recognises the importance of having meaningful data which informs the community of education experiences of students with disability. However, CYDA has significant concerns about the proposal being considered by the Australian Curriculum, Assessment and Reporting Authority (ACARA) in its present form.

The proposal to provide data on the number of students with disability, level of reported adjustment and 'disability type' of students in each school alone is viewed as extremely problematic. Further, CYDA has considerable concerns regarding the quality and process of the *Nationally Consistent Collection of Data on School Students with Disability* (NCCD) in its current form as discussed further in this submission.

The proposed data provision in isolation would not provide information regarding the quality of education provision for students with disability or anything meaningful to the broader community. Further, CYDA is of the view that this initiative, as proposed, could potentially entrench the common barriers students with disability face in accessing education.

CYDA strongly supports the strengthening of the collection and use of data in relation to educational experiences of students with disability however this must be meaningful. This submission includes discussion of an 'inclusion index' as a mechanism to improve information available about schools in relation to students with disability and improve transparency and accountability for learning outcomes of this cohort.

CHILDREN AND YOUNG PEOPLE WITH DISABILITY AUSTRALIA

CYDA is the national representative organisation for children and young people with disability, aged 0 to 25 years. The organisation is primarily funded through the Department of Social Services and is a not for profit organisation. CYDA has a national membership of 5500.

CYDA provides a link between the direct experiences of children and young people with disability to federal government and other key stakeholders. This link is essential for the creation of a true appreciation of the experiences and challenges faced by children and young people with disability.

CYDA's vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

CYDA's purpose is to advocate systemically at the national level for the rights and interests of all children and young people with disability living in Australia and it undertakes the following to achieve its purpose:

- **Listen and respond** to the voices and experiences of children and young people with disability;

- **Advocate** for children and young people with disability for equal opportunities, participation and inclusion in the Australian community;
- **Educate** national public policy makers and the broader community about the experiences of children and young people with disability;
- **Inform** children and young people with disability, their families and care givers about their citizenship rights and entitlements; and
- **Celebrate** the successes and achievements of children and young people with disability.

EDUCATION AND STUDENTS WITH DISABILITY

The education experiences of children and young people with disability are overwhelmingly poor. Below is a brief summary of key issues confronting students with disability within the present education system in Australia.

The profound disadvantage confronting children and young people with disability in education has been highlighted in numerous national, state and territory inquiries. The final report of the recent Senate Inquiry into *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* stated that:

> *Throughout the course of this inquiry, the committee received overwhelming evidence regarding the many barriers faced by students with disability and their families. Access to education is a basic human right, but for many students with disability in Australia, it is a right which they are prevented from accessing.[1]*

The depth and breadth of poor education experiences reported to CYDA is immense. It is critical to recognise that the difficulty in obtaining adequate funding to support students with disability plays a major role in these poor experiences. Further, within the present education system is a systemic culture of low expectations in relation to students with disability, with it being common for students with disability to not be afforded the status of a learner.

Students with disability frequently experience discrimination, including denial of enrolment, imposed part time attendance and exclusion. Further, schools often lack the required expertise in developing educational programs for students with disability. Limited monitoring and accountability for the learning outcomes of students with disability is also a significant issue. Finally, experiences of bullying and abuse, including restraint and seclusion, are now shamefully common for students with disability in education settings. It is the experience of CYDA that it is rare for students with disability to be provided with a truly inclusive education experience.

Available statistics regarding educational attainment and post school outcomes reflect the poor education experiences of students with disability.

- 7.7% of all children and young people aged 0–24 years in Australia have an identified disability;[2]

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[1] Senate Standing Committee on Education and Employment 2016, *Access to Real Learning: the Impact of Policy, Funding and Culture on Students with Disability*, Commonwealth of Australia, Canberra, p. 3.
[2] Australian Bureau of Statistics 2016, 'Table 1.1 Persons with Disability, by Age and Sex–2003, 2009, 2012 and 2015, Estimate,' *Disability, Ageing and Carers, Australia: First Results, 2015,* Commonwealth of Australia, Canberra.

