

APPENDIX 4: BILATERAL AGREEMENT BETWEEN AUSTRALIAN CAPITAL TERRITORY AND THE COMMONWEALTH ON SCHOOLS REFORM

Preliminaries

1. The Australian Capital Territory and the Commonwealth acknowledge the Traditional Owners of the lands and waters on which Australians live, learn and work, and pay respects to their Elders past, present and emerging.
2. This Agreement satisfies the conditions in paragraph 22(2)(b) of the Australian Education Act 2013 (the Act) requiring each state and territory to be party to an agreement with the Commonwealth relating to the implementation of school education reform.
3. Aboriginal and Torres Strait Islander cultures and knowledges are fundamental to shaping and improving education systems and outcomes for Australian Capital Territory's Aboriginal and Torres Strait Islander students. The Australian Capital Territory and the Commonwealth commit to ensuring that the implementation of this Bilateral Agreement is undertaken in a way that will enliven the priority reforms of the *National Agreement on Closing the Gap* (Closing the Gap Agreement).
4. The Australian Capital Territory and the Commonwealth acknowledge that Australia has a strong education system, but it can be better and fairer. To do that, governments and school systems need to ensure every student is supported to succeed by having their needs identified and met as early as possible.
5. The Australian Capital Territory and the Commonwealth reaffirm their commitment to the vision for Australian schooling outlined in the *Alice Springs (Mparntwe) Education Declaration* (the Mparntwe Education Declaration) for a world class education system that encourages and supports every student to be the very best they can be, no matter where they live or what kind of learning challenges they may face.
6. The Heads of Agreement sets out the shared intention of the Parties to work in partnership to improve education outcomes for all Australian students and build on the capability and capacity of the education workforce. This Bilateral Agreement outlines the actions and activities the Australian Capital Territory will undertake to achieve these shared objectives.
7. This Bilateral Agreement between Australian Capital Territory and the Commonwealth will commence on 1 January 2025 and expire on 31 December 2029, unless a variation is agreed in accordance with clause 28 of the Heads of Agreement.
8. Under section 22 of the Act, a bilateral agreement must be in place in order for the Australian Capital Territory to receive Commonwealth funding for schools. Clause 25 of the Heads of Agreement states that, following the expiry of this Bilateral Agreement, a new bilateral agreement will commence from 1 January 2030 unless otherwise agreed in accordance with the processes specified in clauses 26 to 29 of the Heads of Agreement.
9. The terms of this Bilateral Agreement do not limit the Australian Capital Territory's and the Commonwealth's ability to agree different terms as part of a future bilateral agreement.

10. For the avoidance of doubt, clauses 7 to 9 of this Bilateral Agreement do not limit either Party to pursue variations to, or withdrawal from, either this Bilateral Agreement or the Heads of Agreement in accordance with clauses 26 to 30 of the Heads of Agreement.
11. Should the Commonwealth provide more favourable funding terms to another state or territory (with the exception of the Northern Territory) as part of the Better and Fairer Schools Heads of Agreement or Bilateral Agreement, then the Commonwealth will offer the Australian Capital Territory those terms as well and, if agreed by the Australian Capital Territory, this Bilateral Agreement will be updated accordingly. For the avoidance of doubt, the Australian Capital Territory will receive an equivalent Commonwealth SRS funding percentage point uplift at least equal to that negotiated with other jurisdictions (with the exception of the Northern Territory).
12. Clause 11 above also includes but is not limited to:
 - a. an adjustment to the measurement of state funding contribution included in another jurisdiction's Bilateral Agreement (with the exception of the Northern Territory), noting the Australian Capital Territory commits to retaining a minimum 80% contribution for government schools.
 - b. any agreement the Commonwealth makes with any other state or territory which favourably impacts on that state's financial contributions, reporting arrangements or risk sharing arrangements under the agreement.
13. In these cases, these terms will also be made available to the Australian Capital Territory, and this Bilateral Agreement will be updated to take into account the adjustment or material change to circumstance.
14. This Bilateral Agreement may also be updated through written agreement of the Commonwealth Education Minister and the Australian Capital Territory Education Minister if there is a material change in the Australian Capital Territory's circumstances, beyond its reasonable control, which will affect the Australian Capital Territory's fiscal position or the recognition of the Territory's funding contribution, in accordance with the process in clause 28 in the Heads of Agreement.

Territory Reform context

15. The Australian Capital Territory education system is driven by a belief that every child and young person deserves an excellent education, delivered and supported by highly skilled and valued professionals. The *Future of Education Strategy* sets out how the ACT Government will strive towards this for the next generation.
16. The *Future of Education* has four foundations: students at the centre, empowered learning professionals, strong communities for learning, and systems that support learning. It is underpinned by four principles: equity, access, student agency, and inclusion.
17. The *Future of Education* applies to the whole education system including all government and non-government schools. Government and non-government schooling sectors collaborate on relevant Territory wide initiatives and reforms, while maintaining distinct and complimentary roles in shaping a diverse education system to meet the needs of all learners.

