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24 April 2002

The Secretary,
Senate Employment, Workplace Relations
and Education References Committee,
Suite S1.61, Parliament House
CANBERRA, ACT 2600

Dear Committee Members

Inquiry into the Education of Students with Disabilities

Thank you for the opportunity to express our views in reference to the above inquiry. As a small community based non-government school, Quintilian has always welcomed students with disabilities and has consistently taken steps to provide appropriate, flexible programs in response to their needs. We believe that all children, regardless of their level of intellectual, emotional and/or physical ability, should have access to safe, nurturing and stimulating educational experiences. We support the protection of students with disabilities against discrimination but have some concerns about our ability to meet the apparent (although vague) legal obligations (as defined in the *Disability Standards in Education* document) and the cost to the school and school community of providing the necessary level of support.

Response to Specific Terms of Reference:

Please view the comments made below as a combined response to the first term of reference, with particular emphasis on items 1(a) – i), ii), v) and viii) and 1(b).

Currently, the criteria used to define disability and to differentiate between levels of handicap is effected significantly by whether or not the criteria are being used to access funding. In real terms the definition of disability within a school setting has widened considerably in recent years. There are now an extensive range of educational, social, developmental, psychological and physical disabilities that can be identified in response to assessing the particular obstacles facing a child in a school setting. A significant number of children in every classroom across Australia could be regarded as disabled if accurate and extensive assessments were conducted. Unfortunately, where the assessments are being conducted to support claims for financial assistance, the definitions and boundaries change dramatically. Put simply, the vast majority of children with identified disabilities are not eligible for specific funding at all and children attending non-government schools are even less likely to receive assistance. As a result, the burden of **attempting** to respond appropriately to their needs is placed on the schools in which they are placed.

Realistically, it is neither the assessment of the students nor the ability to develop appropriate intervention strategies, that presents the most difficulties in schools today. Teaching staff have access to a wide range of assessment tools and resources and often advice can be sought from external sources. The difficulties arise when the recommended strategies can simply not be put in place within the existing resource base of the school. There is an enormous body of research available that supports the view that to improve outcomes, students need access to more frequent feedback and a high level of support. This translates into more one on one, or at the very least greater opportunity for small group work.

The range of disabilities covered by the Disability Discrimination Act 1992 (DDA) is extensive and, given the inclusion of disorders resulting in disturbed behaviour (eg. ADD, ADHD, Conduct disorder, Oppositional defiant disorder, etc), an enormous amount of care must be taken by schools to ensure that students with these disorders are not viewed as being treated in a discriminatory manner as a result of their behaviour. In a literal sense the *Disability Standards in Education* document does imply that it would be unwise to impose on these students almost any consequence for inappropriate behaviour, particularly if the consequence fell within the category of withdrawal (eg. withdrawal from a school outing, loss of privileges etc.). Given that Quintilian offers small classes and a very child-centred approach to the curriculum, we find ourselves in the position of being frequently recommended to parents of children with high educational needs as an ideal placement option for them. Consequently, the implications in terms of classroom practise do concern us.

Of even greater concern are the increasing numbers of moderately to severely disabled students seeking enrolment in the school. This is apparently a pattern across the non-government school sector. Presumably there is a growing belief amongst parents that their children's needs will be more effectively met in this sector. Again, we are happy to accommodate children with significant needs but we are finding it more and more difficult simply because the level of assistance provided by the Government is effectively becoming smaller and smaller. In some situations we are now providing teaching assistant time for individual children to such an extent that the associated costs are higher than the combined income from both individual fees and per-capita grants. The provision of teaching assistants is often a necessity and particularly so when there are issues of safety, both for the individual child and the other children in the class. We have several children in the school with Asperger's Syndrome and Cerebral Palsy. In all cases we would be negligent **not** to provide adequate aide time.

The funding provided by the Government to address this need is consistently being eroded by the failure of the Government to fund individual cases appropriately as opposed to the current approach of providing the sector with a lump sum of money that has to be divided amongst an ever increasing number of children with moderate to severe disabilities.

It is clear that the staff at AISWA (Association of Independent Schools in Western Australia) find the task of distributing the funds an increasingly difficult, distressing and frustrating one. We have enormous admiration for their efforts to attempt to achieve miracles with what is clearly an inadequate level of funding. We do not ask for funding for the numerous children at the school with diagnosed behavioural disorders (although they are, as previously stated, viewed as having disabilities according to the Act) as it is clear that there are no funds available for these children. We do, however, make additional provision for these children to ensure that their needs are responded to.

Quintilian is **not** a wealthy school – even if our SES ranking would encourage us to believe so. Many of our parents struggle to pay the fees and we have many years of fund-raising in front of us before we will either own the site and buildings, or be in a position to establish a strong resource base. Happily, the school community is prepared to meet this challenge. We are not so happily prepared, however, to continue to subsidise to the extent that we already do, an increasing number of students with significant educational needs. **By failing to make adequate provision for these students the Government is in fact failing to meet both the legal guidelines and the moral obligations that it has itself outlined.** If we fail these children because we cannot afford to provide adequate resources to meet their needs, it will certainly be as much due to inadequate Government funding as the fault of the individual school.

In summary, we welcome the current Inquiry into the Education of Students with Disabilities and hope that it acts as a vehicle to champion the rights and needs of all disabled students. We are concerned that some of the current definitions and expectations are stated in vague and ambiguous terms, thus paving the way for potentially lengthy and distressing litigation, and we are also extremely concerned that the Government is gradually pushing the non-government sector into an untenable financial position in terms of their ability to respond adequately to the needs of children with disabilities. The Government is currently failing to provide the necessary funds to carry out the requirements of its own legislation. We would appreciate steps being taken at the conclusion of the current Inquiry to ensure that a more responsive and responsible approach to funding procedures be developed.

We look forward to ensuring that all children enjoy the opportunity to take part in a positive and meaningful education. Thank you for taking the time to consider these comments.

Yours sincerely

Mandy Nayton
Chair of Council

cc Audrey Jackson (Executive Director AISWA)