- 30% of people with disability do not go beyond Year 10, compared to 20% of people without disability;[3]
- 36% of people aged 15–64 years with disability have completed year 12 compared to 60% of people without disability;[4]
- 15% of people aged 15–64 with disability have completed a bachelor degree or higher compared to 26% of people without disability;[5]
- 38% of young people aged 15–24 years with disability either work, study, or do a combination of both on a full time basis compared to 56% of young people without disability;[6]
- 42% of young people with disability neither work nor study (there is no comparative data available for young people without disability);[7]
- 20% of young people with disability either work or study on a part time basis (there is no comparative data available for young people without disability); [8]
- The labour force participation rate for people with disability is 53.4% compared with 83.2% for people without disability;[9] and
- 45% of people with disability in Australia live in or near poverty.[10]

Below are examples of the direct education experiences frequently reported to CYDA.

At the special school I attend, I'm treated like an idiot, like I can't do what other kids can do. Their expectations of me are very low. They don't treat me like an individual – Student, 15 years.

(At school) they would get us to watch DVD's for sport and other lessons, which were for little kids not a 16 year old. At lunch and recess every day I was in the library on computers. I want to be treated like other students – Student, 16 years.

We have tried removing (my son) from the special school as he is very unhappy but none of our local primary schools will accept him - Parent

Staff are ill equipped to provide the right support and are knocking back training and new strategies to help my son. As a result he accesses less than 10% of the curriculum, the school has become a baby sitting service. My son is missing out and falling further behind – Parent.

My child was excluded from the drama group, the choir, sport, and a talent quest just in case he embarrassed the school – Parent.

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[3] Australian Bureau of Statistics 2013, 'Table 7 PERSONS AGED 15 YEARS AND OVER, LIVING IN HOUSEHOLDS, Disability status, by selected social characteristics–2012,' *Disability, Ageing and Carers, Australia: Summary of Findings, 2012*, Commonwealth of Australia, Canberra.

[4] Ibid.

[5] Australian Bureau of Statistics 2012, 'Disability - Education and Employment,' *Disability, Ageing and Carers, Australia: Summary of Findings,* Commonwealth of Australia, Canberra.

[6] Australian Bureau of Statistics 2012, *Australian Social Trends,* Commonwealth of Australia, Canberra.

[7] Ibid.

[8] Ibid.

[9] Australian Bureau of Statistics 2016, 'Key Findings,' *Disability, Ageing and Carers, Australia: First Results, 2015*, Commonwealth of Australia, Canberra.

[10] PricewaterhouseCoopers 2012, *Disability Expectations: Investing in a Better Life, a Stronger Australia,* Australia.

The bullying has been disgusting - physical and mental. The Principal stated that the 'zero tolerance' policy for bullying was only for 'normal kids' and that 'weird kids' had to expect to be bullied. My son has experienced bullying from the minute he began school and he has missed a lot of school because of it – Parent.

Our son has been restrained in a chair that is bolted to a large piece of timber continuously throughout his day. He is only removed when taken to the toilet, where once again he is strapped to the toilet, or for outside play. While he is in class he is restrained at all times – Parent.

FEEDBACK ON THE PROPOSAL

CYDA would like to note that no Easy English information or questionnaire was available for this consultation. This limits the accessibility of the consultation process, potentially precluding participation of some students and families.

Inclusion of Available Data on Students with Disability on *My School*
This initiative proposes to include data from the NCCD on the *My School* website. The NCCD is collected annually and records individual adjustments being provided to students with disability and the broad 'disability type' of students. ACARA has stated that the aim of including this data on *My School* is to increase "transparency and accountability for the performance of schools."[11] CYDA has also been informed that the data is intended to assist school choice for students and families.

However, it is unclear to CYDA how the inclusion of this quantitative information on the *My School* site can meet the aims of the initiative described above. Critically, providing information on the number of students identified by the school as experiencing disability, level of adjustment reportedly provided and disability 'category' in isolation **does not** inform whether a school is inclusive of students with disability or whether the school adequately meets the needs of students with disability.

It cannot be assumed that a school with a higher level of enrolment of students with disability is inclusive or is adequately meeting the needs of this cohort. Quality education provision for students with disability involves a complex range of factors, including: adequate funding; a culture that values and welcomes students with disability; appropriate expertise in meeting the learning needs of diverse students; and access to teacher training and professional development. Given the highly patchy, variable and frequently poor provision of education for students with disability, CYDA believes information about number of students with disability and levels of adjustment alone would be misleading and has no meaningful role in informing the community about a school.

