



# **The Emerging Picture: The Education & NDIS Interface**

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## INTRODUCTION

The emerging National Disability Insurance Scheme (NDIS) is being developed through 2012 and 2013 in parallel with the Australian Government's education reform program. Both reform imperatives come at a time of significant change and are occurring in parallel to reforms in health and in aged care. All of these reforms impact on people with disability.

Such intensive, widespread and simultaneous service system reform is complex and is taking place in a state of dynamic flux that prevents firm conclusions being drawn. The paper describes the basic structure and intentions of the NDIS. It explores areas for collaboration, risks and potential roles for DEEWR and other education peak bodies.

A major milestone in the NDIS implementation was reached in November with the introduction of the NDIS legislation into the Australian Parliament. Subsequently, a long term NDIS funding agreement between the Australian and NSW Governments has been announced. There is now a national commitment and a framework in place for the NDIS that means that the work required to implement and integrate it with other mainstream programs is no longer conceptual – it is now an imperative.

The content of the second part of this paper is drawn from feedback from Children with Disability Australia (CDA) members, analysis of both the NDIS and education reform programs, discussions with officials within state and territory jurisdictions and the Australian government. As the NDIS launch sites develop between September 2012 and March 2013 there will be substantial changes to the landscape and the positions identified in this paper will have changed.

Within this context, this discussion paper seeks to identify emerging issues for the education reform process and to suggest strategic involvement in the NDIS where possible. There are real opportunities for collaboration and partnership between the two programs that far outweigh the traditional responses that concentrate on avoiding cross subsidisation of one program by the other.

This paper recognises that while both education and disability reform programs have similar intentions, they need to take separate paths while remaining cognisant of each other's work.

The interfaces with mainstream sectors are critical to the success of the NDIS, and the Productivity Commission noted the importance of meaningful community participation in these sectors by people with disability to the overall sustainability of the NDIS. The NDIS Bill also details this in its definition of the reasonable and necessary supports it will fund. It explicitly states that the NDIS will not fund a support if it is *more appropriately funded or provided through other general systems of service delivery or support services offered by a person, agency or body, or systems of service delivery or support services offered: (i) as part of a universal service obligation; or (ii) in accordance with reasonable adjustments required under a law dealing with discrimination on the basis of disability.*

While the legislation is appropriately definitive on this, the operation of the scheme and the practicalities of the interfaces with mainstream programs will be complex and dynamic. Clear protocols will be needed between portfolios and funding agencies, and effective coordination at the community level will be required in the early stages of the NDIS launch.

The particular interface between education and the NDIS involves much more than establishing instrumental cost allocations. It is imperative that there are clear processes regarding coordination, assessment, entry points and evaluation between these life areas. Traditionally education and disability services have been distinct policy and practice areas. The challenge now is to forge a shared pathway with the mutual goals of ensuring the specific needs and supports of children with disability are better identified and provided.

Importantly, this interface will not be a 'set and forget' policy arrangement, as each student with disability in Australian schools will have different needs, and not all of these students will be eligible

for the NDIS. Schools and education systems will be required to deliver a model of inclusive education fundamentally from its own resources to all students with disability. On a student by student basis schools will need to mediate influences and funded goals outside the school, as well as negotiating potential co-funding arrangements in designing and delivering individual education programs.

How schools and systems equip themselves for these dynamic influences will be an important determinant in the success of the interfaces with the NDIS.

For children with disability, coordination between early intervention, education, post school transition and specialist disability services is going to be a key reform goal involving the NDIS, education and health portfolios across the early life course.

With the NDIS launch sites currently being constructed jointly between the NDIS Launch Agency and the line agencies responsible for disability services, it is absolutely imperative that DEEWR maintain a leadership role to ensure that the policy objectives and practicalities of its own substantial education reform program are well integrated with the emerging NDIS.

## WHAT IS THE NDIS?

The NDIS is a social insurance scheme that will plan and fund disability services in Australia. It aims to revolutionise disability services by individualising service packages and enabling greater choice and control over services by people with disability and their families.

The Australian Government via the Council of Australian Governments (COAG) has set an ambitious timetable for the implementation of the NDIS, with launch sites scheduled to start in July 2013.

There has been much expectation for the NDIS to deliver a range of social as well as service reforms. While the provision of improved and expanded disability services will clearly enhance the participation of eligible people in their communities, these individuals however will still need to access a range of mainstream service programs.

