



The Australian College of Educators Submission to:

Standing Committee of Education and Employment
Inquiry into the Australian Education Bill 2012

The Australian College of Educators (ACE) is well placed to assist the Standing Committee in its deliberations. The College was founded in 1959 to provide an independent voice for educators and to advance education as a profession. It is the oldest association in the country that represents educators across the nation. ACE members are drawn from both the government and non-government sectors of schooling and across all levels of education from early childhood through tertiary. It is the professional voice for educators. As a self-funding body, the College is clearly focussed on providing the best outcomes in education for young people and operates free of agendas that do not relate to good education.

The College sees this inquiry as an opportunity in Australia's history to build broad consensus around a new set of arrangements for the development of young people in our care.

The arrangements should be informed by a clear educational rationale that:

- Recognises the achievements of educators over many years
- Acknowledges that currently, and in the foreseeable future, the day to day management of schooling is primarily the responsibility of States and Territories and non-Government school authorities and at the same time specifies a clearly defined supporting role and responsibility for the Commonwealth
- Seriously addresses the inequities that have persisted.

ACE welcomes the opportunity to contribute to discussion on this Bill and believes that it can continue to play an important role in helping to develop a world class education system for the twenty first century.

While this submission will focus on the Bill itself, where relevant reference will also be made to some comments made in the Second Reading, as some of the points in the Bill are elaborated on there.

A Overview

While the submission following will refer to the various parts of the Bill in sequential order there are a few general points about which ACE is concerned.

1. An act to apply across all schools and all sectors. ACE supports the concept of an Australian Education Act that applies across all schools and sectors. This is far preferable to the current arrangement, which separates the legislative backing for government and for non-government schools. Such an Act, however, should be a strong, principal Act with binding provisions, setting out the principles with which any subsidiary or related Acts would need to comply. This Act does not achieve this.

2. Legally enforceable? ACE is concerned about Clause 10, which states that the Act does not create legally enforceable obligations. What is the point of an Act where there is no requirement for compliance? Clause 10 appears to say that this Act is not meant to have any effect whatsoever in practice.

3. Relationship to Gonski Review. While the Bill has arisen as a response to the Gonski report, and proclaims in the first few paragraphs of the preamble the importance of equity, there are only a few places where direct reference is made to any of the 41 recommendations of the Gonski report. At the end of submission those recommendations that the College considers significant but which have either been overlooked or, in some cases, are to be excluded from the implementation of the Education Act have been identified.

4. Clear definition of equity. If one is to address inequity it is vital that what equity looks like is clearly expressed. ACE believes that the Act should use the definition of equity adopted by the Gonski Review:

The panel has defined equity in schooling as ensuring that differences in educational outcomes are not the result of differences in wealth, income, power or possessions. ... all students must have access to an acceptable international standard of education, regardless of where they live or the school they attend.(p.105)

ACE believes that addressing inequity is so vital it deserves a section of the Bill to itself. It has been acknowledged that, compared to similar countries, we have a high level of inequity. We should aim to have seriously addressed this well before 2025. Through addressing the high level of underachievement and raising these students' results we will also significantly improve our overall ranking.

We also need to look at underachievement at the upper end of the scale. This is another characteristic that differentiates Australia from other high performing countries and indicates the need for more teachers who are themselves high academic performers.

5. State/Federal relations. The day to day running of schools has been a State concern from the colonial period on, and this will not change in the near future. The Gonski Report acknowledges that because of the way revenue collection has changed, with the Federal Government having the major taxing powers, States and Territories cannot alone fund the quality of schooling required for the twenty first century.

It is vital that the Federal Government acknowledges the expertise and experience of the States and Territories and non-government school authorities and uses its financial power to support the states and not to attempt to micro-manage schools. See the ACE Response to Part 2, Clause 6 below.

On the other hand the Commonwealth has the funding responsibility for higher education and has the responsibility to provide adequate funding for high quality initial preparation of teachers so that schools are not expected to use their scarce resources to make up for any shortfalls.

