



Association of Independent Schools of Victoria

**SUBMISSION TO THE PRODUCTIVITY  
COMMISSION'S DISABILITY DISCRIMINATION  
ACT INQUIRY**

16 May 2003

**The Association of Independent Schools of Victoria Inc.**

AISV was established in 1949 to represent, promote the interests of and provide services to Victorian independent schools. More than 97 per cent of all independent schools in Victoria are members of the Association and member schools enrol more than 99 per cent of all independent school students in Victoria. As such, more than 200 schools educating over 100,000 students are members of the Association. As member schools are individual legal entities, the Association is not a system authority but is a non-profit service organization to its membership. As part of this role, the Association represents the interests of its Member Schools to governments and the community on a wide range of issues.

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## EXECUTIVE SUMMARY

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AISV welcomes the Productivity Commission's Disability Discrimination Act Inquiry. Students with disabilities are an integral part of the independent school community; 160 schools covering 171 campuses educate 1,400 students with disabilities. Working alongside the government and Catholic sectors to provide the best education for all students, the independent sector relishes its shared responsibility for educating students with special needs.

There is clear quantitative evidence of increased enrolments of students with disabilities in the independent schools sector since the implementation of the DDA. While the number of students eligible for state support services funding has increased by 250 per cent since 1995, this has not been met with a commensurate increase in funding. As a result, this amount has been spread across an ever-increasing number of students. This trend fundamentally inhibits the potential of the DDA.

Unlike government schools where the cost of the Act's implementation is fully met by governments, independent school communities must absorb the costs associated with implementation. The low level of funding available hinders the scope of the independent sector's ability to educate students with disabilities. Parents are often shocked to learn of the independent sector's lack of government assistance in reference to students with disabilities. This is especially obvious for parents who move their children from the government sector to the independent sector. While their child may have been receiving between \$4,001 and \$30,536 in additional support at a government school, he or she will lose almost all of this State Government funding upon enrolment in the independent sector.

According to research undertaken by Irving Saulwick and Associates and Denis Muller and Associates in 2001, 74 per cent of respondents said that students with similar disabilities should receive the same amount of government money, regardless of the sector in which they attend school.

If we are to eliminate, "as far as possible, discrimination against persons on the ground of disability" we cannot allow a situation where students with disabilities are discriminated against based on their choice of school. This choice is often determined by the nature of the child's disability and the needs associated with that disability.

"Equality between people with disabilities and others" cannot be assured until we provide all schools with the resources that allow it to educate all students from a level playing field. Nor can we promote "recognition and acceptance of the rights of people with disabilities" if it is harder for a disabled student to choose their school than a non-disabled student.

Funding arrangements that allocate support based on school sector rather than need fail to support the DDA in meeting its objectives and, indeed, in reaching its potential.

## **SUMMARY OF RECOMMENDATIONS**

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**Recommendation 1:**

**That the definition of ‘unjustifiable hardship’ be more clearly determined to enable schools to better define their options.**

**Recommendation 2:**

**That the subject ‘learning styles’ (or an equivalent) be made a compulsory unit of Victorian teaching courses.**

**Recommendation 3:**

**That the costs of implementing the DDA are more adequately supported by governments, regardless of the sector in which the student attends school.**

**Recommendation 4:**

**That all State/Territory Governments accept responsibility for the provision of disability assessment reports for all children deemed to be in need of assessment.**

**Recommendation 5:**

**That the Federal Government tags a proportion of States’ GST funds from 2008 for the purposes of providing equitable levels of funding assistance and support services to students with disabilities in government and non-government schools and that this is based on the level of resources each State provides to students with disabilities in their government schools.**

**Recommendation 6:**

**That the Federal Government explores the introduction of a limited tax deduction of \$1,000 for gifts of a recurrent nature associated with the education of students with disabilities.**

## 1. INTRODUCTION

- 1.1 AISV welcomes the Productivity Commission's Disability Discrimination Act Inquiry as a mechanism by which governments and the community can work toward the important goal of expanding the opportunities available to all people with a disability.
- 1.2 The increasing climate of discussion on this issue is encouraging to students, parents and educators alike. While the recent Senate References Committee Inquiry into the Education of Students with Disabilities failed to appreciate the specific difficulties faced by the independent sector on this issue, it did generate greater discussion, research and analysis of the issues concerning students with disabilities. Additionally, MCEETYA's current work in setting disability standards also contributes to the goal of enhancing opportunity and equality between disabled and non-disabled students. Within this context, AISV perceives the Productivity Commission's inquiry to be a well-timed opportunity to reflect on the purposes of the DDA, its benefits and the various issues resulting from its implementation.
- 1.3 Commonwealth and State legislation quite rightly sets out the community's expectations in relation to the provision of education without discrimination for students with disabilities. The DDA, along with the Victorian Equal Opportunity Act, makes it unlawful for schools to discriminate against students with disabilities. The legislation places an obligation on schools to provide the appropriate facilities and programs for students with disabilities.
- 1.4 There is clear quantitative evidence of increased enrolments of students with disabilities attending independent schools since the implementation of the DDA. Unfortunately, this upward trend has resulted in significant financial strain for independent school communities because, unlike government schools, the challenges posed by the DDA are not fully supported by governments. As will be shown in the following submission, the low level of funding available, coupled with the vague definition of "unjustifiable hardship," often makes the important task of educating students with disabilities difficult for independent schools. This document will also provide multiple examples of schools that go beyond the call of duty to meet the needs of students with disabilities despite enormous professional and financial demands.
- 1.5 In most (if not all) instances, students receive more financial assistance for their disability if they attend a government school. Even when the combined State and Commonwealth targeted funding for students with disabilities is considered, students with disabilities enrolled in independent schools receive approximately one tenth of that received by a student with a similar disability enrolled in a government school. This disparity is most obvious in State Government funding arrangements. As such, this submission places particular emphasis on the inequity at the State level while also considering the total funding picture.
- 1.6 Despite the low level of funding available, parents of students with disabilities are increasingly choosing independent schools. Indeed, the success of the DDA has amplified the difficulties with the current funding arrangements. So while

