

# **Productivity Commission**

## **Issues Paper National Education Evidence Base**

**Children and Young People with Disability Australia  
Submission - June 2016**

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## INTRODUCTION

Children and Young People with Disability Australia (CYDA) is inundated by concerns students and families have regarding education. 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 CYDA, which are seen as a clear consequence of a system in crisis.

CYDA welcomes the current Inquiry, which focuses on improving and refining data collection on early childhood and school education to strengthen the evidence base and improve educational outcomes. The direct experience of students with disability and the policy experience of CYDA demonstrates that there is a great need to improve the collection and use of data at a range of levels within our current education system, namely at the individual; school; system; and jurisdictional levels. Additionally, there is a need to examine how research data is used to inform policy and practice in the education system. Currently, it is difficult to define and measure educational outcomes and barriers relevant to students with disability because of the paucity of data available. Meaningful reform and best practice is dependent on reliable practice and research data.

Lack of data about educational access, participation and outcomes of students with disability has been an ongoing concern of CYDA. This is evidenced in the numerous submissions CYDA has contributed to the many inquiries which have been conducted regarding education and students with disability. Concerns about a lack of data have also been highlighted by the United Nations Children's Fund (UNICEF), who argued that a "society cannot be equitable unless all children are included, and children with disabilities cannot be included unless sound data collection and analysis render them visible."<sup>1</sup>

CYDA welcomes the opportunity to contribute to this Inquiry. This should include an explicit focus on the needs of students with disability who are too often denied a quality education within the present system.

## 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:

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<sup>1</sup> United Nations Children's Fund 2013, *State of the World's Children 2013: Children with Disabilities*, United Nations, New York, p. 63.

- **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.<sup>2</sup>*

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,<sup>3</sup>

<sup>2</sup> Senate Standing Committees 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.

<sup>3</sup> 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.

- Children aged 0–12 years with disability have a lower representation in childcare services (3%) than their representation in the community (6.7%);<sup>4</sup>
- 30% of people with disability do not go beyond Year 10, compared to 20% of people without disability;<sup>5</sup>
- 36% of people aged 15–64 years with disability had completed year 12 compared to 60% of people without disability;<sup>6</sup>
- 15% of people aged 15–64 with disability had completed a bachelor degree or higher compared to 26% of people without disability;<sup>7</sup>
- 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;<sup>8</sup>
- 42% of young people with disability neither work nor study (there is no comparative data available for young people without disability);<sup>9</sup>
- 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);<sup>10</sup>
- The labour force participation rate for people with disability is 53.4% compared with 83.2% for people without disability;<sup>11</sup> and
- 45% of people with disability in Australia live in or near poverty.<sup>12</sup>

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.*

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<sup>4</sup> Productivity Commission 2015, *Report on Government Services*, Commonwealth of Australia, Canberra, p. 3.24.

<sup>5</sup> 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.

<sup>6</sup> Ibid.

<sup>7</sup> Australian Bureau of Statistics 2012, 'Disability - Education and Employment,' *Disability, Ageing and Carers, Australia: Summary of Findings*, Commonwealth of Australia, Canberra.

<sup>8</sup> Australian Bureau of Statistics 2012, *Australian Social Trends*, Commonwealth of Australia, Canberra.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Australian Bureau of Statistics 2016, 'Key Findings,' *Disability, Ageing and Carers, Australia: First Results, 2015*, Commonwealth of Australia, Canberra.

<sup>12</sup> PricewaterhouseCoopers 2012, *Disability Expectations: Investing in a Better Life, a Stronger Australia*, Australia.

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

*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.*

## **WHY WE NEED BETTER DATA**

It is clear the present education system is failing to adequately meet the needs of students with disability. Correspondingly, in many areas of early childhood and school education provision there is a lack of national, robust data and information. Data is of critical importance to defining and measuring educational access and outcomes for students with disability. Adequate data would progress a more detailed understanding of the educational experiences of students with disability and areas where reform is required.