The NDIS has come from long standing concerns about the poor state of disability support in Australia. In its landmark 2011 report into Disability Care and Support, the Productivity Commission said that Australia's disability system was *inequitable, underfunded fragmented and inefficient*<sup>1</sup>, and recommended a doubling of funding and the adoption of an insurance scheme to plan, fund and deliver disability services in Australia.

Insurance principles will underpin the NDIS in preference to the existing budget driven approach that has consistently failed to keep up with demand for specialist disability services.

With carers ageing and advances in medical science, demand for disability services is rising at 5–10% per year<sup>2</sup>. This means that demand is expected to double in the next 10–14 years. The current funding system therefore is unsustainable given that there is no specific government revenue stream to fund this increase.

<sup>1</sup> Productivity Commission, Disability Care and Support Inquiry Report, Canberra 2011, p5

<sup>2</sup> Disability Investment Group: The Way Forward, A new policy framework for Australia, Canberra 2008

## What will the NDIS fund?

As a long term care insurance scheme, the NDIS will fund a suite of disability support services. The Productivity Commission detailed these, and they are similar to the range of services offered currently through the National Disability Agreement and other long term care insurance schemes (such as compulsory third party and workers' compensation). The specialist disability service types to be funded by the NDIS are not defined specifically in the NDIS legislation, however are likely to be detailed in the regulations being developed for the legislative package and will include those service types listed by the Productivity Commission in its Disability Care and Support inquiry. These are:

- Aids and appliances
- Home modifications
- Vehicle modifications
- Personal care
- Community access
- Respite
- Specialist accommodation support
- Domestic assistance
- Transport assistance
- Orientation and mobility training
- Supported employment services and work transition programs
- Allied health therapies
- Local area coordination and development
- Guide and assistance dogs
- Whole of life personal planning<sup>3</sup>

The tailored packages of care that will be provided by the NDIS will consist of combinations of some or all of these services designed to meet assessed need for disability support. These packages will be distinct from, but ideally complement, the offerings of mainstream community programs such as education, health and aged care.

## NDIS Launch Sites

COAG has taken up the Productivity Commission recommendation to trial the design of the scheme in targeted sites around the country, so as to test and refine the key design and process elements.

Following the COAG meeting on the 25 July 2012 and subsequent negotiations between the Australian Government and the States and Territories, 5 launch sites for the NDIS have now been agreed. Starting on 1 July 2013 these will be:

- New South Wales (Hunter Region—10,000 people)
- South Australia (0–14 years cohort)
- Australian Capital Territory (5,000 people)
- Tasmania (15–25 years cohort)
- Victoria (Barwon—5,000 people)

Negotiations are continuing with Western Australia and Queensland<sup>4</sup>. Both these states are initiating state based individualised funding programs (My Way in Western Australia<sup>5</sup> and a trial of individual funding for 1300 families in Queensland<sup>6</sup>). On the 12th December the Queensland Premier announced a long term funding offer for the NDIS from 2018. Both the previously announced initiatives are primarily focused on consumer design and delivery of disability services. They do not

<sup>3</sup> Productivity Commission, Disability Care and Support Inquiry Report, Canberra 2011, p227-8

<sup>4</sup> <http://www.abc.net.au/news/2012-12-12/newman-gives-timeline-for-ndis-funding/4423878> accessed 13 December 2012

<sup>5</sup> [http://www.disability.wa.gov.au/disability\\_reform/my\\_way.html?s=523420796](http://www.disability.wa.gov.au/disability_reform/my_way.html?s=523420796)

<sup>6</sup> <http://www.abc.net.au/news/2012-09-04/queensland-going-it-alone-on-disability-insurance/4242078>

include any new interface arrangements with other program areas as they are a redefinition of the way disability services will be delivered in those states.

## Key interface issues identified in the Productivity Commission Report

The Productivity Commission made specific reference to the potential relationship between the NDIS and the education sector:

*“Partnerships are essential for achieving positive outcomes for students with a disability. These include partnerships between families, communities and schools that are effective in identifying and responding to the needs of individual students as well as inter-agency approaches through collaborative planning and delivery of services.”<sup>7</sup>*

It also devoted a chapter in their report to the role of the broader community and the NDIS (chapter 4) to highlight that while the NDIS is a funding scheme for disability services, it exists also to provide greater opportunity for people with disability to participate in their communities. This means being able to access the full range of mainstream services like any other citizen, but with support if required.

The Commission made particular reference to the fact that the NDIS needed to be integrated with mainstream agencies, and not sit apart. The NDIS has **not** been designed to take funding responsibility for any other program areas, however part of its planning and coordination function will be to engage closely with these mainstream services.