there has been an increase in the number of students with disabilities enrolled in the independent schools sector, the next challenge is to better equip schools with the resources that complement their eagerness to provide the best education possible for their students. This is vital if we are to build upon the successes already evident at the 160 independent schools covering 171 campuses that, together, enrol 1,400 students with disabilities.

- 1.7 AISV would like to acknowledge the National Council of Independent Schools' Association's submission to the Productivity Commission. NCISA's attention to the definitions of disability and the DDA disability standards broadly reflects AISV's views.
- 1.8 AISV's submission mainly seeks to "ascertain whether the objectives of the DDA are being met." Firstly we examine the costs and benefits of the DDA, we then investigate the success of the DDA in "eliminating, as far as possible, discrimination on the ground of disability," in "ensuring equality between people with disabilities and others" and in "promoting recognition and acceptance of the rights of people with disabilities." Finally, AISV provides several recommendations on ways that governments could better support the intentions of the DDA. In addressing these areas, this submission has drawn from the guidelines provided in the Inquiry's Terms of Reference and the Productivity Commission's Issues Paper.

## **2. PRINCIPLES OF INDEPENDENT SCHOOLING**

- 2.1 ***Choice.*** The principle of educational choice is enshrined in Article 26 of the Universal Declaration of Human Rights, stating that "parents have a prior right to choose the kind of education that shall be given to their children." Parents choose schools based on a broad range of individual reasons. Parents often seek to provide schooling that is compatible with religious beliefs, some wish to keep all siblings in the one school and in other cases parents choose a smaller school or assess the learning environment as being most conducive to the development of their child's skills both socially and academically. These factors hold significant weight for the parents of students with disabilities.
- 2.2 ***Independence.*** Within existing legislative requirements, independent schools are autonomous in their operations, determining their own curriculum and co-curricular programs, discipline policies, employment of staff and management of resources.
- 2.3 ***Accountability.*** Independent schools are accountable for Government funding and services. For example, independent schools are accountable to parents, corporate regulators, the Commonwealth Government and the Registered Schools' Board.
- 2.4 ***Diversity.*** Victorian independent schools cover a range of school types including primary schools, secondary schools and schools providing education from kindergarten to Year 12. There are also a range of school types in terms of co-education and single sex schools; religious schools from a variety of denominations, boarding schools and special schools.

### 3. PUBLICLY SUPPORTED PRINCIPLES

- 3.1 The assertion that all students with disabilities should receive funding based on need rather than school sector is well supported by public opinion. Research into the attitudes of Victorians on this matter found that 74 per cent of respondents said that students with similar disabilities should get the same amount of government money, no matter where they went to school.<sup>1</sup>
- 3.2 Furthermore, this research found that there are four key planks to public opinion in reference to school funding:
- “All children should be, in some way, treated as equal and should be allocated the same basic amount of money by ‘government’ for their education, no matter where they go to school. This is universally accepted.
  - If parents pay their taxes, they are entitled to share in the money allocated by the state for the education of the nation’s children.
  - It is the financial situation of parents, rather than that of the school, that should determine the basis on which government money is distributed to non-government schools.
  - The three sectors of schooling – government, Catholic and independent – are interdependent. It was widely agreed that were non-government schools to disappear, the burden on government funding of the state system would be insupportable and the education system would collapse.”<sup>2</sup>

### 4. THE COSTS AND BENEFITS OF THE DDA

*Term of Reference 2a)*

*The social impacts in terms of costs and benefits that the legislation has had upon the community as a whole and people with disabilities, in particular its effectiveness in eliminating, as far as possible, discrimination on the ground of disability, ensuring equality between people with disabilities and others in the community and promoting recognition and acceptance of the rights of people with disabilities.*

- 4.1 The DDA has produced clear quantitative benefits for the independent sector. Since its implementation, the number of students with disabilities enrolled in Victorian independent schools has increased significantly. The following table outlines the steadily increasing number of Commonwealth and State supported students with disabilities. Since 1995 the number of students eligible for State Support Services funding has increased by more than 250 per cent while the amount of available funding has increased by approximately 30 per cent.