18. For government schools, the *Future of Education* is being delivered through the Student Centred Improvement Framework - a new approach to school planning and improvement that places every child and young person at the centre, *Inclusive Education: A Disability Inclusion Strategy for ACT Public Schools* - ensuring every child and young person is supported to access and participate in high quality learning with their peers, and *Strong Foundations* - ensuring every child and young person has the literacy and numeracy skills they need to learn. Alongside the *Future of Education*, the government's *Set up for Success: Early Childhood Strategy* is ensuring every child has a fair start to life.

PART 1 — PURPOSE, OBJECTIVES, OUTCOMES AND IMPROVEMENT MEASURES

Objectives

19. The Australian Capital Territory and the Commonwealth acknowledge that a high-quality school education is critical to ensuring the Australian Capital Territory's students will succeed in an increasingly complex world. Australia's future stability and economic prosperity is reliant on a high-quality, equitable and inclusive school system.
20. This Bilateral Agreement sets out the reform activities to be undertaken during its term to give effect to national Objectives, Outcomes and Reforms outlined in the Heads of Agreement.
21. As per clause 65 of the Heads of Agreement, the Parties seek to deliver upon the following objectives:
 - a. Equity and excellence – schools and education systems are equipped to provide all students with highly effective evidence-based teaching and equitable learning opportunities and support them to maximise their learning.
 - b. Wellbeing for learning and engagement – schools take a structured approach to wellbeing for learning in a way which reflects their school and learning environment, and students have a sense of belonging, safety and engagement with their learning.
 - c. A strong and sustainable workforce – the workforce is respected and continues to grow, and teachers and non-teaching school staff are supported to innovate and be at their best to ensure young Australians thrive in their education. A sustainable workforce means that the Australian community recognises the value teachers and school leaders bring to students, communities and the economy.
22. This Bilateral Agreement also reiterates the Australian Capital Territory's and the Commonwealth's ambition and commitment to work together to contribute, along with other states and territories, to the national achievement of the national Objectives, Outcomes and Improvement Measures specified in the Heads of Agreement. While the Australian Capital Territory and the Commonwealth are committed to this, Commonwealth funding to the Australian Capital Territory under the Act is not conditional on the achievement of the objectives, outcomes or improvement measures in the Heads of Agreement or this Bilateral Agreement.

Improvement Measures

23. The Australian Capital Territory commits to:
 - a. the national Improvement Measures outlined in the Heads of Agreement and to pursuing an upward trend of improvement over the term of this Bilateral Agreement in these measures in the Australian Capital Territory context.
 - b. tracking and reporting its progress towards the Improvement Measures' national targets in its Annual Implementation Report to the Commonwealth, where the Commonwealth does not separately have access to the data, consistent with reporting obligations in Part 5 of the Heads of Agreement.

24. Unless otherwise indicated in the guidelines issued for the Annual Implementation Report (see Part 4 of this Bilateral Agreement), the Commonwealth will collect the Australian Capital Territory's data for the purposes of national reporting from existing data collections.
25. As per Part 5 of the Heads of Agreement, the Commonwealth will publicly report on the national Improvement Measures in an education reporting dashboard (noting the Commonwealth will seek agreement on the format and content of the dashboard from state and territory Education Ministers).

Part 2 – FUNDING

Required funding contributions

26. Under section 22A of the Act, the Australian Capital Territory must meet its funding contributions for the government and non-government sectors as a condition of receiving Commonwealth funding.
27. The Australian Capital Territory's funding contributions for the government and non-government sectors for 2025 onwards must be in accordance with section 22A of the Act and will determine the default requirement if this Bilateral Agreement does not specify a share for any given year or is terminated by either Party.
28. The Australian Capital Territory's funding contributions for the government and non-government sectors agreed in this Bilateral Agreement are outlined in Table 1 below for each year from 2025 to 2029. The minimum funding contributions are expressed as a percentage of the Schooling Resource Standard (SRS) as defined in Part 3 of the Act.

Table 1. The Australian Capital Territory's agreed funding shares for the government and non-government sectors, 2025 to 2029

Sector	2025	2026	2027	2028	2029
Government	80%	80%	80%	80%	80%
Non-government	20%	20%	20%	20%	20%

29. The funding contributions outlined above have been agreed based on the following rationale:
 - a. The Australian Capital Territory's final share for government schools in the Australian Capital Territory will continue to be at least 80 per cent of the SRS as a condition of the Commonwealth contributing an additional 2.5% (to achieve 22.5% by 2026) as a contribution towards the reforms outlined in this Agreement.
 - b. The Australian Capital Territory's final share for non-government schools in the Australian Capital Territory will continue to be at least 20 per cent of the SRS.
 - c. The Australian Capital Territory will continue to use its needs-based funding model for government schools to direct SRS funding to benefit priority students and schools.
 - d. The Australian Capital Territory will direct additional Commonwealth funding (as per the definition in clause 30) provided under this Agreement towards the implementation of National Reform Directions, National Enabling Initiatives, Improvement Measures and other requirements outlined in the Heads of Agreement and this Bilateral Agreement.
 - e. National Enabling Initiatives will be funded through cost share arrangements as outlined in the Heads of Agreement.