6. Recognition of achievements and quality of Australian schools. The Bill focuses on the need to improve but pays scant attention to the current generally high quality of Australia's schooling systems

7. Greater priority to funding issues. The Act refers to a commencement date of 1 January 2014. The significance of this date relates primarily to the need for legislation to provide Commonwealth funding for schools when the current funding quadrennium expires at the end of this year.

ACE draws attention to the fact that schools need due notice of funding changes in the interests of continuity and stability of the programs they provide for their students and to enable curriculum planning. ACE is concerned that this priority issue of school funding is not given more prominence in this Act.

ACE looks forward to receiving as soon as possible an opportunity to comment on the draft of substantive funding legislation necessary for the implementation of the Gonski Review recommendations.

B ACE's Response to the Bill

Preamble

This is a Bill that proclaims ambitious long-term goals for education. The preamble should be an erudite, concise and even inspiring document. However the preamble as it stands lacks a clear structure, is pedestrian in its language and is repetitious. ACE believes the preamble needs to undergo a major redrafting.

This could be done by reference to the concluding paragraphs of the Executive Summary of the Gonski Report, where, after stating that funding alone is not sufficient to meet the challenges of educational reform, it argues that funding

... must be accompanied by continued and renewed efforts to strengthen and reform Australia's schooling system.

Australia's schools, government and non-government, should be staffed with the very best principals and teachers, those who feel empowered to lead and drive change, and create opportunities for students to learn in new ways to meet their individual needs. Classrooms should support innovative approaches to learning, not only through the curriculum, technologies and infrastructure, but also through the culture of the school. Principals and teachers should encourage a culture of high expectations, continuous learning, and independence and responsibility for all students. They should also forge connections with parents and the community, as key partners in children's learning and attitudes to school.

For these practices to be championed in every school, the Australian Government and state and territory governments must continue to work together, in consultation with the non-government school sector, to progress the current school reform agenda.

Australia and its children and young people, now and in the future, deserve nothing less.

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3. Objects of the Act.

No one can argue against an excellent and equitable educational experience for children, but funding alone will not address inequity. What is needed is far more detail on how schools in disadvantaged locations can be helped in regards to specialised teachers and other forms of support.

ACE does not believe that to be 'ranked by 2025 as one of the five highest performing countries' is sufficient, by itself, as a goal as it makes no reference to what a high quality and equitable education for Australia in the twenty first century should look

like. It looks superficially ‘objective’ but is in effect meaningless in defining the directions in which *Australian* education should move,

Another reason for opposing such a ‘goal’ is that in any ranking process there are underlying assumptions about what aspects of education are to be valued. One example is in ranking in Mathematics. In the Program for International Student Assessment (PISA) Finland is one of the leading countries in Mathematics but on the Trends in International Mathematics and Science Study (TIMSS) Finland’s results are just above the international average. This is because the tests have different underlying philosophies about how maths should be taught. (References and more details are provided in appendix 1)

One can also equate success with access to positive life sources. A recent study in *The Economist* (21 Nov 2012) attempted to measure which country would provide the best opportunities for a healthy, safe and prosperous life in the years ahead for a child born in 2013. The study concluded that Australian children are second only to Switzerland in relation to 11 statistically significant indicators.

ACE would like to see goals that are on the one hand more specific, but on the other include a broader perspective on education. As well as increasing achievement in specific fields these could include improving student well-being, increasing civic awareness and improving social cohesion

Part 2- Improving the performance of schools and school students

6. Developing a national plan

ACE strongly opposes the inclusion of the “Note” under Clause 6.

ACE accepts that there is a need for an agreed plan between the governments of the states and territories and the Commonwealth as the basis for the provision of Commonwealth funding but at the same time ACE does not support the incorporation in this Act of any wording that could have the effect of making students and schools pawns in the frequently negative and irrational conduct of inter-governmental relations that unfortunately characterise Australia’s federal system.

The wording in this legislation should be constructive and should refer to the provision of funding when agreement is reached between education authorities and the Commonwealth. Such a reference should be included in the Funding section of the Act.