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<sup>1</sup> Irving Saulwick and Associates and Denis Muller and Associates, *Attitudes to the funding of education- A consolidated report of qualitative and quantitative research conducted in Victoria*, July 2001

<sup>2</sup> Ibid



**Table 1 - Funding and enrolments**

<b>YEAR</b>	<b>Commonwealth (SAISO) funded students with disabilities</b>	<b>Commonwealth SAISO funds available to independent schools \$</b>	<b>State funded students with disabilities</b>	<b>State funds available to independent schools \$</b>
1995	671	2,115,918	303	634,280
1996	836	2,170,480	393	663,560
1997	857	2,411,889	571	679,080
1998	986	2,697,733	646	685,695
1999	1,022	2,790,630	743	711,750
2000	1,134	2,866,860	905	713,944
2001	1,186	3,096,900	906	810,243
2002	1,245	3,113,905	990	812,100
2003	1,400	3,329,500	1,170	819,245

- 4.2 The social benefits of this trend are not just relevant to the independent sector’s 1,400 students with disabilities but also to the more than 100,000 non-disabled students enrolled in independent schools. The above trend yields positive social benefits for a school’s entire school community. While it is vital that students with disabilities have access to the independent sector, it is equally important that the independent sector has access to students with disabilities. As one Vice-Principal of a mainstream independent school with a large program for students with disabilities said, “our non-disabled students have benefited enormously by working alongside students with different needs. The involvement of students with disabilities in our mainstream school enhances acceptance, knowledge and tolerance and this is a very positive benefit for our school community at large.”
- 4.3 With enrolment increases being a clear result of the DDA, it is now important to consider how this achievement can be continued and expanded. As such, it is necessary to assess the level of government support offered to these students. As also demonstrated in Table 1, these enrolment increases have occurred without commensurate increases in government funding. Consequently, per hour support allocated from the State Support Services funding has dropped from \$40 per hour in 1995 to \$17 per hour in 2003. This is even while the current rate for purchasing service provision is approximately \$60 per hour. The decline in per hour support has occurred because this virtually stagnant amount of government funding has been spread across an increasing number of students. It is AISV’s policy that all eligible students should receive at least some State Support Services funding.
- 4.4 Even when total State and Commonwealth funding is considered, students with disabilities attending independent schools are significantly disadvantaged in comparison to their government school peers. (Funding arrangements are explained in more detail in Attachment 1.) The Australian Education Union’s claim that the Commonwealth SAISO funding is “biased towards private schools”<sup>3</sup> is made without comparing the total government funding available to

<sup>3</sup> Australian Education Union, *A submission by the Australian Education Union to the Productivity Commission Inquiry into the Disability Discrimination Act*, April 2003, <http://www.aeufederal.org.au/>

each sector. Students with disabilities integrated at mainstream independent schools receive the same recurrent funding as other non-disabled students and students attending independent special schools receive the highest level of State and Commonwealth recurrent funding. Students attending both mainstream and special schools receive additional Commonwealth funding including \$621 in strategic assistance per capita, targeted SAISO funding ranging between \$1,000 and \$4,000<sup>4</sup> and an average of \$680 from the State Government.<sup>5</sup> By comparison, students with disabilities attending government schools receive between \$4,001 and \$30,536 in additional support from the State Government alone! Clearly, comparisons based solely on Commonwealth funding lack credibility.

**Table 2 – Victorian State Government funding available to students with disabilities attending government schools in 2003.**

Level 1	\$4,001
Level 2	\$9,253
Level 3	\$14,605
Level 4	\$19,934
Level 5	\$25,220
Level 6	\$30,536

- 4.5 These funding arrangements mean that independent school communities have borne the costs associated with implementing the DDA rather than governments. Case Study 1 (Attachment 2) details how Covenant College has managed the expectations of the DDA with the limited resources available. As noted in this case study, the school’s commitment to finance this student’s education has been at the cost of other worthy initiatives-

*“For the duration of ‘Jack’s’ life at Covenant College the ‘excess’ costs have been largely absorbed by the school – at obvious expense to other equally valuable programs.”*

As such, the cost of this student’s education has been met at the expense of the whole school community.

- 4.6 These financial costs inhibit the scope of the DDA and allow some detrimental social costs to continue. While independent schools may provide significant benefits because of their size, religious base, teaching styles or culture, often parents recognise the additional benefits of the government sector. For many families, the associated costs outweigh the individual benefits of a particular school because their child will not enjoy the same level of funding support as is available at a government school. Present funding arrangements for students with disabilities are often implemented at the cost of educational choice.

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<sup>4</sup> Students with disabilities attending mainstream independent schools receive between \$1,000 and \$3,000 in SAISO funding while students attending special independent schools receive \$1,000 and \$4,000 in SAISO funding.

<sup>5</sup> Some students are also eligible for the Commonwealth’s “special education compensation funding” which is a transition measure due to terminate at the end of 2004. The level of support varies widely with some secondary students eligible for a maximum of \$2,600.

- 4.7 Conversely, a number of families choose an independent school despite the lack of government support. The following example further highlights the enormous funding disparity that is based solely on sector in which the student is enrolled. ‘Sally’s’ family investigated the available support at both an independent school and a government school. Even though there was a significant difference in available support between the two schools, ‘Sally’ and her family decided that the positives of the particular independent school outweighed the negatives.