In the NDIS model these mainstream services that are accessed by people with disability fall into tier 2 of their 3-tier model.

### The 3 Tiers of the NDIS<sup>8</sup>

#### Tier 1

Social participation, minimising the impact of disability, insurance (target = Australian population) **22.5 million**

#### Tier 2

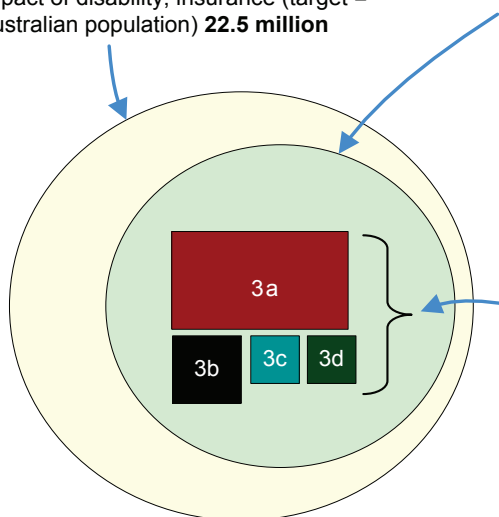
Information, referral, web services, and community engagement. Target = all people with disabilities (**4 million**) and their primary carers (**800 000**)

#### Tier 3

People receiving funding support from the NDIS  
Target = people aged 0 to the pension age with sufficient needs for disability support and early intervention

- (3a) People with intellectual, physical, sensory, or psychiatric disabilities who have significantly reduced functioning (330 000)
- (3b) Early intervention group (80 000)
- (3c) Others optimally supported (unknown, but modest)
- (3d) Funded support for some carers

**Total = around 410 000**



<sup>7</sup> Productivity Commission, Disability Care and Support Inquiry Report, Canberra 2011, p248

<sup>8</sup> Ibid. p160

Explaining the interaction with other service areas, the Productivity Commission report says:

*"...regardless of the scope and size of the NDIS, it will always be just one part of a broader suite of services that are potentially relevant for people with a disability. There will be... a need for mainstream services in such areas as health, housing, education, transport and employment."*<sup>9</sup>

They go on to say:

*"However, it is important to note that the NDIS cannot be a complete 'one-stop-shop' that facilitates the full range of government services that people with a disability are eligible for (for example, income support through Centrelink, the provision of public housing, education etc). While there are no perfect remedies for this, there are several ways of reducing other transaction costs by making information flow more effectively."*<sup>10</sup>

The report then lists some possible ways for the NDIS to facilitate this, including:

- Proving information portals to consumers
- Locating accountability for the client
- Clearly demarcating work (program) responsibilities
- Tailoring support
- Ensuring specialist service system knowledge

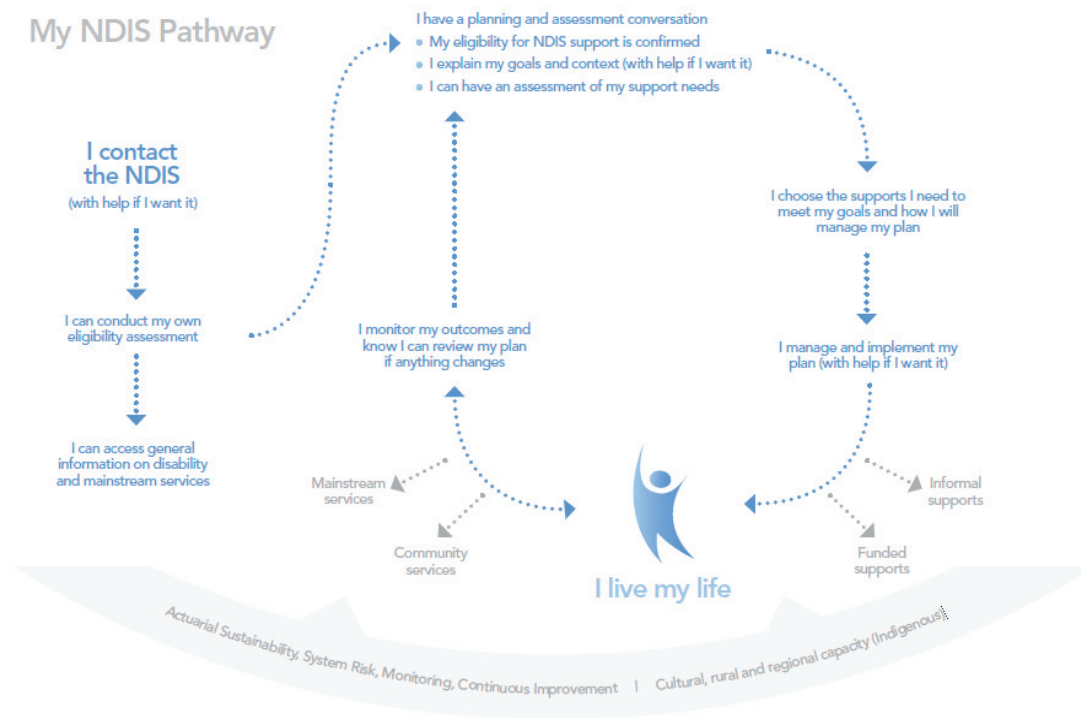
## **Disability Support Organisations and Local Area Coordinators**