There is also a risk that inclusion of this information may entrench, rather than address, existing barriers for students with disability. Common attitudes exist within the Australian community that position children and young people with disability as incapable of learning, inferior and a burden. Further, while research supports inclusive education as best practice for students both with and without disability, this is rarely recognised. CYDA is therefore concerned that inclusion of data around prevalence of disability on *My School* may lead some to make negative judgements and assumptions about the impact of having students with disability within a particular school.

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[11] Australian Curriculum, Assessment and Reporting Authority 2016, *Students with Disability Consultation Pack,* Sydney.

Option three for presenting the NCCD data includes graphs showing the 'disability category' of students. This is seen as particularly problematic, as it reflects the 'medical model' of disability, which positions disability as an illness or something to be fixed. Recent decades have seen a shift driven by people with disability to a rights-based and social model of disability. The social model sees disability as not in bodies but in society and aims to ensure society is inclusive of people with disability. Inclusion of 'disability category' does not take into account the functional impact of disability, which is known to be different for each individual irrespective of whether a specific diagnosis or label is used. CYDA is therefore concerned that inclusion of disability type of students does not reflect a rights-based, and social understanding of disability.

CYDA therefore believes that the proposal in its current form will be of limited use to students and families, as it will provide only decontextualised quantitative information.

Quality of Information Provided Through the *Nationally Consistent Collection of Data on School Students with Disability*

CYDA has further concerns with the proposal, which relate to the NCCD data. The *Review of Funding for Schooling* (the Gonski Review) found that the lack of consistent and quality of data about students with disability across education systems was a significant barrier to calculating the rate of the funding loading for students with disability. The Council of Australian Governments Education Council agreed to undertake the NCCD over three years to inform the development of the disability loading. While this focus on improving data collected regarding students with disability is welcomed, CYDA has significant concerns about the process and quality of the data collected.

Following two trials in 2011 and 2012, the data collection commenced in October 2013, in 30% of Australian schools. In 2014 a further 30% of schools participated and in 2015, 100% of schools recorded the data. The data is now collected annually by all schools. The data collection model requires school staff to report what individual adjustments are presently being provided to students with disability.[12]

An evaluation report of the 2012 trial was prepared by PricewaterhouseCoopers.[13] Overall the report stated that the model was robust enough to proceed to full implementation, however some major risks and challenges were identified that needed to be addressed. It was noted that there were significant gaps in awareness of disability and adjustment throughout all school systems so targeted training and preparation for the data collection was required. Two particular problems identified were a) the data collection model ostensibly relies on teachers to make assessments regarding the level and types of adjustments students may require despite widespread acknowledgement of the limited expertise held and training available; and b) the model attempts to collect data about individual adjustments in special schools where the whole setting is itself adjusted.

A 2014 evaluation of the NCCD, also by PricewaterhouseCoopers, found that:

- Adjustments of typical teaching practices that accommodate variability in the needs of all students were not included in assessments of level of adjustment required;
- Time invested by volunteers and parents or carers to support students with disability was not included in assessments of levels of adjustment; and

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[12] Council of Australian Governments Education Council 2016, 'The Data Collection Model,' *Nationally Consistent Collection of Data on School Students with Disability,* viewed 31 May 2016, http://goo.gl/4d35Cm.
[13] PricewaterhouseCoopers 2013, *2012 Trial of the Nationally Consistent Collection of Data on School Students with Disability*, Australia.

- There are inconsistences with identifying students with disability due to short time frames, difficulty obtaining consent and schools misunderstanding guidance materials.[14]

It is CYDA's view that these issues are still unresolved areas of concern in the current data collection process. Further issues raised by CYDA in relation to the NCCD include:

- Documentation regarding the NCCD indicates that the data collection is measuring the present level of adjustment provision not the actual level of need;
- Presently there is limited capacity for families or allied health professionals with extensive knowledge of the student to directly input into the NCCD process; and
- It is unclear what the strategy will be regarding the use or analysis of the data, how it will guide the design and implementation of the funding loading for students with disability and what specific outcomes it will achieve in education systems. This indicates concerns regarding the validity of the data.