**Table 3 – Differences in funding between the government and independent sector based on the same student’s need.**

Student	Disability	DE&T Salary Support	DE&T Additional Supports
Sally	Hearing Impaired	\$14,605	Visiting Teacher of the Deaf 2 hours per week @ \$60 per hour
		Independent Salary Support (DEST)	Independent Additional Supports (DE&T)
Sally	Hearing Impaired	\$2,000	VT Hearing Impaired 2 hours per week @ \$17 per hour

- 4.8 Similarly, Case Study 2 (attachment 3) details the lengths to which families are prepared to go to choose the school they believe will help their child reach his or her potential. ‘Tom’s’ parents note, “some of his academic abilities are above average for his age” and even though “we were initially told that he would need to attend a special school, he is now able to attend a mainstream school with consequent benefits both to himself, our family and other children at his school.” In this case, Tom’s parents have offered to provide the school with additional funding to increase his time with an integration aide. Indeed, ‘Tom’ was listed to enrol in this school before his birth and the discovery of his autism. Clearly, the sacrifices made by these parents are paying off and this school is the place where he can reach his potential.
- 4.9 Funding arrangements also cause negative social impacts in the cases when students become disabled during their school years. In such a scenario it is often preferable to keep the student in the same school amongst familiar teachers and fellow students. The current funding arrangements place significant financial hardship of the students and schools that find themselves in this scenario.
- 4.10 Another issue for schools is the vagaries of the Act’s reference to “unjustifiable hardship.” While schools are able to claim “unjustifiable hardship” in order to become exempt from the legislation, most schools are concerned about the legal ramifications of taking such action. In their eagerness to comply with the DDA, a number of schools are taking on a higher level of “hardship” than may have been intended by the Act. However, if funding arrangements are reformed so that support is tied to the student instead of the school, the number of schools claiming “unjustifiable hardship” would be very low and this clause would only be necessary in very rare situations.

**Recommendation 1: That the definition of ‘unjustifiable hardship’ be more clearly determined to enable schools to better define their options.**

## 5. EFFECTIVENESS IN ACHIEVING THE DDA'S OBJECTIVES

*Term of Reference 3b)*

*Ascertain whether the objectives of the DDA are being met, including through analysis and, as far as reasonably practical, quantification of the benefits, costs and overall effects of the legislation upon people with disabilities, in particular its effectiveness in eliminating, as far as possible, discrimination on the ground of disability, ensuring equality between people with disabilities and others in the community, and promoting recognition and acceptance of the rights of people with disabilities.*

5.1 The following seeks to address the three objectives cited in Term of Reference 3b with particular relation to students with disabilities and their experiences with independent schooling. In each instance, it becomes obvious that the achievement of these objectives is inhibited by discriminatory funding practices. This imposes limitations for parents who seek out the most suitable school for their child's individual needs.

***Objective 1: "Effectiveness in eliminating, as far as possible, discrimination on the ground of disability...."***

5.2 Education is compulsory for all students. For students with disabilities, education is an especially important base from which to meet the challenges posed and to strive toward individual potential. It is vital that students with disabilities are provided every opportunity to set the basis for their future through an excellent education that is tailored to their needs, talents and pursuits. For some, this may involve the security of attending the same school as siblings, attending a school associated with their religious community, or attending a school with a particular speciality that cultivates their individual interests and skills.

5.3 As already demonstrated, the DDA has resulted in an increased number of students with disabilities attending independent schools. The independent sector and the families who have enrolled their children in the school/s of their choice welcome this. Despite these apparent efforts, current arrangements make it more difficult for students with disabilities to attend the school they believe will best equip them to reach their potential. This suggests "discrimination on the ground of disability" has not yet been eliminated "as far as possible." Instead, students are not being discriminated against because of their disability but because of their choice of school, a choice that is closely related to their needs.

***Objective 2: "...ensuring equality between people with disabilities and others in the community..."***

5.4 All schools must be equipped to educate students with disabilities on a level playing field with non-disabled students. If the DDA aims to ensure equality it is vital that students with disabilities have the opportunity to learn from a level playing field as other students. Schools cannot achieve this without the

necessary resources. In the absence of such arrangements, there remains a high level of inequality between “people with disabilities and others.”

- 5.5 Pivotal to achieving this is the provision of highly skilled teachers who are trained to educate students with special learning needs. It is unfortunate then, that there is evidence of a diminishing number of teachers with a professional knowledge of how to educate students with disabilities. AISV notes anecdotal evidence of a decrease in the number of qualified teachers in the area of disabilities and impairments. For example, The Currajong School is the largest service provider in Victoria in the area of social, emotional and behavioural disorders of young students aged between 5 and 13. Despite the Currajong School’s diligent efforts in requesting student teacher placements, they have only received one student teacher placement between 1997 and 2002. This is in contrast to the three student placements they hosted in 1994, five in 1995 and one in 1996. (Further information about The Currajong School is detailed in Case Study 3, attachment 4.)
- 5.6 This trend raises concerns that graduate teachers are not receiving the necessary training to teach students with disabilities. In order for students with disabilities to receive the best education practicable, teachers need to be trained so that their teaching skills best engage these students. This is well demonstrated by NSW standards; all undergraduates undertaking teacher training at a NSW university must incorporate some subjects in special needs as part of their course. At present, this arrangement is not mandatory for Victorian students undertaking teacher training. Such a move in Victoria would better support the DDA in achieving its objectives.