The important role of data in informing policy and service delivery is well established in research and grey literature. UNICEF has repeatedly highlighted this in undertaking international data collection around the experiences of children. It argues that data makes “change possible – by identifying needs, supporting advocacy, and gauging progress.”<sup>13</sup> However, it also found that presently a “lack of evidence hinders good policy making and service delivery” for children with disability.<sup>14</sup>

## **WHAT WE HAVE**

### **Current Measures of Students' Academic Performance**

It is important to recognise that many existing data sets around educational achievement and attainment in Australia generally exclude students with disability. The Australian Early Development Census does not provide information about “children with special needs” in its domain table results.<sup>15</sup> The National Assessment Program – Literacy and Numeracy (NAPLAN) allows exemptions for students with “significant disability.”<sup>16</sup> CYDA frequently hears of students with disability being excluded from NAPLAN testing, often at the request of schools or because no additional support was provided to allow students to participate. Further, the Australian Tertiary Admission Rank does not capture the outcomes of students who finish school before Year 12 or who undertake an alternative learning and assessment pathway.

International assessments, such as the Programme for International Student Assessment of the Organisation for Economic Cooperation and Development,<sup>17</sup> also exempt students with disability.<sup>17</sup>

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<sup>13</sup> United Nations Children's Fund 2014, *The State of the World's Children in 2014, Every Child Counts: Revealing Disparities, Advancing Children's Rights*, United Nations, New York, p. 1.

<sup>14</sup> United Nations Children's Fund 2013, *State of the World's Children 2013: Children with Disabilities*, p. 9.

<sup>15</sup> Department of Parliamentary Services 2013, *Measures of Student Achievement: A Quick Guide*, Parliament of Australia, Canberra, p. 2.

<sup>16</sup> Ibid, p. 3.

<sup>17</sup> Organisation for Economic Development and Cooperation 2016, *PISA FAQ*, viewed 31 May 2016, <https://goo.gl/3t6xDR>.

These data sets commonly used therefore fail to adequately measure and capture the educational outcomes of students with disability.

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

The NCCD is a recent initiative undertaken to address the lack of data about students with disability in Australian schools. This initiative is welcomed, however CYDA has significant concerns about the process and quality of the data collected.

The *Review of Funding for Schooling* (the Gonski Review) found that the lack of consistency 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.

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.<sup>18</sup>

The evaluation report of the 2012 trial that was prepared by PricewaterhouseCoopers.<sup>19</sup> 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 through detailed 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.

It is CYDA's view that these issues are still unresolved areas of concern in the current data collection process.

A 2014 evaluation of the NCCD, also by PricewaterhouseCoopers also 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 required; and
- There are inconsistencies with identifying students with disability due to short time frames, difficulty obtaining consent and schools misunderstanding guidance materials.<sup>20</sup>

Issues of concern raised by CYDA in relation to the NCCD include:

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<sup>18</sup> 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>.

<sup>19</sup> PricewaterhouseCoopers 2013, *2012 Trial of the Nationally Consistent Collection of Data on School Students with Disability*, Australia.

<sup>20</sup> PricewaterhouseCoopers 2014, *2014 Survey on the Additional Resourcing Provided for Levels of Adjustment for Students with Disability*, Australia.

- 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.

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.”<sup>21</sup> 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.

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.

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. Because the NCCD focused on individual level adjustments it was unable to provide information about system level adjustments required and provide accurate information about levels of unmet need. This will therefore need to be addressed.

#### **Additional Data About Students with Disability**

Presently, each jurisdiction and education system collects different data about students with disability. There is significant variation the type of data collected, whether it disaggregates for disability and in how disability is defined. It is therefore unclear as to what data is and isn't collected, particularly as it is often not publically available.

**Recommendation 1:** Undertake an audit of what data collection occurs regarding students with disability in all jurisdictions to establish what information is available and to inform a gap analysis. This audit should be publically available.

### **SCOPE, OBJECTIVES AND FRAMEWORK**

**Should the scope of the evidence base include data on children younger than four years old (or prior to the year before compulsory schooling begins)? If so, why, and should it cover all children, or only those attending early childhood education and care programs outside the home?**

CYDA supports the inclusion of children under four in the scope of the Inquiry. Participation in quality early childhood education and care programs has been increasingly recognised in international research and policy as critical to child wellbeing and learning outcomes<sup>22</sup> and therefore warrants inclusion within the scope of the education evidence base.