In October 2014, the Education Council announced that the data collected through the NCCD to date "is not yet of sufficient quality to provide the information required to inform funding arrangements for students with a disability."[15] Information provided in a Senate Estimates hearing in February 2016 stated that the data is currently being examined by an independent review and will be considered by the Education Council at their next meeting in June 2016.[16] This meeting has subsequently been rescheduled to occur after the Federal Election on 2 July 2016. It has been reported that the data has not been publically released as yet due to concerns that it is not sufficiently robust to inform funding levels for students with disability and is being again examined by PricewaterhouseCoopers.

Media reporting has indicated that one in five students were identified as having a disability through the NCCD.[17] This figure is significantly higher than the reported prevalence of disability among children and young people aged 0 to 24 through the Australian Bureau of Statistics, which is 7.7%.[18] This discrepancy has been attributed to the fact that the NCCD uses the broader definition of disability used in the *Disability Discrimination Act 1992.* For example, the NCCD data was reported to have included students with allergies.[19] This raises significant questions regarding the reliability of the NCCD data in its present form.

Students and families have also overwhelmingly reported to CYDA that they have limited knowledge of the NCCD and that consultation by schools with students and families about the information provided is minimal. This was reflected in CYDA's recent national survey regarding the educational experiences of students with disability. This survey had 1396 students and families nationally respond. Key findings in relation to the NCCD included:

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[14] PricewaterhouseCoopers 2014, *2014 Survey on the Additional Resourcing Provided for Levels of Adjustment for Students with Disability,* Australia.

[15] Council of Australian Governments Education Council 2014, *Communique – 31/10/14,* Commonwealth of Australia, Canberra, viewed 1 June 2016, http://goo.gl/67ckSc.

[16] Education and Employment Legislation Committee 2016, 'Estimates, Wednesday 10 February 2016,' *Official Committee Hansard,* Commonwealth of Australia, Canberra, viewed 22 June 2016, http://goo.gl/tihdup, pp. 178-181.

[17] N Bita 2016, 'One in Five Students has a Disability: Confidential Data,' *The Australian,* viewed 22 June 2016, http://goo.gl/OTNF8H.

[18] Australian Bureau of Statistics 2016, *Table 1.1 Persons with Disability, by Age and Sex–2003, 2009, 2012 and 2015, Estimate.*

[19] Bita 2016, *One in Five Students has a Disability: Confidential Data*.

- 77% of respondents had not heard of the NCCD;
- 17% of respondents believed that the student had been included in the NCCD to date; and
- Of those who had been included in the NCCD, 64% of respondents were not consulted about what data would be included.

Given that data was collected in 100% of schools in 2015, this suggests that consultation and information provided to students and families has been limited. Further, as the NCCD involves an 'opt out' consent process, students and families appear to be frequently unaware that their personal information has been recorded. To then make this data available on the *My School* website raises further concerns regarding consent and privacy.

In cases where there are smaller numbers of students with disability in a particular school, information about level of adjustment provided could also potentially impact student's privacy. While the data is de-identified, in certain circumstances it would be possible to identify information about a particular student based on the level of adjustments and 'disability category' recorded.

While the NCCD has been a valuable initiative, it is critical that the process is refined to ensure a targeted, reliable and valid data collection process through their mechanisms. Further, it is critical to recognise the limitations of information about prevalence of disability and adjustments made in isolation.

WHAT DATA IS NEEDED?

CYDA supports the inclusion of information on *My School* that measures the quality of education provision for students with disability. In particular, CYDA would like to highlight considerations for developing an 'inclusion index.'

Research evidence overwhelmingly supports inclusive education as best practice in education provision, in both improving education outcomes and supporting the diverse needs of all students. Inclusive education is defined as "recognising the right of every child (without exception) to be included and adapting the environment and teaching approaches in order to ensure the valued participation of all children." [20] It entails full participation and full membership of all students and families within a school community and ensures all students, including students with disability, are valued as contributors and learners. All children have the right to an inclusive education.[21]

However, inclusive education is a highly contested concept and is often misunderstood. Too often a student's physical presence in an education setting is mistakenly perceived to indicate the student's participation and inclusion. In other cases, the term 'inclusion' is manipulated to suit the existing practice of education providers.[22] Further information about inclusive education can be found in CYDA's 2012 issues paper, *Inclusion in Education: Towards Equality for Students with Disability.*[23]

In order to ensure all Australian students to be afforded their right to access inclusive education, consideration needs to be given to how inclusion can be operationalised and measured. There are