**Recommendation 2: That the subject ‘learning styles’ (or an equivalent) be made a compulsory unit of Victorian teaching courses.**

- 5.7 Indeed, current funding arrangements impose inequality between students with disabilities enrolled in different schools sectors. The inequitable funding arrangements detailed earlier are especially obvious when students move between sectors. Many enrolments of students with disabilities at independent schools, particularly independent special schools, result from a government school recommending their school to a family. Table 4 outlines the estimated percentage of independent special school enrolments that have resulted because of government school transfers.

**Table 4 – Students moving between sectors**

<b>School</b>	<b>Percentage of total 2003 student body originally from the government sector</b>
Berengarra School	69 per cent
The Currajong School	60 per cent
Frank Cheshire Education Centre	74 per cent
Rosbourne School	48 per cent

*Source: the above percentages have been provided by each school (as at May 2003).*

- 5.8 Parents who move their children from the government sector to the independent sector are often shocked to learn that most of the resources provided by the State Government are no longer available once the student changes sectors. Though this child's needs have not altered, the amount of support provided declines dramatically. Furthermore, the annual funding provided to the government school for this child's needs remains with that school even when the student moves to another sector during the same school year! Clearly, this funding arrangement does not place paramount importance on the student's individual need. Attachment 5 is an extract from one independent school student's letter to the Victorian Premier, The Honourable Steve Bracks and details her experience in changing from a government primary school to an independent secondary school. This example adds weight to the argument that funding should be related to a student's disability and should follow him or her to the school of choice rather than be based on the sector of schooling in which he or she is enrolled. As an extension of objective two it is clear that "equality" must not just be achieved between the disabled and the non-disabled but between disabled students attending all three sectors of schooling.

***Objective 3: "... promoting recognition and acceptance of the rights of people with disabilities."***

- 5.9 While the United Nations has described educational choice as a right, "choice" is often relegated to a "last resort" for many families. Due to the costs involved, these parents often exhaust a range of options before making the decision to choose an independent school. In some cases, the independent school is the only option left! This is made obvious by the following quote from a parent of a student at The Currajong School.

*"We approached 32 schools from Doveton, Dandenong, Kilsyth, Mooroolbark, Croydon, Ringwood, Boronia, Mitcham, Box Hill, Collingwood, Richmond, Heathmont, Vermont, Heatherdale, Brandon Park, Malvern and Burwood. We managed to get three interviews out of 32 schools and then we were unable to get a placement into a school."*

- 5.10 As already detailed in 4.2, a disabled student's attendance at a particular school yields social benefits for the entire school community. This consideration is pivotal to the Act's objective to "ensure equality" and "promote recognition and acceptance of the rights of people with disabilities."
- 5.11 With the above considerations in mind it is clear that the DDA's intentions have not come to fruition for all students with disabilities and their families, particularly those who seek to enrol their children in independent schools. If a student is able to flourish at a particular school despite their disability, parents and school communities are left with little choice but to make the necessary sacrifices that will enable this student to reach his or her potential. This desire comes at enormous costs to schools and their communities. In other cases, parents realise that their child will receive greater financial assistance in the government sector and enrol their child in a government school despite their preference for a particular independent school.

- 5.12 There clearly exists a need for governments to support the implementation of the DDA; only then will the enormous potential of the DDA be realised for the families of students with disabilities who choose independent schools.

## 6. RESOURCING EQUALITY – AISV’S PROPOSED REFORMS

*Term of reference 3d)*

*Identify relevant alternatives to the legislation, including non-legislative approaches*

- 6.1 AISV does not seek to recommend “alternatives to the legislation” but instead to find ways that will better support the community in meeting the DDA’s objectives. As such, it is critical that governments ensure that all children receive adequate and equitable disability assessments, financial assistance and support services. Some suggestions follow.
- 6.2 Students with disabilities are an integral part of the independent school community. Working alongside the government and Catholic sectors to provide the best education for all students, the independent sector relishes its shared responsibility for educating students with special needs. To better support the objectives of the DDA, funding should follow the student to the place where the parent believes the most suitable education and learning environment is available. The following comment made by the Principal of Victory Christian College, Pastor Andrew Gear further elaborates this point:

*“We are most concerned at the inequitable treatment afforded to students with disabilities through the current government funding mechanism. As a community college, we have worked hard to provide for parents who wish to have a Christian education for their whole family. On compassionate, moral and ethical grounds (let alone legislative ones) we would not like to see families enroll their children in different schools simply because of lack of economic support for a child with a disability...”*