As previously stated, children with disability aged 0–12 have a lower representation in early childhood education programs (3%) than their representation in the community, as reported by the

<sup>21</sup> Council of Australian Governments Education Council 2014, *Communique – 31/10/14*, Commonwealth of Australia, Canberra, viewed 1 June 2016, <http://goo.gl/67ckSc>.

<sup>22</sup> Organisation for Economic Cooperation and Development 2015, *Starting strong: Monitoring quality in early childhood education and care*, OECD Publishing, Paris, p. 18.

Productivity Commission.<sup>23</sup> Given the importance of this period of education and development, it is important to understand why children with disability are underrepresented. CYDA therefore supports the inclusion of children under four who do not attend early childhood education programs.

**Recommendation 2:** Inclusion of children under four, including children not currently enrolled in early childhood education and care programs, in the scope of the Productivity Commission Inquiry into the *National Education Evidence Base*.

**Should the evidence base include data on young people who have left school before completing Year 12, or who do not attend school for other reasons (for example, home schooled children)?**

CYDA also supports including young people who have left school prior to completing year 12 and young people who do not attend school in the national education evidence base.

It is frequently reported to CYDA that students with disability are home schooled due to sustained failures of the school system. However, there is presently no national data on the representation and prevalence of students with disability in this cohort and their educational outcomes. It is imperative that accurate information is obtained regarding rates of home schooling and reasons these options have been taken up by students and families to ensure barriers to affording children with disability their right to an education are addressed.

CYDA also supports the inclusion of young people who have left school before completing Year 12. Reasons why young people have left school early and the impacts for post school outcomes will provide valuable information around meeting the educational needs of this cohort.

**Recommendation 3:** Inclusion of young people who have left school before completing Year 12 and students who do not attend school (including children who are home schooled), in the scope of the Productivity Commission Inquiry into the *National Education Evidence Base*.

**Do you agree that the objective of a national education evidence base should be to improve education outcomes? Are there other objectives that should be included?**

CYDA supports the overarching objectives and framework regarding the education evidence base contained in the Issues Paper, in particular the emphasis on “monitoring...education outcomes and informing policy development and evaluation.”<sup>24</sup>

All students, including students with disability, should have a safe and positive school experience. Currently, there is limited data available pertaining the impact of education experiences. CYDA believes it is also critical to collect national data on school experiences specifically in relation to students with disability. Examples include experiences of bullying, restraint and seclusion.

**What education outcomes do you see as relevant?**

It is important to consider how a diverse range of learning styles can be accommodated and measured. It is therefore critical to consider how we can, at the national level, measure and track diverse learning styles, pathways and outcomes. This should include a focus on both traditional academic domains and other areas of learning.

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<sup>23</sup> Productivity Commission 2015, *Report on Government Services*, p. 3.24.

<sup>24</sup> Productivity Commission 2016, *Issues Paper: National Education Evidence Base*, Commonwealth of Australia, Canberra, p. 4.

### **Determinants of education outcomes**

CYDA has some concerns regarding the definition and distinctions between ‘internal’ and ‘external’ determinants of educational outcomes.<sup>25</sup> While schools cannot control ‘external determinants,’ how schools respond to the needs and circumstances of students, including disability, socioeconomic status, cultural background or remoteness, will have a significant impact on education provision and outcomes. However, the Issues Paper appears to imply that that ‘external determinants,’ including disability, will inevitably contribute to poorer outcomes.

For example, on page nine the Issues Paper states that “a key challenge is isolating the impact of specific within-system determinants (such as policy and program design) on a given education outcome, separately from the impact of external determinants.” However, this should not mean simply equating disability with incapacity for learning and poor educational outcomes. Effective education policy must challenge these entrenched attitudes and embed that ALL students learn.

**Recommendation 4:** Further clarification regarding ‘internal’ and ‘external’ determinants of education outcomes in the Draft Report of the Inquiry into the *National Education Evidence Base* that considers the impact of social barriers for students with disability.

### **WHAT DATA DO WE NEED?**

Currently, national data collected about education of students with disability is inadequate. Below is a list of different areas of education provision for students with disability for which there is no national, and in many cases no state or territory, data collected. In some cases, data is collected but does not disaggregate according to disability.