A key part of the reform in the NDIS recommended by the Productivity Commission is the creation of an intermediary layer that sits between the scheme and the provider sector. In this layer was a new class of organisation called a disability support organisation and a function called a local area coordinator. The Productivity Commission did not precisely define these roles, and their place in the system is still being established, however, between them they will act as a de-facto planner, broker and adviser on an opt-in basis. It is clear however that these agencies will be closely involved with schools where their clients are enrolled. In some circumstances they will be referring families to local schools, or vice versa. In any case they will be visible identities in local communities that will be engaging with schools.

The NDIS Launch Transition Agency has refined the Productivity Commission model of how the NDIS pathway and is continuing to rework the model as the launch sites take shape. Figure 1 shows the latest iteration.

<sup>9</sup> Productivity Commission 2011 p163

<sup>10</sup> Ibid. p482

Figure 1. Indicative NDIS pathway<sup>11\*</sup>

## General functions of the intermediaries

### Disability support organisations

Assisting people with disability with provider selection, packaging of supports, self management of support and information, limited provider management and advocacy.

### Local area coordinators

Planning, liaison with people with disability and their families about their needs, referral to mainstream and community services, liaison with the NDIS.

The precise scope and operation of these intermediary organisations will be defined in the launch sites, however they promise to provide the practical interface between the NDIS and the wider community for people with disability and their families.

## FORMULATION OF INTERFACE ARRANGEMENTS

The interface arrangements between education and the NDIS are yet to be negotiated and there are a number of intergovernmental and other processes that need to be informed for these to occur, and to inform them. They include:

- NDIS Select Council
- The NDIS taskforce
- Ministerial standing councils
- NDIS launch sites
- The NDIS evaluation project

Work is underway continuing to design the NDIS, both through examination of the National Disability Insurance Scheme Bill 2012, and by the States and the ACT in the 5 launch sites. As the NDIS is being implemented over time, the precise shape and scope of the scheme will be informed by the experiences in the launch sites as well as other policy influence.

<sup>11</sup> NDIS Transition Launch Agency, Working diagram of the NDIS process September 2012. Sourced from the Agency.  
 \*Not to be reproduced without permission.



Given the fact that the NDIS has significant policy implications for education systems as well as for individuals, it is necessary to think of the interface arrangements as needing to be negotiated on three levels. These arrangements will be dynamic, as there will be numerous combinations of eligibility for one, both or neither program to provide individual supports. In every case though the education systems will need to be actively engaged as they are obliged to provide educational services to these young people.

These three levels are:

- System level:** Protocols between education systems and the NDIS transition agency (and ultimately the National Disability Insurance Agency) and State/Territory Governments
- School level:** Working knowledge of the broad funding parameters within education and the NDIS and funding negotiations with disability support organisations allied health practitioners, local area coordinators and the NDIA. On occasion, schools may be parties in NDIS dispute resolution processes in cases that involve shared or unresolved funding responsibilities.
- Student level:** Collaboration between the student, family, local area coordinator, school and other providers in the development and delivery of school based programs (via the individual education plan) with multiple funding sources. Reviews and dispute resolution.

While the shape of these interfaces will be determined over time in the launch sites and other negotiations, it is fully expected that schools and systems will need to be highly collaborative and transparent. The NDIS will bring about increased collaboration and interest in policy and activity within the education sector from the NDIS at all three levels.

## The role of schools in the NDIS era

While the role of schools will not change simply because of the introduction of a NDIS, the roles and responsibilities of school systems in regard to students with disability will change and be articulated more clearly. The commitments made in the National Disability Strategy around the learning and skills focus area are in fact more significant drivers of greater inclusion of students with disability, and incorporate other specific programs such as the More Support for Students with Disabilities National Partnerships and the recommendations of the Review of Funding for Schooling.