7 Reform directions for the national plan

Quality teaching

This is obviously at the heart of any improvement in education and this was recognised in the second reading of the Bill:

All the evidence tells us that the single greatest variable in student performance is teacher quality – and the single greatest factor in school improvement is lifting teacher quality.

However this Bill does very little to address this issue and solutions proposed are not likely to be effective. For example in the Second Reading, yearly evaluation was proposed. Where this does already exist it is basically a tick-the-box procedure with little professional value. To mandate this for every one of the 290,000 teachers in Australia would be extremely expensive and time consuming if done properly.

As mentioned above (page 3, State/Federal relations) the Commonwealth does have responsibility for the training of teachers and by providing adequate funding, including funding for internship, could more adequately select candidates and prepare teachers and avoid the “waste” of remediation of the more ineffective teachers.

ACE strongly recommends that States be encouraged to adopt an approach similar to that adopted by Michael Fullan and others in bringing about significant improvements in the Ontario education system which involves *positive* drivers: fostering intrinsic motivation, engaging teachers and students in continuous improvement. Fullan’s ‘wrong drivers’ involve applying pressure, *in isolation*, on accountability, individual teacher and leadership quality, technologies or fragmented bolt-on strategies.

In this Bill almost all the stress is on accountability and very little on support.

For further detail on Ontario Reforms see appendix 2.

Recognition of the highly qualified classroom teacher

Addressing Classroom Teachers’ salaries must be part of the package. Remuneration for teachers, as identified by the productivity commission, has fallen behind that of the general population and even more so behind that of other graduate professions. While teachers’ salaries at the start of their career are relatively good they peak after about ten years so that teachers in their mid thirties have no future increases to look forward to unless they remove themselves from the classroom. What is needed is a career structure in which the best teachers are encouraged to remain in the classroom and contribute directly to the development of staff.

To encourage the best teachers to remain in the classroom will require fresh thinking from both Governments and Teacher unions. Teachers have justifiably been wary of earlier models of “performance pay” based on results or “one-off” payments;

however, with the Australian Professional Standards for Teachers, as developed by AITSL, there are now effective criteria for identifying Highly Accomplished and Lead Teachers.

Such a career structure would go a long way towards raising the status of the teaching profession and the quality of candidates applying for teaching training. This would in turn raise the University Entrance scores for those wanting to become teachers.

Such a policy would require negotiation with the States and Territories and extra funding. Because of the financial constraints on State and Territories there would be a role for the Federal Government in supporting this.

An outline of a proposed new career structure for classroom teachers as developed by Professor Stephen Dinham is attached as appendix 3.

Quality learning

While recognising that this is directly related to Quality Teaching this is a very general statement and there is little to comment on. However one should point out the role a quality physical environment can play in this.

Empowered school leadership

Increased school autonomy has been a policy of most State Governments in recent year but has been accompanied by an apparent decline in educational outcomes.

The reference to “leaders in schools” having “greater power” needs to be re-written. In its current form, it does not reflect the reality that there is great variation within and between the government and non-government school sectors across Australia in respect of the “power” available to principals to make various decisions.

As it is, the clause could be suggesting, for example, that the power of boards in independent schools should be curbed in favour of giving greater decision-making powers to principals.

There is also a need to recognise that ‘obtaining the best outcomes for their schools and school students’ could be interpreted as a licence to take actions that would damage the best interests and outcomes for other schools and their students. Examples of such actions do exist.

ACE suggests that a better expression of the apparent intention here would be as follows: ‘School leaders will have the resources, skills and authority to make decisions and implement strategies at the local level necessary to meet the particular needs of the student communities they serve’.

Transparency and accountability

The Bill foreshadows even more measurement and data collection. ACE notes that measurements and comparisons of themselves do not bring about meaningful improvement and the setting of one school against another that can result from this can be counterproductive.

To speak of information being “better” does not necessarily mean that it will be good enough. This needs to be rewritten to specify the features, in absolute terms, of a high quality system of data collection and reporting.