30. Additional Commonwealth funding in this Bilateral Agreement (and in the Heads of Agreement as it applies to the Australian Capital Territory) is to be interpreted as the additional Commonwealth funding share received by the Australian Capital Territory under this Bilateral Agreement over and above the Commonwealth's baseline share (20 per cent) of the SRS for public schools in 2024.
31. The Commonwealth's additional funding for government schools will be provided through increasing the Commonwealth's share from 20 per cent of the SRS in 2024 to 21.25 per cent of the SRS in 2025 and 22.5 per cent of the SRS in 2026 and for the remainder of the term of the Heads of Agreement, unless agreed otherwise by the Commonwealth and the Australian Capital Territory.
32. Consistent with clause 44 of the Heads of Agreement and in the event of a change to the SRS that results in an impact on state contribution requirements, Ministers will agree to vary the contribution shares set out in clause 28 in this Bilateral Agreement to ensure that the state contribution amount is not impacted. The amended amount should represent the funding calculated as if the SRS settings are applied that were in operation at the time the agreement commenced. The Commonwealth will facilitate this process by providing the data required to enable the Australian Capital Territory to calculate the amount of its contribution on an unchanged basis.
33. As per clause 41 of the Heads of Agreement, the Australia Capital Territory and the Commonwealth acknowledge that there are a range of external factors and services that may impact schools, students and their learning.
34. In December 2023, National Cabinet agreed that funding for foundational supports for students with disability is to be agreed through new Federal Funding Agreements, with additional costs split between the Commonwealth, states and territories and final details to be settled through the Council of Federal Financial Relations.
35. Disability reforms, including those related to changes to the National Disability Insurance Scheme (NDIS) including foundational supports, may impact the Australian Capital Territory's school education services. Commonwealth funding under the Heads of Agreement and this Bilateral Agreement is not for these purposes. This Bilateral Agreement does not establish any Commonwealth requirements with respect to these reforms.
36. Clause 35 does not preclude the Australian Capital Territory and the State's non-government schools from using Commonwealth funding under the Heads of Agreement to provide and improve education services and supports for students with disability more broadly.

Measurement of contributions

37. For the purpose of this Schedule, the Australian Capital Territory and the Commonwealth have agreed the costs that are measured towards the Australian Capital Territory's funding contribution requirements for the government and non-government sectors. In assessing compliance with section 22A of the Act, the National School Resourcing Board's (the Board's) Terms of Reference will direct the Board to use this agreed methodology for measurement of the Australian Capital Territory's contribution, including as set out in this Bilateral Agreement.

38. Consistent with the calculation of the SRS, the Australian Capital Territory funding contributions will be measured consistent with the existing Australian Curriculum, Assessment and Reporting Authority (ACARA) financial data reporting methodology for state Net Recurrent Income Per Student (NRIPS) for school years Year 1 minus 1 to Year 12, excluding funding for full fee-paying overseas students, along with the following additional funding types:
 - a. All funding for the National Reforms and National Enabling Initiatives outlined in Part 3 of this Bilateral Agreement or Part 4 of the Heads of Agreement.
 - b. Any accounting standard changes, as agreed between the Commonwealth and state and territory Ministers for Education, that affect the measurement of recurrent funding where the NRIPS methodology has not been adjusted to negate this impact (e.g. AASB 16).
39. The Commonwealth will provide timely access to Commonwealth funding and SRS data to assist States and Territories in meeting the requirements of section 22A of the Act.
40. If the reported contribution for the Australian Capital Territory for a year falls short of meeting the required contribution for a sector by an immaterial amount, this will not be considered non-compliant with section 22A of the Act. An immaterial amount is less than or equal to 0.6 per cent of the total SRS for the sector, or another immaterial amount agreed by the Commonwealth Minister for Education for a year, which accounts for the timing constraint of Territory budget processes being finalised in advance of the year and the required contribution for the year being finalised at the end of the year following the annual School Census.
41. In assessing compliance with this Agreement, the Commonwealth Minister for Education will request the Board, through the Board's Terms of Reference for its review of section 22A of the Act, will take into account mitigating factors that have contributed to non-compliance. This may include, but is not limited to, fluctuations from year-to-year in funding which could be assessed through, for example, the application of a three year rolling average if funding has fallen below the required amount, unintended and unforeseeable budget pressures in the Territory budget process, financial accounting impacts (e.g. actuarial assessments and timing of expenditures due to reporting dates), and other unforeseeable circumstances (e.g. such as natural disasters).

PART 3 – NATIONAL REFORM

42. The National Reform Direction activities agreed in this Bilateral Agreement align with the National Reform Directions of the Heads of Agreement and the Australian Capital Territory commits to supporting and advancing initiatives aligned to each of the National Reform Directions.
43. Approved authorities of non-government schools in the Australian Capital Territory must adhere to their ongoing policy requirements (under subsections 77(2) and (2A) of the Act). As per clauses 56 and 57 of the Heads of Agreement, approved authorities of non-government schools in the Australian Capital Territory are required to cooperate with the Australian Capital Territory government in the implementation of this Bilateral Agreement.

National Reform Directions

44. The Australian Capital Territory commits to the following actions to give effect to the National Reform Directions as outlined in the Heads of Agreement.
45. Additional reform actions that will be specifically funded through additional Commonwealth funding as part of this Agreement are specified in Table 2.