#### **Education experiences and outcomes**

It is believed that data pertaining to education experiences regarding students with disability should be collected on:

- Part-time attendance;
- Suspension and expulsion;
- Frequency of requests to families/guardians to collect students from school early;
- Amount of time spent out of school as a result of part-time attendance, suspension, expulsion and school requested early dismissals;
- Denial of enrolment to school or early childhood education centres including reasons why;
- Enrolment in distance education and reasons why this option is utilised;
- Enrolment in e-Learning and reasons why this option is utilised;
- Enrolment in home schooling and reasons why this option is utilised;
- Number of different schools or early childhood education centres attended by each child or young person;
- Time and distance travelled to school, particularly on school buses, in mainstream and special school settings;
- Exclusion of students, including from the school curriculum, in-school and extracurricular activities;
- Bullying;
- Access to career counselling;
- Access to work experience;
- Formal complaints (internal and external) made about education experiences of students with disability;
- Students with an established Individual Education Plan;

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<sup>25</sup> Productivity Commission 2016, *Issues Paper: National Education Evidence Base*, p. 7.

Academic progress and outcomes of ALL students;  
Post school outcomes – immediately and in the first three years following school;  
Professional development undertaken by education providers;  
Accessibility audit of early childhood centres and schools;  
How specific disability funding is expended (for example if used for aids, equipment, behaviour support or individual support workers); and  
Use of restraint and seclusion.

**Recommendation 4:** National collection of the breadth of data on students with disability recommended by Children and Young People with Disability Australia on pages 10-11 of this submission.

## OTHER CONSIDERATIONS

### Measuring Inclusive Education

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 therefore a key concept that should inform Australia's education evidence base.

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.”<sup>26</sup> 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.<sup>27</sup>

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.<sup>28</sup>

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 some inherent challenges in measuring inclusion, particularly given that school culture and attitudes towards diversity are critical components of inclusive practice. However, 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

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<sup>26</sup> Children with Disability Australia 2013, *Inclusion in education: Towards equality for students with disability*, Melbourne, p. 3.

<sup>27</sup> 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*.

<sup>28</sup> 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.

and early childhood education and care centres to foster an inclusive culture and develop inclusive education practice.<sup>29</sup>

Some of the key characteristics of inclusion practice that warrant examination with regards to expanding Australia's education evidence base include:

- Access – for example whether or not all students are able to attend their local school;
- 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 developing school policies that explicitly acknowledge diversity as a welcome part of school values or professional development for all 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.

Australia currently has no mechanisms to measure inclusion in education settings. The NCCD, for example, collects data regarding the number of students with disability in Australian schools and the level of adjustments currently being provided for individual students. Further, presently the Australian Curriculum Assessment and Reporting Authority are consulting around including the NCCD data on the *My School* website, which will provide information about the number of students with disability enrolled in each school.<sup>30</sup> This mechanism does not capture the range of elements, including cultural components, encompassed in the concept and practice of inclusion.

Further, 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 be incorporated on the *MySchool* website.

**Recommendation 5:** The Productivity Commission Inquiry into the *National Education Evidence Base* include a focus on the data required to measure inclusive education in Australian schools and early childhood education centres.

### Data Sharing

There is also presently a need to better utilise and share existing data within the school system to support students with disability. Presently in many jurisdictions, students who access support in class are required to reapply to access similar supports in examinations or receive special consideration. For example, a student in Victoria reported having to reapply to use a laptop in exams to support writing, despite having access to one during class. Having to continually justify support for learning needs creates unnecessary requirements and stress for students and families. Consideration should therefore be given to how existing information about a student can be used to streamline learning supports accessed in school.

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<sup>29</sup> 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*.

<sup>30</sup> Australian Curriculum Assessment and Reporting Authority 2016, *Students with Disability Consultation Pack*, Sydney, viewed 2 June 2016, <https://goo.gl/OfLPv4>.

## **Privacy and Consent**

It is critical that students' and families' right to privacy is upheld in any data collection processes. Page 11 of the Issues Paper for example, discusses "health records or social services data" as information relevant to the education evidence base. There is a need to ensure the privacy of students and families is respected and to implement safeguards to prevent disclosure of personal information. This is particularly critical for students who have funded packages through the National Disability Insurance Scheme, who may access disability services and support in education settings.