What is also important is how the data gathered is analysed and used and here the Federal Government could play an important role in helping jurisdictions analyse the data, identify where successes are taking place and learn how to transfer this knowledge.

Meeting student need

This is another very general statement which provides little to comment on. What is crucial is how well the recommendations of the Gonski review are implemented.

8 Developing benchmarks and supporting improvement

The four items under 8(b) should be more directly aligned with the provisions of Clause 3 (Objects of the Act) and Clause 7 (Reform Directions). In its current form it only lists a selection of these.

9 School funding

Although this Act appears to have been introduced as the Government’s response to the Gonski Review it is actually very short in detail on how the recommendations of the Gonski Review are to be implemented.

School funding should be given more prominence in this Act, given

- a. the status and significance of the Gonski Review in improving the quality and equity of schooling in Australia
- b. the urgency of the need to replace the current flawed and unfair arrangements.

This funding reform is a necessary if not sufficient condition for the achievement of the other objectives of this Act.

This clause should contain reference to the necessary complementary legislation now urgently needed to set out the detailed arrangements by which public funding will be provided to schools and school systems from 2014 including school improvement plans and other requirements of the Act.

This legislation will need to include the structure and formulae based on the Gonski report, among which are:

- funding standards
- criteria for the distribution of funds to individual schools and systems
- funding levels
- respective roles and responsibilities of the funding partners
- indexation mechanism
- funding period
- conditions and accountability
- evaluation

ACE has long been concerned about the politicisation of educational funding and is concerned that the Government has appeared to reject Recommendation 35 of the Gonski report: the setting up of a National Schools Resourcing Body whose members would be appointed "on the basis of merit and expertise" to maintain and refine the data used and monitor its success.

While it might be argued that such a body was just introducing another level of bureaucracy, the reality is that we got into the situation where funding has become inequitable because the whole process was continually politicised. Data will have to be collected and interpreted by some organisation and it is far better that this be an independent statutory one and not have its research or conclusions clouded by political pressures.

Such a body would not be a threat to the authority of Parliament, as long as its role was just that of presenting information to the Parliament. The Parliament could then provide its justification if it did not follow certain recommendations. The Government wants schools to be politically accountable and it should also be accountable.

Major Recommendations

1. The primary purpose of this legislation should be to utilise the information presented in the Gonski Review to address the serious inequities that have arisen in Australian schooling over many years. Funding reform is an essential part of this, but it needs to be carefully managed to ensure that it creates real change.
2. The Act needs to be accompanied by substantive funding legislation necessary for the implementation of the Gonski Review recommendations.
3. A goal for education reform should not be based on some form of international ranking but on what constitutes a quality education for all Australians if we are to continue to be an open, democratic and informed society and to earn our living in a competitive world.
4. There should be a clear recognition that creating a high quality education must involve a genuine partnership between Federal and State/Territory Governments and non-government education authorities with commonly agreed goals.
5. Quality teaching and learning must be at the heart of any reforms and this is an area where both State and Federal Governments have a role to play.

Appendices

Appendix 1 The dangers in relying on International Test Scores

“International Tests are not all the same”

Abstract: This article explores the different philosophies involved in testing achievement in mathematics in PISA and TIMSS. PISA is based on a philosophy known as Real Mathematics Education, championed by the Freudenthal Institute in the Netherlands and a member of the Institute is the chair of the PISA expert group in mathematics. The United States and many East Asian countries have a more ‘traditional’ approach to Maths which is assessed by TIMSS.

To quote from the article:

The contrast is stark between constructivist countries and those favouring more traditional math curricula. On PISA, New Zealand scores within 27 points of Korea (519 vs. 546). On TIMSS, New Zealand and Korea are separated by a whopping 125 points (488 vs. 613), a difference of nearly one full standard deviation between the two tests! Chinese Taipei outscores Finland by only 2 points on PISA (543 vs. 541, the scores are statistically indistinguishable)—but by 95 points on TIMSS (609 vs. 514).