Equity and Excellence

46. Whole-of-system and/or whole-of-school approaches that identify student learning needs early and provide tiered and targeted, intensive supports, in line with evidence-based teaching and a 'multi-tiered system of supports' approach. The key features of this are:
 - a. Continuing:
 - i. Implementation of the Student-Centred Improvement Framework in all ACT public schools, to place every child and young person at the centre of school planning and improvement processes.
 - b. Undertaking the following additional effort:
 - i. Delivery of whole of school multi-tiered systems of supports and associated data management systems and assessment tools to enable targeting of supports to ACT public school students and schools that need it most.
47. A Year 1 phonics check and an early years of schooling numeracy check (once available) is made available to schools in Australia to support teachers and school leaders to identify student learning needs early. The key features of this are:
 - a. Continuing:
 - i. Piloting of Year 1 Phonics Check in selected ACT public primary schools.
 - b. Undertaking the following additional effort:
 - i. Implementing the Year 1 Phonics Check across all ACT public primary schools.
 - ii. Making available to all schools a Numeracy Check in the early years of schooling, once the national tool is available.

- iii. Reporting annually school participation rates in the Year 1 Phonics Check and the Numeracy Check (once available).
48. Initiatives that encourage student uptake of high-quality science, technology, engineering and mathematics (STEM) education opportunities. The key features of this are:
- a. Continuing:
 - i. Encouraging ACT public school student participation in STEM through the Future Skills Academy.

Wellbeing for learning and engagement

49. Initiatives that support connections between schools and other non-school services to support students to come to school ready to learn, for example through full service school models. The key features of this are:
- a. Continuing:
 - i. Reviewing the Education Directorate Allied Health Service to establish a new model of care appropriate to the needs of children and young people in ACT public schools.
 - b. Undertaking the following additional effort:
 - i. Working with schools, local communities and service providers to design, trial and implement a community school approach to meet the wellbeing and learning needs of ACT public school students through access to community coordinators, mental health workers, and multi-disciplinary services.
 - ii. Conducting a survey to assist in understanding and developing a model to introduce Hindi and Punjabi language teaching in ACT public schools, where this would benefit the local community.
50. Structured initiatives that support wellbeing for learning and engagement, for example in-school wellbeing coordinators or access to school counsellors, psychologists, mental health workers and/or youth health nurses. The key features of this are:
- a. Continuing:
 - i. Deploying social workers and youth workers across ACT public schools.
 - ii. Moving towards a new adjustments-based resourcing model for students with disability in ACT public schools.
 - iii. Implementing Positive Behaviours for Learning to build positive school communities that support wellbeing and engagement in learning.
 - b. Undertaking the following additional effort:
 - i. Employing additional school psychologists or mental health practitioners to work in ACT public schools.
 - ii. Scope and implement new approaches to proactively address bullying and respond to students with complex behaviours in ACT public schools.

51. Initiatives which support student engagement in learning, for example through greater student participation, attendance, inclusion and/or enhanced school-family engagement. The key features of this are:

a. Continuing:

- i. Delivering flexible education programs for students at risk of disengaging from public education.
- ii. Delivering the Attendance Support Team and Warunga Yardhura program to support regular attendance at ACT public schools.
- iii. Engaging with students, including through the Minister's Student Congress, and Inclusion Student Voice Forum.
- iv. Supporting positive school transitions through Transitions and Careers Officers, and the recently established Inclusion Transition and Careers Coach in ACT public schools.
- v. Delivering culturally inclusive on-country learning through Birrigai Outdoor School.

b. Undertaking the following additional effort:

- i. Exploring ways to expand flexible education offerings so ACT public school students from all backgrounds who need additional support to engage with learning can thrive at school, including students experiencing *school can't*.
- ii. Providing free breakfast and lunch, three times a week, at 20 ACT public schools.
- iii. Expanding the Future of Education Equity Fund to reach an additional 1000 students every year.
- iv. Trialling an independent parent advocacy service.
- v. Ensuring every ACT public primary school student can experience a free school camp.
- vi. Expanding programs to ensure our public schools are safe and inclusive environments for all students.

A strong and sustainable workforce

52. Initiatives to develop, recognise, reward and/or deploy highly expert teachers, particularly in schools which need additional support, for example Highly Accomplished or Lead Teachers or equivalents. The key features of this are:

a. Continuing:

- i. Supporting and encouraging uptake of Highly Accomplished and Lead Teachers in ACT public schools.
- ii. Deployment of Inclusion Coaches in a Try, Test and Learn pilot in Tuggeranong public schools.