*“...Our College has endeavored to provide education for children with disabilities and recognize that recurrent funding is provided from the Commonwealth and State governments. We appreciate this most sincerely. However, this funding is inadequate for children with special needs who often require additional supervision and care. The school has provided this support as best it could, given its limited resources, and have drawn upon volunteer assistance to do so. It is an indictment on the structure of the funding mechanism to think that a child could attend another school ‘down the road’ and receive huge increases in government funding support....”*

**Recommendation 3: That the costs of implementing the DDA are more adequately supported by governments, regardless of the sector in which the student attends school.**

### *State and Territory Governments*

- 6.3 All State/Territory Governments through their respective Department of Health budgets should accept responsibility for the provision of disability assessment reports for all children deemed to be in need of assessment. Presently the cost of these services in Victoria is provided by the Victorian Government to families of students with disabilities in government schools. Families choosing non-government schools are required to pay for these services themselves, prior to being eligible for Commonwealth or State special education support.

**Recommendation 4: That all State/Territory Governments accept responsibility for the provision of disability assessment reports for all children deemed to be in need of assessment.**

### *Commonwealth Government*

- 6.4 At the Commonwealth level, the Association believes that the Federal Government should tag a proportion of States' GST funds from 2008 for the purposes of providing equitable levels of funding assistance and support services to students with disabilities in government and non-government schools. This should be based on the level of resources each State provides to students with disabilities in their government schools.

**Recommendation 5: That the Federal Government tags a proportion of States' GST funds from 2008 for the purposes of providing equitable levels of funding assistance and support services to students with disabilities in government and non-government schools and that this is based on the level of resources each State provides to students with disabilities in their government schools.**

**Recommendation 6: That the Federal Government explores the introduction of a limited tax deduction of \$1,000 for gifts of a recurrent nature associated with the education of students with disabilities.**

- 6.5 Such a move would allow schools the opportunity to offer parents, grandparents, extended families and benefactors incentives for private recurrent investment in the education of school aged children presently enjoyed by universities but not schools.



## **7. CONCLUSION**

- 7.1 Funding arrangements for students with disabilities at independent schools inhibit the DDA's scope. The principles of the DDA have been implemented with great success; the implications arise when these principles need to be resourced. Funding reform is vital if we are to "ensure equality between people with disabilities and others" and "promote recognition" of their needs.
- 7.2 Even while the DDA has been effective in encouraging an increased number of students with disabilities to enrol in independent schools, it has not achieved this to the extent indicated by its objectives. Similarly, the DDA's attempts to ensure "equality between people with disabilities and others in the community" and to promote "recognition and acceptance of the rights of people with disabilities" hold further scope for achievement. Ultimately, future success in implementing the DDA depends on a higher degree of government support for students with disabilities whose families choose independent schools.

## ATTACHMENT 1

### **STATE AND COMMONWEALTH FUNDING ARRANGEMENTS FOR STUDENTS WITH DISABILITIES ATTENDING VICTORIAN INDEPENDENT SCHOOLS.**

Different funding arrangements apply to students with disabilities attending independent special schools as compared to the arrangements available to students with disabilities enrolled in mainstream independent schools. The present funding arrangements are outlined below:

#### *Independent special schools*

There are ten independent special schools in Victoria, each specialising in a specific disability. Students attending these schools receive the highest available level of recurrent funding from the State and Commonwealth Governments. Primary students attending independent special schools receive \$751 in State recurrent funding and \$3,960 in Commonwealth recurrent funding and secondary students attending independent special schools receive \$1,170 in State recurrent funding and \$5,229 in Commonwealth recurrent funding.

#### *Mainstream independent schools*

Students with disabilities attending mainstream independent schools receive the same level of recurrent funding available to all students attending that school. The following Commonwealth and State supplementary funding is also available to both mainstream and special independent schools.

#### *State Support*

The Victorian Government's State Support Services Program provided \$819,245 in 2003 to those students with disabilities enrolled at independent schools. This translates into an average of just \$680 per student. The State Support Services Program is administered by AISV to assist with support services such as speech therapy, visiting teachers for the vision, hearing and physically impaired. This program replaced the previous Visiting Teacher Program operated by the Department of Education up to 1995 and is the only State support funding available to students with disabilities enrolled in Victoria's independent schools.

This support is grossly inadequate. The increase in the number of students eligible for funding has not been met with a commensurate increase in the level of funding. In an effort to provide all eligible students with some support assistance, AISV has stretched the funding to more students. Therefore, the per hour funding amount for service support has declined from \$40 per hour in 1995 to \$17 per hour in 2003 even while the current rate for purchasing support services is approximately \$60 an hour.

#### *Commonwealth Support*

\* *Strategic assistance per capita (students with disabilities):* Schools receive \$621 of additional funding for each student with a disability;

\* *Special education compensation funding:* This is a transition measure due to terminate at the end of 2004. Not all students are eligible for this assistance and the level varies widely with a maximum of some \$2,600 for eligible secondary students; and

\* *Targeted funding under the Strategic Assistance for Improving Student Outcomes Program:* AISV administers this funding on behalf of the Commonwealth. Due to the increase in the number of students with disabilities the maximum allocation is \$3,000 per student per annum in mainstream independent schools and \$4,000 in special independent schools.