These recommendations:

- Strengthen the capacity of **all education providers** to deliver inclusive, high quality educational programs for people with all abilities from childhood to adulthood.
- Focus on reducing the disparity in educational outcomes for people with disability and others.
- Ensure that Government reforms and initiatives for early childhood, education, training and skill development are responsive to the needs of people with disability.
- Improve pathways for students with disability from school to further education, employment and life-long learning.<sup>12</sup>

In the context of the overall development and opportunities for young people with disability however, schools will play a pivotal role. In a time of change and high expectation, schools need to be conversant with the NDIS, disability reforms and the implications of the education reforms in this area. Schools play a vital function as community hubs where families meet, form connections and share values. It is important that families with children with disability are not excluded from these important local networks.

<sup>12</sup> Council Of Australian Governments, National Disability Strategy, Canberra 2011, p53-56

Schools will be responsible for designing and implementing educational programs, and this process needs to be connected and consistent with the services and supports students access outside the school. Therapy and other related goals need to be known to the school and negotiations undertaken to establish crossover with the school program.

Of course not every child should have their entire life so heavily programmed, but where there are funding programs in place they will be based on identifiable goals, so they will be useful in both school and non-school contexts.

An Associate Commissioner for the Disability Care and Support Inquiry John Walsh told the ASEPA NSW Conference "Schools play a powerful role in building expectation and inclusion for the NDIS."<sup>13</sup>

## Potential funding partnership and alignment

There are different scenarios to consider with the interface between the two reform programs. These will involve students who are eligible for both education support and some students who are eligible for state and territory disability programs and not for the NDIS, or vice versa. Because of the current high expectation across the community about what the NDIS could provide, it is expected that pressure will come from families of NDIS participants for NDIS support where there is a perceived or real gap in educational support. The emerging interface agreements between the NDIS and education authorities will need to be comprehensive and highly cognizant of current arrangements. The Productivity Commission identified that funding partnerships are feasible, but requires a rational connection with education support criteria.

*In this context, the NDIS would have a role in meeting some of the needs of students. This would typically be centred on the provision of goods and services that would be needed regardless of whether a person was attending school or not (personal attendant care, a hearing aid, or a wheelchair).*

*Collaboration between the NDIS and education departments should be based on agreed frameworks and boundaries. It would be odd if children receiving supports through the NDIS were subject to vastly different criteria for school-based supports.<sup>14</sup>*

This streamlining of criteria across multiple systems is a live issue for the education sector. How the NDIS deals with the multiple systems and support programs across jurisdictions will be of great interest and concern. As earlier stated the Productivity Commission has stated clearly that the NDIS should not fund supports that are the responsibility of mainstream programs, however where mainstream programs do not have capacity for disability support, there will be argument at the margin about the funding supports for NDIS participants .

The progress of the work on the overall school funding model in Australia and the disability loading is critically important to shape this program alignment with the NDIS. Until the disability loading and its relationship to core school funding is finalised, there will still be significant jurisdictional disparity in the definition of disability and funding methodology. Going into the launch sites with this variation in approaches across education systems is going to be a challenge, particularly for the evaluation, which will have to be sufficiently sensitive and well resourced to identify and analyse the substantive differences across launch sites.

There has been significant interest in the NDIS from education systems, particularly in regard to services that may be able to be co-funded or fully funded by the NDIS. These will be propositions that hopefully will be tested in the launch sites and in negotiations between systems and the NDIS at the policy level.

<sup>13</sup> John Walsh, Keynote Address to NSPA Conference June 2012 Sydney.

<sup>14</sup> Productivity Commission, Disability Care and Support Inquiry Report, Canberra 2011, p248

Below is a summary of the funding issues for these service types:

## Funding Issues

### Defining the role of integration aides

Much has been written and discussed about the role of the integration aide in schools. Suggestions have been made in the context of the NDIS about whether there are parts of this role that could or should be part of the NDIS driven program for a child, and therefore funded by the NDIS. These would be the 'personal care' elements of the role.

This is clearly an attractive proposition for state and territory education systems that are facing major demand growth, as well as for funding to be used in school for therapy driven programs—and also for the Catholic and independent systems that do not have access to similar resources to support students with disability.

This role has traditionally been loosely defined and is often designed around the school and the needs of the student but is a staple part of how schools (particularly state schools) manage students with disability. Whether the role can practically be split and co-funded is still an open question, but before meaningful negotiation can occur about co-funding, it is imperative that education systems define what this role can and should be doing to support student learning and development.