- b. Undertaking the following additional effort:
 - i. Establishing in-school Literacy and Numeracy coaches to build consistent, high-quality literacy and numeracy instruction across ACT public schools.
 - ii. Expanding disability inclusion coaches across more ACT public schools.
53. Access to high quality and evidence-based professional learning for teachers and school leaders and the provision of quality-assured curriculum resources that have been developed in partnership with the teaching profession. The key features of this are:
- a. Continuing:
 - i. Partnering with the University of Canberra to deliver the Affiliated Schools Program to deliver high quality professional learning for pre-service and current teachers, and research in schools.
 - ii. Delivery of professional learning in a range of teaching and learning practices, including Universal Design for Learning.
 - b. Undertaking the following additional effort:
 - i. Delivery of professional learning and support for all ACT public schools in high quality literacy and numeracy instruction, including access to quality assured curriculum resources.
54. Initiatives to strengthen teacher and school leader wellbeing, for example actions to support safe and respectful schools, strengthen Aboriginal and Torres Strait Islander cultural safety, and reduce teacher and school leader workload. The key features of this are:
- a. Continuing:
 - i. Implementing the Education Directorate's Safety and Wellbeing Strategy to keep everyone safe and well in ACT public schools.
 - ii. Implementing the Education Directorate's Cultural Integrity Commitment to embed cultural integrity in ACT public schools and the Education Support Office.
 - iii. Delivering a range of school leader development programs, including Aspiring Leaders, to ensure current and future ACT public school leaders are equipped and supported to succeed.
 - b. Undertaking the following additional effort:
 - i. Investing in principal health and wellbeing programs.
 - ii. Implementing workload reduction initiatives identified through the Education Directorate's Sustainable Workload Management Committee. Specifically, the committee will focus on supporting consistent practice across public schools in areas of parental engagement, reporting, assessment and communicating student learning, and confirming the core functions of teachers and other support staff to ensure ACT public school teachers and school leaders can focus on high-quality teaching and learning and exercise the 'right to disconnect'. This will support workforce attraction, retention, planning and utilisation.

55. Initiatives to increase teacher attraction and retention including those that encourage students to take up a career in teaching and increase the diversity of the teacher workforce, for example initiatives focussed on increasing the number of Aboriginal and Torres Strait Islander educators, or through implementing actions under the National Teacher Workforce Action Plan and/or recommendations of the Teacher Education Expert Panel report. The key features of this are:
- a. Continuing:
 - i. Implement the ACT Education Directorate's *Teacher Attraction and Retention Plan* and Enterprise Agreements to attract and retain a high calibre teaching workforce for ACT public schools.
 - ii. Implement the Education Directorate's *Diversity and Inclusion Action Plan* to support and build a diverse ACT public school workforce.
 - iii. Deliver careers expo with a focus on encouraging students to consider a career in teaching, and to promote work experience and other training pathways.
 - iv. Implement the *National Teacher Workforce Action Plan* and the *Teacher Education Expert Panel* report.
 - b. Undertaking the following additional effort:
 - i. Providing scholarships for people who want to study teaching, including career changes, prioritising in-demand specialisations, like language teaching and disability inclusion.
 - ii. Strengthening career pathways for Learning Support Assistants through new scholarships enabling them to study teaching while working in ACT public schools.
56. Implementation of the reforms funded through additional Commonwealth funding is outlined further in Table 2.
57. Reporting on the activities undertaken in respect of the above National Reform Directions will be undertaken through an Annual Implementation Report, as outlined in Part 4. For the avoidance of doubt, reporting on reforms will be limited to actions funded through additional Commonwealth funding as outlined in Table 2.

National Enabling Initiatives

58. The Australian Capital Territory commits to the following actions to give effect to the National Enabling Initiatives as outlined in the Heads of Agreement, and fulfil commitments as per Schedules B and C of the Heads of Agreement:
- a. Contribute to collective work on the Review of the SRS base and loadings and calculation methodology.
 - b. Contribute to the implementation of the Unique Student Identifier (USI) to ensure all Australian Capital Territory school students receive a USI.
 - i. it is acknowledged by both Parties that the national system of Unique Student Identifier (USI) in schools will link to, and not replace or interfere with, the existing Australian Capital Territory Student Number.

- c. Contribute to collective work to better understand and provide advice to Education Ministers on:
 - i. socioeconomic diversity, its impact on schools and student learning and best practice approaches to addressing these impacts.
 - ii. school attendance, its impact on learning and mechanisms to advance evidence-based approaches to addressing non-attendance, including *school can't*.
 - d. Contribute to collective work to inform a Review of the Measurement Framework for Schooling in Australia to ensure it remains a relevant tool. This may include student level outcome data, appropriate disaggregated data, and information to inform possible new and updated measures. The Review's Terms of Reference are to be agreed by Education Ministers Meeting and will include consideration of the costs and benefits (with primacy given to any impact on teacher workload):
 - i. a new measure of student engagement.
 - ii. a new equity in learning gain measure, to enable measurement of student learning growth.
 - iii. national measures of access, participation and outcomes for students with disability to establish a better understanding of the education experiences and outcomes of students with disability.
 - iv. extending the Australian Teacher Workforce Dataset to ensure that comprehensive data, based on teacher registration, is collected to better understand workforce trends including on early career retention and diversity, and extending the Australian Teacher Workforce Survey to capture data on out-of-field teaching.
 - e. Contribute to collective work to develop an early years of schooling numeracy check to support teachers to assess their students' numeracy skills and identify and respond to students who need tailored support.
59. As per clause 89 of the Heads of Agreement, the Australian Capital Territory will contribute to the development of a national Project Plan for each of the National Enabling Initiatives in clause 88 of the Heads of Agreement.
60. The provision of any information by the Australian Capital Territory as part of its contribution to the delivery of the National Enabling Initiatives will be consistent with the Project Plans to be agreed by Education Ministers Meeting (EMM), the Reporting Requirements in Part 4 of the Heads of Agreement and clause 98 of the Heads of Agreement, which stipulates that as far as practical, reporting requirements will leverage existing reporting processes and data sources and, unless explicitly stated otherwise, will not impose any additional burden on schools.
61. The Australian Capital Territory will not be penalised in any way for failing to achieve milestone deadlines in relation to the National Enabling Initiatives in the Heads of Agreement or this Bilateral Agreement if such non-achievement was due to delayed or non-achievement of other milestones or dependencies outside of the Australian Capital Territory's control.