Full article at: <http://www.brookings.edu/blogs/brown-center-chalkboard/posts/2013/01/09-timss-pisa-loveless>

Appendix 2 Educational Reform in Ontario

Abstract: Since 2000, Canada has become a world leader in its sustained strategy of professionally-driven reform of its education system. Not only do its students perform well, they perform well despite their socio-economic status, first language or whether they are native Canadians or recent immigrants. Canada has achieved success within a highly federated system, which features significant diversity, particularly with respect to issues of language and country of origin. This chapter takes an in-depth look at Canada’s success, taking the case study of the nation’s largest province, Ontario.

It shows how consistent application of centrally-driven pressure for higher results, combined with extensive capacity building and a climate of relative trust and mutual respect, have enabled the Ontario system to achieve progress on key indicators, while maintaining labour peace and morale throughout the system.

Full article at: <http://www.oecd.org/pisa/pisaproducts/46580959.pdf>

Appendix 3 Career Structure for teachers

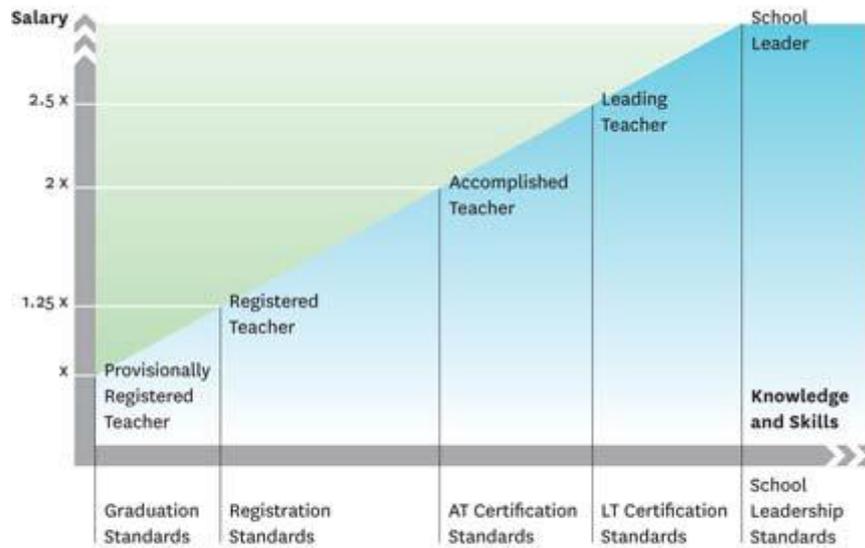
A quote from the full article:

For the first time, Australia has a set of national teaching standards for teachers at four levels – Graduate, Proficient (both mandatory) and Highly Accomplished and Lead (both optional). The introduction and adoption of these standards - and accompanying standards for teacher education course development and accreditation - provides an ideal opportunity and vehicle to move from the present ramshackle approach to teachers' career structures to a nationally consistent model of professional learning, recognition and reward fit for a profession.

In a report in 2008 for the Business Council of Australia (BCA) In a report in 2008 for the Business Council of Australia (BCA) ...Dinham, Ingvarson and Kleinhenz suggested that equilibrium in a national certification system for Australia's teachers would see around 30% of teachers at the Highly Accomplished level and 10% at the Lead[ing] (Teacher) level. The remaining 60% of teachers would be seeking or have gained certification at the mandatory Proficient [registered] level (see Figure 1 below).

We recognised in our report for the BCA that the issue of requiring a certain level of certification for a particular position was a decision best left to employers, given the diversity of Australian schools. It was our hope that eventually all teacher industrial agreements would incorporate a salary-career structure which was consistent with the proposed framework outlined below in Figure 1. In our report we suggested that the top of the Proficient salary scale should be around twice the salary of a beginning teacher. Those who achieved Highly Accomplished teacher status would have access to a salary scale that would enable them to earn up to 2.5 times the salary of a beginning teacher whilst those who achieved Lead teacher status could earn more.

Figure 1 : A Standards-based Career Structure



Source: Dinham, et al. (2008: 35).

Full article at:

<http://austcolled.com.au/sites/default/files/articles/DeansLec2011.pdf>

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