In many cases the role must incorporate many functions including active and passive supervision, behaviour management, personal care, and communication, however in any case it is going to be important to define the role in the context of education as much for parents and students as for the NDIS. Parents (particularly of children in transition) will be key players in negotiations within the NDIS so will need to be well informed about the planning and delivery of educational programs to prevent misalignment of expectations of school systems vis-à-vis the NDIS.

### Transport

Transport to and from school is another area where the key funding responsibility needs to be established. Transport is a service type listed as a benefit under the NDIS, however the location of school transport may be contentious, particularly given the disquiet as to the quality of some school transport services and the long periods students are required to be transported.

### Aids and equipment

It is necessary to establish what funding responsibility the NDIS will have in relation to funding equipment for students with disability. There are currently over 100 equipment schemes in Australia and many of these are expected to be incorporated into the NDIS. In most jurisdictions equipment to be used at school is funded out of the disability support funding attached to a student (technology, ramps, readers, modified equipment). Where young people need equipment at home and in the community it is currently the responsibility of state and territory equipment schemes (wheelchairs, minor capital works, vehicle mods etc).

In cases where school equipment can go home and into the community, it is feasible that the NDIS may be better placed to purchase it. Where the equipment and modification is specifically school based (i.e. educational software), it would seem reasonable this it is purchased by the school. In other cases the funding could be split depending on the type and use of the equipment. This is an example of where each student's requirements will need to be individually negotiated.

### Therapy

There are obvious definitional issues about therapy services that need to be resolved before the issue of cost allocation is considered. Currently the approach to using therapy services in schools is driven by a range of factors. The fact that health and disability funding programs tightly ration these

services creates a demand by parents for therapy services to be delivered by schools—partly as a means to access therapy, but also as it is a means to bolster their child's school program. In many cases schools will use therapy services to assist in assessing student's needs, delivering direct service or for secondary consultancy.

The use of therapy services can be indiscriminate and scarce resources wasted. In addition, negotiations over therapy provision can be a source of conflict. The role of schools in diagnosis and assessment is currently unclear, and there are no practice guidelines for the use of therapy services. Unless school leaders are trained and experienced, there will always be a risk of inappropriate use of therapy services. Currently in some Catholic systems, Medicare funded allied health services are used to provide therapy in schools. This requires a 'treatment plan' to be approved by a GP. While this is a pragmatic way of garnering scarce resources, it warps the education offering by utilising a medical construction in designing the support service.

If the NDIS can fund a range of developmental therapies as part of a package of support for a child, then the straight up demands for therapy provision on schools are expected to recede, however there will still need to be therapies provided to achieve educational goals set out in an individual educational plan (IEP). The NDIS will be sensitive to attempts by schools or systems to cost shift therapy services, and under its coordination model, it is expected that greater scrutiny will apply to school programs provided to its clients.

A turning point in the debate on therapy services is the separate definition of functional and educational goals. In most cases this will be a dynamic argument about the particular needs of an individual student. In order to frame these negotiations at both the system and the student level going forward, it is incumbent on education systems to clearly define the parameters for using therapy services in schools, and strengthen the IEP arrangements by which their use is governed.

## **RISKS, GAPS AND CONTINGENCIES WITH REFORM IMPLEMENTATION**

There are a number of risks and gaps in the emerging NDIS for the education sector that need to be confronted before the launch sites are finalised.

### **Education not being fully integrated in launch sites**

Currently the launch sites are being constructed within the state and ACT governments and with the NDIS Launch Transition Agency. The key responsibility for developing the launch sites in jurisdictions sits with the line agency responsible for disability services, with oversight from units within central agencies (i.e. Department of Premier and Cabinet). These line agencies are responsible for liaising with mainstream portfolios around NDIS interfaces. Given that these disability agencies have traditionally struggled to get policy traction with other program areas (including health and education) there is a risk that the design of the launch sites will be deficient in this area.

This means that without substantial input from the education sector (and indeed other mainstream sectors) the launch sites risk being one dimensional, and focused ostensibly on delivering disability services.

The dominant agenda in the launch design to date is to address the packaging of disability service funding, transition issues for disability providers and the eligibility and assessment of scheme clients. Intersections with other service areas, while stated as being important to the launches, appear to be a secondary consideration.

In discussions with jurisdictions, it is clear that they are aware that developing the education interface will be complex, but are yet to have a concise plan of how to tackle it. An added complication has been the need for confidentiality of government communication and documents in

the lead up to the NDIS legislation, meaning that there is no capacity to involve the entire education sector in the planning at this stage.