62. As set out in clause 92 of the Heads of Agreement, the cost of National Enabling Initiatives will be met by Parties according to the cost sharing principles, unless otherwise agreed by Education Ministers. For joint projects, EMM typically utilises a population-based funding formula to determine jurisdictional funding propositions. For the avoidance of doubt, the Australian Capital Territory will not need to contribute more towards jurisdictions' share of the national cost of a National Enabling Initiative than is proportional to the Australian Capital Territory's share of the total national school student population, unless otherwise agreed by the Australian Capital Territory's Minister for Education.
63. The Australian Capital Territory's obligations with regards to the National Reform Directions and National Enabling Initiatives specified in this Bilateral Agreement and the Heads of Agreement are fully dependent on the Australian Capital Territory receiving the additional Commonwealth funding agreed with the Commonwealth under this Bilateral Agreement.

Implementation

64. In committing to the above reforms, the Australian Capital Territory commits to the actions and milestones set out in Table 2.
65. The Australian Capital Territory undertakes to work with the non-government school sector in the Australian Capital Territory in the implementation of the reforms outlined in this Bilateral Agreement.
66. In accordance with section 77(2A) of the Act, non-government approved authorities are required to cooperate with their local State or Territory government in the implementation of this Agreement.
67. The non-government sector in the Australian Capital Territory, as per clause 57 in the Heads of Agreement, should cooperate with the Australian Capital Territory Government to implement the National Reform Directions and National Enabling Initiatives. Activities against National Reform Directions undertaken by the Australian Capital Territory non-government sector will be included in reports by the non-government representative bodies provided to the Australian Government as set out in Part 5 in the Heads of Agreement.
68. The Commonwealth will not impose financial or other sanctions on the Australian Capital Territory for a failure by the Australian Capital Territory's non-government school sector to cooperate with this Bilateral Agreement, as per clause 87 of the Heads of Agreement. Nor will the Commonwealth impose sanctions on the non-government school sector for a failure of the Australian Capital Territory to cooperate with them in the implementation of this Bilateral Agreement.

Table 2 – Australian Capital Territory bilateral school reform milestones

Note: this Table only includes the reforms funded through additional Commonwealth funding

Reform and Milestones	Sector	Timing
Reform A – Equity and Excellence		
<u>Whole-of-system and/or whole-of-school approaches that identify student learning needs early and provide tiered and targeted, intensive supports, in line with a 'multi-tiered systems of support' (MTSS) approach.</u>		
<ul style="list-style-type: none"> • Delivery of whole of school multi-tiered systems of supports and associated data management systems and assessment tools to enable targeting of supports to ACT public school students and schools that need it most. 	Government	Design in 2025 for implementation from 2026
<u>A Year 1 phonics check and an early years of schooling numeracy check (once available) is made available to schools in Australia to support teachers and school leaders to identify student learning needs early.</u>		
<ul style="list-style-type: none"> • Implementing the Year 1 Phonics Check across all ACT public primary schools. 	Government	Commencing 2025
<ul style="list-style-type: none"> • Make available to all schools a Numeracy Check in the early years of schooling, once the national tool is available. 	All	When the national tool is available
<ul style="list-style-type: none"> • Report annually school participation rates in the Year 1 Phonics Check and the Numeracy Check (once available). 	All	Phonics Check participation reporting commencing 2026 Numeracy Check participation reporting once national tool is available and piloted

Reform B – Wellbeing for Learning and Engagement		
<u>Initiatives that support connections between schools and other non-school services to support students to come to school ready to learn, for example through full-service school models where appropriate.</u>		
<ul style="list-style-type: none"> Working with schools, local communities and service providers to design, trial and implement a community school approach to meeting the wellbeing and learning needs of ACT public school students through access to community coordinators, mental health workers and multi-disciplinary services. 	Government	Design in 2025 for implementation from 2026
<u>Structured initiatives that support wellbeing for learning and engagement, for example in-school wellbeing coordinators or access to School Counsellors, psychologists, mental health workers and/or youth health nurses.</u>		
<ul style="list-style-type: none"> Scope and implement new approaches to proactively address bullying and respond to students with complex behaviours in ACT public schools. 	Government	Scope in 2025 for implementation from 2026
<u>Initiatives which support student engagement in learning, for example greater student participation, attendance, inclusion and/or enhanced school-family engagement.</u>		
<ul style="list-style-type: none"> Exploring ways to expand flexible education offerings so ACT public school students from all backgrounds who need additional support to engage with learning can thrive at school, including students experiencing <i>school can't</i>. 	Government	Design in 2025 for implementation from 2026
Reform C – A Strong and Sustainable Workforce		
<u>Initiatives to develop, recognise, reward and/or deploy highly expert teachers, especially in schools which need additional support, for example Highly Accomplished or Lead Teachers or equivalents.</u>		
<ul style="list-style-type: none"> Establishing in-school Literacy and Numeracy coaches to build consistent, high-quality literacy and numeracy instruction across ACT public schools. 	Government	Commencing from 2025

Access to high quality and evidence-based professional learning for teachers and school leaders and the provision of quality-assured curriculum resources that have been developed in partnership with the teaching profession.