It is also important to ensure families are adequately consulted and informed about any information recorded about their child. CYDA is in favour of active consent processes for any information collected about students. This involves schools and early childhood education centres to providing appropriate information about what data is being collected, how it's being used and the privacy protections. In this scenario, student's data is included only when written consent from families is received. This is compared to an 'opt out' process, which requires families to inform if they do not want their child to participate.

The 'opt out' model of consent has been used during the NCCD process. CYDA has been informed that many families of students with disability were not aware of the data collection, nor their child's involvement. This is despite the fact that the data was collected in 100% of schools in 2015, suggesting that inadequate information has been provided to families. CYDA regards this process as highly problematic.

**Recommendation 6:** Develop requirements to ensure that appropriate information around data collected about students is provided to families.

**Recommendation 7:** Develop requirements to ensure active consent from families is obtained before data is collected about students.

## **Student and Family Perspectives**

CYDA frequently encounters a significant discrepancy between student and family reports of education experiences and schools' self-evaluation of their practice. It is important to ensure that student and family perspectives are captured in data and in evaluation of education programs.

## **Research Agenda**

Improving the education evidence base would support a range of research regarding education outcomes. CYDA supports the commissioning of an audit of what research is presently available regarding education and students with disability to inform a gap analysis.

The following areas of research around education and students with disability would be of significant value:

- Evaluation of existing programs or initiatives;
- Bullying of students with disability, including an examination of how to ensure responses are effective; and
- Expanding the evidence base regarding the effectiveness of education supports used to meet the diverse learning needs of students.

**Recommendation 8:** Undertake an audit of research is presently available regarding education and students with disability, particularly in the Australian context, to inform a gap analysis. This audit should be publically available.

### **Grey Data**

A further consideration for this Inquiry is the breadth of 'grey data' collected by education providers and organisations about education. For example, CYDA undertakes an annual national survey of the education experiences of students with disability, the first of which was undertaken in 2015.<sup>31</sup> This survey had 1025 respondents nationally and provided a valuable snapshot of the education experiences of students with disability. Other examples include surveys collected by education unions, parent councils and other similar education peak bodies. Consideration should be given to how this information can be accessed and utilised in informing the education evidence base.

## **CONCLUSION**

Children and young people with disability experience shamefully poor experiences and outcomes in early childhood and school education. The significant gaps in available data and evidence forms a key barrier to developing evidence based policy reform to address these experiences. Adequate data is viewed as critical to the implementation of a meaningful reform strategy.

The present Inquiry provides a significant opportunity to assess the education data collected in Australia and identify and address the key gaps. CYDA therefore strongly recommends the Draft Report include a specific focus on the experiences and outcomes of students with disability.

CYDA would welcome the opportunity to further discuss any of the matters raised in this submission.

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<sup>31</sup> A summary of the survey results is available at <http://www.cda.org.au/cda-education-survey-results>.

## SUMMARY OF RECOMMENDATIONS

**Recommendation 1:** Undertake an audit of what data collection occurs regarding students with disability in all jurisdictions to establish what information is available and to inform a gap analysis. This audit should be publically available.

**Recommendation 2:** Inclusion of children under four, including children not currently enrolled in early childhood education and care programs, in the scope of the Productivity Commission Inquiry into the *National Education Evidence Base*.

**Recommendation 3:** Inclusion of young people who have left school before completing Year 12 and students who do not attend school (including children who are home schooled), in the scope of the Productivity Commission Inquiry into the *National Education Evidence Base*.

**Recommendation 4:** National collection of the breadth of data on students with disability recommended by Children and Young People with Disability Australia on pages 10-11 of this submission.

**Recommendation 5:** The Productivity Commission Inquiry into the *National Education Evidence Base* include a focus on the data required to measure inclusive education in Australian schools and early childhood education centres.

**Recommendation 6:** Develop requirements to ensure that appropriate information around data collected about students is provided to families.

**Recommendation 7:** Develop requirements to ensure active consent from families is obtained before data is collected about students.

**Recommendation 8:** Undertake an audit of research is presently available regarding education and students with disability, particularly in the Australian context, to inform a gap analysis. This audit should be publically available.

## **CONTACT**

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