Ultimately the Launch Transition Agency is accountable for the delivery of the launch sites. The inclusion of schools and systems in the launch sites is a task that DEEWR needs to undertake with the Launch Transition Agency. This is the forum where the connections between the major reform projects can practically be made.

In addition, it would be useful for the peak education stakeholder groups to become active in the launch site areas to raise their profile and to signal that they are viable contributors.

## NDIS Evaluation

FAHCSIA has gone to market a brief for the evaluation of the first stage of the NDIS up to 2014. CDA is concerned that the focus is limited to measuring the impact of the NDIS within the existing disability sector—by focusing mainly on individuals, families and disability service providers.

Because of the many and varied interface issues that the launch sites will be testing, the inclusion of other sectors in the evaluation is essential. Conceptually the importance of mainstream sectors to the overall sustainability of the NDIS has been accepted by the key agencies involved, however there is little evidence of practical incorporation of the interfaces to date.

The evaluation design is one element of the early scheme implementation that must address the interface questions. The key issues of funding and program boundaries can only really be considered properly in the context of the launch sites, and the resulting evidence can only be properly collated through a comprehensive evaluation.

In the case of education, the evaluation of the More Support for Students with Disability (MSSD) national partnerships and the national data collection process need to be linked in some way to the FAHCSIA project to ensure rich data about the education interface. **This is an urgent issue that DEEWR needs to take up with FAHCSIA and the Launch Transition Agency.**

## Reform slippage

With the sheer number of different pieces of reform work underway across the disability and education areas (24 MSSD contracts, 5 NDIS launch sites, National Data Collection, school funding model reform and the Disability Education Standards promotion) there is a risk of confusion and reform fatigue in the education sector in regard to disability. While it is imperative to include schools and systems in launch sites, it is important that they are fully briefed and resourced to manage the various pieces of work. DEEWR has a key information and coordination role here, and as it provides information in 2012/13 about the national data collection, it needs to do the same with contemporary NDIS information. Education peaks also have a key responsibility here to ensure their members are well informed.

## Timing

There is a critical issue about the timing of the reforms. The education reforms underway at the national level in education have an established timetable that is not entirely compatible with the NDIS launch site developments. One example of this is the NDIS working towards a functional definition of disability as an eligibility criteria for July 2013, and having to work with strict diagnostic criteria in current state education systems until a national definition for the new disability loading is calculated and agreed. The rollout of the national data collection for students with disabilities is occurring in the first half of 2013. There are critical intersections with this definitional work, but at this point the two pieces of work are totally independent. The NDIS needs to fully understand the implications of the initiative to collect nationally consistent data on students with disability, and DEEWR needs to

work closely with the NDIS Launch Agency to ensure dovetailing of information going to schools and systems participating in the launch sites as there will be a lot of new information being pushed into those regions. As all school systems operate in the launch regions it is important that the information and communication is coherent across both reform projects. This can only occur with close collaboration.

## School Transitions

The area of transitions, particularly moving into school from the early intervention sector, and at the other end of schooling into further education, adult disability services or employment is of particular relevance to the NDIS design.

### *Early Intervention*

The place of the early intervention sector in regard to the NDIS is still unresolved, and is a key question for the scheme's eligibility criteria and early assessment processes are still being finalised. It is still to be established how children with various types of developmental delay will be identified and streamed into the NDIS. The needs of a child within the context of their family is also a vital consideration.

The configuration of the scheme in regard to this will also be relevant to the transition into school—particularly in the areas of assessment, program design and therapy needs.

The early intervention sector can play a major part in informing parent expectations about the educational trajectory for young children with disability or developmental delay, so it is pertinent that they be fully engaged about what the education sector and the emerging NDIS can offer and why.

### *Transition to Post School Options*

The post school option pathway for older students is one that definitely straddles the interests of both the education sector and the NDIS.

Practice in this area is patchy, and the issue was raised repeatedly in the consultations for the National Disability Strategy and is well summarized in the Shut Out report:

*Being regularly engaged in meaningful activity such as employment, vocational training or higher education is key to moving towards an independent adult life. Low participation rates in higher education, training and employment would suggest that few young people with disabilities are able to access the support required to successfully make this transition. Most submissions in this area noted the absence of comprehensive individualised planning that would allow young people to make meaningful choices about their lives after school.<sup>15</sup>*

There are numerous programs that look at this transition to post school options, and some are structured to work with individuals over a period of years after they leave school. Some start working with the student while they are still at school and follow them into the labour market or further education. Others are effectively disability day programs that simply call themselves post school options programs.