- Delivery of professional learning and support for all ACT public schools in high quality literacy and numeracy instruction, including access to quality assured curriculum resources.

Government

Commencing from 2025

Initiatives to strengthen teacher and school leader wellbeing, for example actions to support safe and respectful schools, strengthen Aboriginal and Torres Strait Islander cultural safety, and reduce teacher and school leader workload.

- Investing in principal health and wellbeing programs.

Government

Commencing from 2025

- Implementing workload reduction initiatives identified through the Education Directorate’s Sustainable Workload Management Committee. Specifically, the committee will focus on supporting consistent practice across public schools in areas of parental engagement, reporting, assessment and communicating student learning, and confirming the core functions of teachers and other support staff to ensure ACT public school teachers and school leaders can focus on high-quality teaching and learning and exercise the ‘right to disconnect’. This will support workforce attraction, retention, planning and utilisation.

Government

Commencing from 2025

PART 4 – REPORTING REQUIREMENTS

Requirements for annual reporting to the Commonwealth

69. The following clauses set out the annual reporting arrangements for the Australian Capital Territory for a year (Year T).
70. As set out in Part 5, clause 100 of the Heads of Agreement, the Australian Capital Territory will be required to ensure full and accessible information on their needs-based funding arrangement is publicly available, in line with subsection 78(5) of the Act.

Annual Funding Report

71. The Commonwealth will provide the Australian Capital Territory with a Funding Estimation Tool in January Year T+1 prior to the Australian Capital Territory's annual report with the final Schooling Resource Standard (SRS) data for Year T for the purpose of the Board's review of the Australian Capital Territory's compliance with section 22(A) of the Act.
72. As outlined in Part 5, clause 101(e) of the Heads of Agreement, the Australian Capital Territory Minister responsible for school education, or their delegate (i.e., the Director General (or equivalent) of the Department responsible for school education) must provide an annual funding report to the Commonwealth to the Commonwealth Education Minister, or their delegate such as the Departmental Secretary, for each calendar year of the Bilateral Agreement.
73. The Australian Capital Territory must provide its Annual Funding Report for Year T to the Commonwealth no later than 30 November Year T+1 (i.e. 30 November of the following year).
74. The Annual Funding Report must set out the following:
 - a. The total amount of funding provided by the Australian Capital Territory for government schools in the Australian Capital Territory for Year T as measured in line with clause 38 of this Bilateral Agreement.
 - b. The total amount of funding provided by the Australian Capital Territory for non-government schools in the Australian Capital Territory for Year T as measured in line with clause 38 of this Bilateral Agreement.
 - c. Total full time equivalent enrolments for Year T, relating to the amounts in (a) and (b) above.
 - d. The amount for each funding type set out in clause 38 of this Bilateral Agreement.
 - e. The amount of funding consistent with the specified NRIPS methodology, at a sector level, not at an individual school level.
75. For the avoidance of doubt, each amount included in the Annual Funding Report must have been:
 - a. allocated by the Australian Capital Territory government for schools for Year T (including centralised funds allocated by the department for schools and funds allocated for schools that are not spent within Year T but are spent within remainder of the financial year or subsequent years by schools), or approved authorities, or

- b. allocated to schools or approved authorities for schools, and
 - c. not counted towards another reporting year for the purposes of this agreement, and
 - d. not counted towards another Commonwealth-State Agreement, without the explicit consent of the Commonwealth, and
 - e. this clause does not prevent the Australian Capital Territory also including budgeted amounts in its report.
76. Each amount included in the report for a sector must have been allocated and expended by that sector. Note: this means the Australian Capital Territory cannot count funding allocated or expended against the allocation or expenditure of another sector.
77. Each amount included in the report must be net of any Australian Government funding.
78. The Annual Funding Report provides an option for a statement explaining
- a. any material variances (positive or negative) of the SRS in the total amount of Australian Capital Territory's funding contribution that is between Year T and Year T-1 T for:
 - i. government schools in the Australian Capital Territory and
 - ii. non-government schools in the Australian Capital Territory
 - b. any adjustments to the Australian Capital Territory funding contribution (i.e. timing adjustments) outside of the specified NRIPS methodology.
79. For each amount, the report must include evidence that the amount has been certified and is consistent with the agreed methodology in clause 38 of this Bilateral Agreement by one of the following:
- a. the Auditor-General of the Australian Capital Territory; or
 - b. an independent qualified accountant; or
 - c. an independent qualified accountant engaged by ACARA for NRIPS funding; or
 - d. the Director General or equivalent of the education portfolio for the Australian Capital Territory, but only up to 0.1 per cent of the SRS for the Australian Capital Territory for all reported funding.
80. The Annual Funding Report may also provide an explanation and supporting evidence for the Board's consideration of any shortfall between the total amount reported for Year T and the agreed funding contributions for Year T in clause 38 of this Bilateral Agreement.
81. The Commonwealth will provide the Australian Capital Territory's Annual Funding Report to the Board for assessment of the Australian Capital Territory's compliance for Year T with section 22A of the Act, including any funding requirements specified in this Bilateral Agreement.