### Two levels of support

Assessed level of disability	<b>State funds provided to Government schools</b>
Level 1	\$4,001
Level 2	\$9,253
Level 3	\$14,605
Level 4	\$19,934
Level 5	\$25,220
Level 6	\$30,536

Assessed level of disability	<b>Commonwealth funds for independent schools</b>
Level 1	\$1,000
Level 2	\$2,000
Level 3	\$3,000
Level 4 <i>(Special independent schools only)</i>	\$4,000

Students also receive, on average, \$680 in support services from the State Government

These funding arrangements result in vast differences between the level of resources provided to government and independent schools. As demonstrated above, students with disabilities attending government schools can receive between \$4,001 and \$30,536 for their education. This is provided in addition to recurrent funding. Despite the difference in support available to schools and students, the same eligibility criteria is applied across sectors.

### CASE STUDY ONE – COVENANT COLLEGE

Covenant College is a Christian School located in Bell Post Hill, a suburb of Geelong. The school has a current enrolment of approximately 360 students from Prep through to Year 12. Whilst there are a number of students enrolled at the school with special needs, the focus of this case study is “Jack”<sup>6</sup>, a primary school student who serves as an appropriate example highlighting the enormous funding discrimination that severely impacts non-government schools.

Jack was diagnosed shortly after birth with a condition known as severe arthrogryposis, a medical term describing the presence of multiple joint contractures, affecting nearly every joint, accompanied by muscle weakness which further restricts his mobility. Jack is wheelchair bound, and requires a full-time aide at school. In addition, the toileting process requires two aides for approximately 15 minutes, up to four times a day.

As an example, current funding for Jack is \$3,900 comprising an allocation of \$300 for occupational therapy, \$600 for physiotherapy, and \$3,000 for salary support. Salary expenses alone are in the vicinity of \$17,000 for the year, and the minimal allocation for physiotherapy and occupational therapy is totally inadequate, severely restricting the assistance that can be provided by outside professionals. This is especially highlighted by the fact that physiotherapists charge at the rate of \$60 per hour (minimum). From this basis the school can provide only 15 hours per year of occupational therapy and physiotherapy for Jack. Given his muscle weakness this is clearly inadequate.

For the duration of Jack’s life at Covenant College the “excess” costs have been largely absorbed by the school - at obvious expense to other equally valuable programs. His parents have also made some effort to fund-raise to assist with the shortfall. This is clearly discriminatory. Parents of disabled children in government schools are not required to fund-raise in order for their children to receive the appropriate care at school. In fact, our research indicates that Jack could receive up to ten times the funding he currently receives, were he to be enrolled in a government school.

This year (2003) has brought further difficulties and expenses with the onset of Worksafe Victoria issue highlighted by a recent inspection of the facilities and toileting process. The school has been required to undertake a risk assessment resulting in the need to purchase capital equipment totalling at least \$3,000. A capital grant has been received for \$2,500 towards this expense. However, staff training costs totalling up to \$400 provide a further financial burden to be borne by the school outside of funding received. During the recent Worksafe processes it has been necessary for Jack’s parents to attend school at regular intervals in order to look after his toileting needs. Staff and aides have not been allowed to toilet Jack pending the purchase of the appropriate equipment and training.

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<sup>6</sup> This student’s name has been changed to maintain privacy.

Additional expenses for consultants and further capital items will be funded by the school further impacting other needs. Jack's future needs are also looming: a bus fitted out with ramps to enable him to attend excursions and camps; a laptop computer as he attends classes in many different locations across the school; and other issues as he grows and changes physically. These issues alone pose funding problems and will require large financial input.

Whilst Covenant College has absorbed the continued shortfall in funding the period of Jack's schooling, it has not been without cost. Ultimately, the depth and quality of other programs is impacted, and funding is not available for other worthy initiatives. The discrepancy in funding for integration purposes must be addressed if Jack, and others like him, are to be able to attend their school of choice and receive the full care and attention they both require and deserve, without compromising other school programs.

### ATTACHMENT 3

**CASE STUDY TWO** - *The following is an extract from a parent's letter to their local member of State Parliament. Both the name of the child and of the school have been removed to preserve privacy.*

Our son "Tom" was diagnosed with severe autism when he was four years old. Since then we have conducted an intensive intervention program during which he has had between 40 and 55 hours per week of one-on-one therapy. The program has been very successful and, whereas we were initially told that he would need to attend a special school, he is now able to attend a mainstream school with consequent benefits both to himself, our family and to other children at his school.

This intervention program has been organised and funded almost entirely by ourselves and has involved employing teachers, integration aides, speech and occupational therapists and university students to work with Tom. With this enormous effort, he has made great steps in terms of his function in the school, home and social environments. Without this intervention, Tom would not be able to participate in school or social activities, nor would he have learned to read, write, multiply, count, spell, speak, communicate, play, sit on a chair, go to the toilet, or even stay in the classroom, indeed some of his academic abilities are above average for his age.

Whilst the benefits of Tom's program have been great it has cost our family \$40,000 per year to run, and we are presently in our 5th year of funding this support. We voluntarily pay Tom's school \$22,000 per year on top of his annual fees to help finance the full-time integration aide that he requires to function at school. Through the school, we are currently receiving Federal Government funding for occupational therapy (\$1200) and assistance with employing the integration aide (\$3,000) and State Government funding of \$680 to support speech therapy.