This is an area that could be much better developed in the NDIS context. Given that the NDIS will have a lifetime interest in their clients, any program that can assist school leavers into further education, employment and address the risk of long term participation in the disability support pension is worthy of investment. Equally schools and school systems have an interest in ensuring that their investment in students leads to a useful outcome, so the two sectors working together could lead to significant improvement in this critical area. It is also a program area that lends itself to co-funding from both sectors.

<sup>15</sup> National people with Disabilities and Carer Council, Shut Out: The experience of people with disabilities and their families in Australia – National Disability Strategy Consultation Report, Commonwealth of Australia, 2009



Further work is needed to look at the practice experience in post school transition and build in some activity into the launch sites where the cohorts are age appropriate and to investigate the design of these programs in consideration of those students who are not eligible for the NDIS.

## **ADDITIONAL CONSIDERATIONS**

### **Special Schools**

At the time of writing, little specific information is available about the operation of the NDIS in relation to special schools. Much of the discussion about the interface with the education portfolio has been about mainstream education, however special schools will have particular interface issues with the NDIS that are yet to be fully identified.

These include initial considerations about school choice and educational pathways, the integration of the educational offerings of these schools with the goals and operation of the approved NDIS plan, how different inputs will be coordinated, and how transition to post school options will be managed. Special schools will also face similar issues to mainstream schools in that each student will have different levels of NDIS support, meaning that they will need to take a highly individualized approach with every student.

The systemic relationship between mainstream and special schools is important in the context of education reform, and is also highly relevant to the NDIS because of the impact of education outcomes on the future cost liabilities and opportunities for individual clients. The contribution that special schools need to make is substantial but in our current system is poorly defined.

CDA has already highlighted the need for a review of education provision in special schools in the light of the Gonski Review and its recommendations that non-government special schools receive full funding and the portability of the disability loading.

The intersection with the NDIS for special schools is another area that such a review could investigate.

### **Recognition of professional educators**

If closer collaboration is to occur between health and disability professionals then schools need to play their part from their educational standpoint.

Given that NDIS eligible students will be generally coordinated from outside the school gate, it is essential that the teachers and school leaders claim equal professional standing with health professionals in the planning process. Many people outside schools, including families, are naive about how the technical aspects of education, and can push therapeutic goals ahead of educational goals and try to make schools test beds for therapy programs, and teachers and aides play therapy aide roles instead of being educators.

By ensuring that schools have a valued place within the launch sites, they will have a significant influence over the development of the coordination models and the ambition of the scheme.

### **Role of parents and families**

With greater professional involvement in program planning and delivery in school and non-school programs, it is going to be imperative that the student and their family are not sidelined. Although it is a requirement of the Disability Standards for Education to consult with students and 'associates',<sup>16</sup> it is still not uniformly applied.

<sup>16</sup> Commonwealth of Australia 2005, Disability Standards for Education 2005, Canberra

The primacy of the individual and the family is a central principle of the NDIS, and we would expect as the scheme develops that clear models of joint planning and decision making will be commonplace. This will certainly impact on school practice as family expectation is raised, and families both become better negotiators or have better organized support and advocacy.

## **CONCLUSION**

In summary there are a number of key issues that that will need to be worked through between the NDIS Launch Transition Agency, DEEWR, education authorities and community organisations. Some practical interface elements can be addressed in the launch sites, however the involvement of schools and authorities in the design, implementation and evaluation of the launch sites is required. It is also important to have family and student representation in this work. The short time frames make this work an urgent imperative for all stakeholders.

Matching the timing and the common interests of the education reforms for students with disability with the NDIS development is a key challenge. Now that the NDIS legislation has been introduced there is a clearer picture of the next steps, so there is now a context and a timeline for the NDIS Transition Agency to develop rules and policy protocols with education authorities. DEEWR's continued involvement with the NDIS taskforce and its sensitivity to the interface issues will stand to provide leadership for these more detailed negotiations. This leadership is critical for good outcomes for students with disabilities in a fluid policy environment.

Cost allocations, funding responsibility and new funding possibilities are driving much interest in the NDIS from the education sector. While this is important in looking at how the growing demand for education support for students with disability can be managed in the future, there are other practical dilemmas around definitions, cross program coordination, resource use, school capacity and transition management that are also needing resolution through this process.

As stated earlier, this paper will date relatively quickly because of the pace of the NDIS, however CDA will keep up to date with the reforms and will provide regular updates to DEEWR for the duration of the current contract.