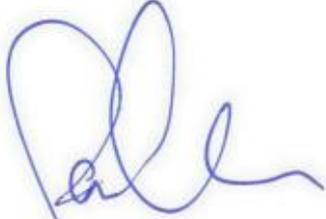
82. The Commonwealth may request additional information from the Australian Capital Territory on behalf of the Board, to be provided within 21 days. If the Australian Capital Territory does not provide information or advice in this timeframe, the Board will make an assessment based on the information and evidence available. Such requests will be consistent with clause 98 of the Heads of Agreement which stipulates that as far as practical, reporting requirements will leverage existing reporting processes and data sources and unless explicitly stated otherwise, will not impose any additional burden on schools.
83. The Australian Capital Territory will have an opportunity to provide further information for the Board's consideration following their receipt of the Board's draft findings.

Annual Implementation Report

84. As outlined in Part 5, clause 101(a) of the Heads of Agreement, the Director General or equivalent of the education portfolio for the Australian Capital Territory must provide an Annual Implementation Report to the Secretary of the Australian Government's Department of Education for each calendar year of this Bilateral Agreement, for the purpose of assessing compliance with paragraph 22(2)(c) of the Act.
85. The template for the Annual Implementation Report is found at Attachment A to this Bilateral Agreement.
86. The Annual Implementation Report for a calendar year is required by 30 November Year T+1 (i.e. 30 November of the following year), or a date as agreed by the Commonwealth and the Australian Capital Territory.
87. The Annual Implementation Report must include:
 - a. progress towards agreed reform activity as outlined in Table 2 of this Bilateral Agreement for the National Reform Directions.
 - b. how much additional funding from the Commonwealth is to be directed to implement or augment the National Reform Directions.
 - c. where applicable, information on how the implementation of each of the National Reform Directions has been targeted to priority equity cohorts (as defined in the Heads of Agreement) and schools which need additional support.
 - d. progress towards Improvement Measures, only where not currently reported to the Commonwealth.
88. For the avoidance of doubt, the Australian Capital Territory's Annual Implementation Report should focus on government school implementation and Improvement Measures, noting that as per clauses 104 in the Heads of Agreement, non-government representative bodies will be required to provide an Annual Implementation Report for Year T to the Commonwealth for each calendar year by 30 November Year T + 1.

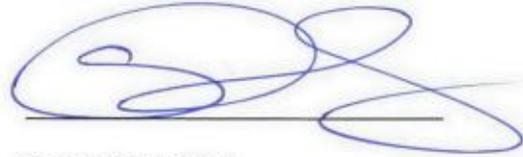
SIGNATURES

Signed for and on behalf of
the Commonwealth of Australia by



The Honourable Jason Clare MP
Minister for Education
Date 19/11/24

Signed for and on behalf of
the Australian Capital Territory by



Yvette Berry MLA
Minister for Education and Early Childhood
Date 19/11/24.

ATTACHMENT A: ANNUAL IMPLEMENTATION REPORT TEMPLATE

Purpose of this reporting template

This Annual Implementation Report reporting template contributes to achieving the transparency and accountability commitments under the Better and Fairer Schools Agreement. The Australian Capital Territory will fill in the Annual Implementation Report annually and report it to the Australian Government Department of Education in relation to the government school sector; non-government representative bodies will also be required to fill in their own template (see Schedule E of the Heads of Agreement).

National Reform Directions

The Australian Capital Territory is required to fill in the below table outlining their implementation of National Reform Directions (in relation to the government school sector) where there is allocation of additional Commonwealth investment. If work is already underway in the Australian Capital Territory in relation to a National Reform Direction, then The Australian Capital Territory can choose to report qualitative information on the progress of the National Reform Direction.

National Reform Directions	Allocation of additional Commonwealth investment	Description of local implementation	Outline the focus on priority equity cohorts and schools needing additional support (where applicable)	Details of qualitative or quantitative impact
[For example] Structured initiatives that support wellbeing for learning and engagement, for example in-school wellbeing coordinators or access to School Counsellors, psychologists, mental health	How much of the Commonwealth additional investment is being targeted to this work.			For example, ratio of wellbeing functions to students, where applicable.

workers and/or youth health nurses.				
[National Reform Direction]				

Specific National Reform Direction Implementation

National Reform Direction	20xx Update	Evidence/Caveats/Background Information
Phonics and early years of schooling numeracy (once available) check school participation rate (i.e. not student level)		
Number of Highly Accomplished and Lead Teachers or equivalent		For e.g. certain percentage being deployed in schools which need additional support.

Improvement Measures

The Australian Capital Territory is required to fill in the following table outlining their progress against identified agreed Improvement Measures, only where data is not available at the Commonwealth level:

Improvement Measure	20xx Update	Evidence/Caveats/Background Information
[Jurisdiction-level Improvement Measure]		
[Identified jurisdictional target, where target already exists (if applicable)]		