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[20] Children with Disability Australia 2013, *Inclusion in education: Towards equality for students with disability,* Melbourne, p. 3.
[21] United Nations General Assembly 1989, *Convention on the Rights of the Child*; United Nations General Assembly 2006, *Convention on the Rights of Persons with Disability*.
[22] T Loreman et al. 2014, 'Conceptualising and Measuring Inclusive Education,' in C Forlin, T Loreman (eds.), *Measuring Inclusive Education,* Emerald Group Publishing Limited, United Kingdom, p. 5.
[23] Available at http://www.cda.org.au/cda-issue-papers.

some inherent challenges in measuring inclusion, particularly given that school culture and attitudes towards diversity are critical components of inclusive practice. Inclusive culture and attitudes are less tangible and cannot simply be retrofitted into an education setting. Rather, developing an inclusive culture is a process that must be guided by school leadership and reflected in school policies, teaching methods and attitudes of staff.

Research regarding the operationalisation and measurement of inclusive education has often focused on developing an 'inclusion index.' An inclusion index defines key features and characteristics of inclusive education settings and in some cases provides practical steps for schools and other education settings to foster an inclusive culture and develop inclusive practice.[24]

Some of the key characteristics of inclusive practice defined in research that CYDA believes would be of significant value in informing students, families and the community about schools include:

- Access – for example whether or not all students are able to attend their local school, incidence of denied enrolment to a school or rates of part time attendance of students with disability;
- Opportunities for participation in learning – for example access to a meaningful curriculum that meets the individual learning needs of students;
- Culture and attitudes – examples include availability of school policies that explicitly acknowledge diversity as a welcome part of school values or completion of professional development for staff regarding inclusive education;
- Belonging and connection – refers to the sense of feeling welcomed, valued and like you belong to a school community. This includes having friends, trusted adults and safe spaces for all students and families;
- Adapting educational programs – including availability of expertise to make adjustments to ensure the diverse learning needs of students are accommodated or the development and monitoring of Individual Education Plans; and
- Effective family-school partnerships.[25]

Australia currently has no mechanisms to measure inclusion in education settings. It is critical that an 'inclusion index' or similar measure is mandated and utilised consistently at all levels of the Australian education system. This will ensure transparency and provide students and families with useful information in selecting schools. A measure of inclusion should therefore be incorporated on the *My School* website.

CONCLUSION

Given the significant concerns outlined in this submission, CYDA is unable to support the inclusion of the NCCD data on the *My School* website as currently proposed. The options presented will not provide useful or meaningful information to improve transparency and accountability of schools and assist school choice. Further, the focus on 'disability categories' and decontextualised data around prevalence of disability and adjustments provided is likely to entrench barriers typically faced by students with disability in accessing a quality education.

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[24] T Booth, M Ainscow 2002, *Index for Inclusion: Developing Learning and Participation in Schools,* Centre for Studies on Inclusive Education, United Kingdom; T Loreman et al. 2014, 'Conceptualising and Measuring Inclusive Education,' in *Measuring Inclusive Education.*
[25] Loreman et al. 2014, *Conceptualising and Measuring Inclusive Education,* Booth et al. 2002, *Index for Inclusion: Developing Learning and Participation in Schools.*

Access to meaningful and reliable data and information around the quality of education provision for students with disability is important. CYDA supports consideration of mechanisms to measure inclusive education in schools as a means to address the concerns raised around the present proposal.

RECOMMENDATIONS

Recommendation 1: Data obtained through the NCCD regarding number of students with disability, individual adjustments made and disability type of students **is not** incorporated on the *My School* website.

Recommendation 2: Consideration of the use of an inclusion index in relation to disability for each school on the *My School* website.
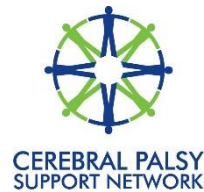
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This submission is endorsed by the following organisations:

| Autistic Family Collective | Cerebral Palsy Support Network | Deafness Forum of Australia |

| Family Advocacy | First Peoples Disability Network | Fragile X Association of Australia |

| Grandparents Australia | I Can Network | New South Wales Coucil for Intellectual Disability |

| People with Disability Australia | School Inclusion Parent Network | United Voices for People with Disabilities |

Youth Disability Advocacy Network