We are led to believe that if Tom were in a state school he would be entitled to up to \$30,000 per year of State Government support to employ an integration aide. The fact that he attends an independent school however apparently excludes him from receiving this support, and we feel that this is inequitable.

We have a long family history at this school. Our three children had their names down for enrolment there soon after birth, and all currently attend the same school. Tom's enrolment was therefore planned well before we knew that he would be disabled and requiring special assistance. The fact that we can afford \$10,000 per year to send him to this school and exercise our choice regarding where he receives his education does not mean that we can afford a further \$25-30,000 per year to support an integration aide.

We strongly believe that if he requires, and is entitled to, special educational assistance because of his disability, that this should not be dependent upon which school he attends. We are very happy with all aspects of his education and support at this school where Tom receives intervention that is adjusted to meet his individual needs. We feel that this is the best school setting for him and happily pay the school fees accordingly. We applaud the system, which makes funding for integration aides available to children with similar disabilities to Tom in the public school system, and request that similar funding, on the basis of similar needs, be made available to our child who attends an independent school.

**CASE STUDY THREE - THE CURRAJONG SCHOOL<sup>7</sup>**

Founded in 1974, the Currajong School is Victoria's largest service provider for students with social, emotional and behavioural disorders aged between 5 and 13 years.

Students often enrol at Currajong as a final option and for this reason, families travel for up to two hours each way to attend Currajong. Located in East Malvern, Currajong draws a student population from as far as Upwey, Frankston, Hoppers Crossing and Greensborough. Some families are eligible for a conveyancing allowance of up to \$300 a year, though this amount has not increased for many years.

Of Currajong's student population, 23 have come from government schools, 11 from other independent schools, three from independent special schools, four from Catholic schools and one student who had not attended school for six months or more.

Some of the students will have left a prep class after only a few weeks or months of commencing school. Many will have moved from school to school after having been suspended and/or expelled. In the case of one parent of a Currajong student -

*"We approached 32 schools from Doveton, Dandenong, Kilsyth, Mooroolbark, Croydon, Ringwood, Boronia, Mitcham, Box Hill, Collingwood, Richmond, Heathmont, Vermont, Heatherdale, Brandon Park, Malvern and Burwood. We managed to get three interviews out of 32 schools and then we were unable to get a placement into a school."*

The aim is to equip these students with the skills to attend a mainstream high school. For those who are unable, the options are limited. The low level of government targeted funding available to Currajong and to independent schools specialising in social, emotional and behavioural disorders, restricts their ability to ensure appropriate education outcomes for these children.

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<sup>7</sup> This information has been provided by The Currajong School.

## ATTACHMENT 5

**CASE STUDY FOUR** - *The following is an extract from an independent school student's letter to the Victorian Premier, The Honourable Steve Bracks.*

Dear Mr Bracks

My name is Emma Richardson and I am 12 years old. I was born with Cerebral Palsy. I am at present attending Somerville Primary School (mainstream). Through Kindergarten and Primary School, because of my disability, funding through P.S.D.I<sup>8</sup> has been received (\$23,950) which was used for a full-time integration aide, plus some physio, speech and occupational therapy time, for which I am very grateful.

In 2002 I am due to commence Secondary School education. After discussions with my parents, my choice of school was Flinders Christian College in Tyabb. Reasons for my choice are: this school meets my needs for my further education in the fields in which I wish to pursue, has a small number of students, an environment in which I feel safe, happy, content and comfortable in. Many of my friends from Primary School will also be attending this school which is a great comfort to me, as over the years together they have grown to understand and know my disability as well as my abilities.

I have had my interview, sat my entrance exams for my new school (passed them) and was in the top end of all the children who sat the exam, this is despite being able to complete only 85 per cent of the exam due to a time limit. Flinders has accepted me and I have been enrolled. The school is doing everything possible (at some expense to them) to make my time there as safe, happy and comfortable as is possible for a disabled student (the first for this school).

Now I find that my dreams of happy years in Secondary Education have been dashed because the funding from P.S.D.I for my full-time aide has been withdrawn, the reason, because I choose to further my education at a non-government school. To me this is very upsetting. I am very sad and dismayed. I cannot function to the best of my abilities and display my best capabilities in the classroom without help from an aide. My parents have worked hard and saved to send me to this school. At home they have spent lots of money to help improve my independence and also paid for numerous operations to also help. They cannot afford though to help also pay for aide time at school. The only money available is \$3,000 from AIS.

I have been told that if I go to a government secondary school though, I will get funding for a full-time aide, but not if I go to an independent school (which is my choice). Mr Bracks could you please tell me why?? I believe that this is unfair to all children with a disability, it denies us the right of choice as all able-bodied students get.

To go from Primary School to Secondary School for any child is very scary, when you are disabled, believe me it's a lot scarier. If you can help me in any way I would be very grateful.

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<sup>8</sup> This is the Victorian Government's program, the Program for Students with Disabilities and Impairments.