

VICTORIAN PARENTS' COUNCIL

Submission to the Senate Employment, Workplace Relations and Education References Committee

Inquiry Into the Education of Children with Disabilities

Since 1959 the Victorian Parents' Council has represented parents of children attending non-government schools - both independent and Catholic - in Victoria. It was established to safeguard the right of parents to choose the most appropriate form of education for their children whether it be for religious, cultural or philosophical reasons.

The objects of the VPC are to

1. safeguard the rights and promote the interests of parents and children
2. improve the standard of education in Australia
3. promote the following principles
 - (i) that as stated in the Universal Declaration of Human Rights Article 26 parents have a prior right to choose the kind of education that shall be given to their child
 - (ii) that all parents are entitled to exercise this right without financial or other disability being imposed on them or their children by governments
 - (iii) that the primary purpose of education is the development of the child physically, mentally, spiritually and morally
4. achieve for all parents and children equity in the distribution of public funds for education

The VPC is affiliated with non-government school parents in all other States and Territories through membership of the Australian Parents' Council.

The VPC would recommend that this Inquiry endorse Article 26 of the Universal Declaration of Human Rights concerning everyone's right to education, the nature of education and the right of parents to choose the kind of education that shall be given to their child.

The VPC would also draw the Inquiry's attention to Article 23 of the Convention on the Rights of the Child to which Australia is a signatory. It sets out the obligations of states parties in relation to children with disabilities. Disabled children have the right to special care and assistance appropriate to each child's needs and to the circumstances of the parents or others caring for the child. This assistance should be provided free of charge taking into account the financial resources of the parents and should be designed to ensure that the disabled child receives education, training, healthcare and rehabilitation services in a manner conducive to that child developing the fullest possible social integration and individual development including his or her cultural and spiritual

development. The Convention also recognizes the right of parents to educate their disabled child in accordance with their own spiritual and cultural beliefs, and that wherever possible that education shall be provided free.

It is therefore recommended that this Inquiry accept that Governments have an obligation to all children with disabilities in accordance with the Convention on the Rights of the Child.

The Inquiry is referred to the submissions of the Australian Parents Council, The Association of Independent Schools Victoria, and the NCISA.

Children with Special Needs in the Non-Government Sector

In Victoria approximately one-third of the entire school population of the State attends a non-government school. This figure has increased every year and shows no sign of abating.

Of these children there are 1393 children with disabilities receiving funding in the independent sector. 283 attend one of the eight independent special schools in Victoria.

In the Catholic sector there are 3576 Commonwealth funded children with disabilities and 176 attending the six Catholic special schools.

Students with disabilities are represented in all variety of independent and Catholic schools – from those previously categorized as Category 1 schools through to the newest and most needy non-government schools.

Commonwealth Funding for Children with Special Needs in the Government Sector

A child with a disability attending a government school, whether mainstream or special, will be funded by the Commonwealth and State Governments, at levels which appear to be on average three to five times the amount it is estimated to cover the recurrent cost of educating a child in a government school. This figure is known as the AGSRC (average government school recurrent cost). At present this figure would average out to about \$8000.00 per student.

Under the newly introduced Disabilities and Impairments Index for funding new students with disabilities in Victorian government schools, students may receive from \$3,800.00 pa through to \$29,000.00 pa depending on their level of disability. This funding is provided on top of standard funding for school recurrent costs and is intended to provide special teachers/integration teachers, teacher aides, occupational therapy, physiotherapy, equipment, interpreters, nurses and consultancy or professional development in relation to special needs.

In 2001 full fee paying overseas students with disabilities attending Victorian government schools were charged from \$11,689.00 pa through to \$36,074.00 pa for those with the highest level of disability. These figures are generally considered to reflect the true cost of educating these children.

Funding for Children with Special Needs attending Non Government Schools

Students with special needs in this sector receive Commonwealth funding, the amount of which is dependent on a number of factors generally linked to the SES of the school. This will range from 13.7% to 70% of the AGSRC.

Special schools will receive 70% of the AGSRC.

Further funding is available under programs for strategic assistance, special education compensation and targeted funding (Strategic Assistance for Improving Student Outcomes Program).

Students with disabilities attending mainstream independent schools may also receive between \$1,000.00 pa and \$3,000.00 pa depending on their level of disability.

The State Government provides Category 12 funding for non-government special schools. Students with disabilities in mainstream non-government schools do not receive any extra funding from the State but are entitled to assistance with funding for a restricted number of services. However this funding has failed to keep pace with the increase in number of students requiring it. In 2000, 163 students did not receive funding despite being eligible to do so.

Case Study*

“Jane” and “Kate” are sisters attending a non-government school that has a special education unit devoted to their area of disability. Both are entitled to State Government funding. The school provides a speech pathologist for these girls and others in the school but the funding has not kept pace with demand. In 2001 there was 20% less funding available from the State Government due to increased demand so “Jane” and “Kate’s” access to the speech pathologist has been cut. Their mother was unable to cover the shortfall in cost caused by the funding cut and can only afford speech pathology for one child She was therefore put in the difficult position of having to choose which of her daughters was more needy and should receive the services.

Why Do Parents Choose a Non-Government School for their Disabled Child?

“My belief is that children [with disabilities], even though they meet the government criteria, are being discriminated against simply based on the fact that they attend a non-

government school. We are taxpayers. Funding should be available to children with needs regardless of where they go to school.”

Parent of children with disabilities attending non-government schools

Under the current inequitable funding situation parents and their children are financially penalized when they choose a non-government school.

Non-government schools have shouldered the responsibility of educating a high percentage of children with disabilities, but do so at a cost. School communities, parents and families must find the amounts needed to properly educate and care for these children.

For families with a strong religious commitment there is little choice. An orthodox Jewish child for example, must be educated in an orthodox independent school, regardless of their disability. Whether the reason for choice of a particular child is cultural, religious or philosophical, the parent will be penalized for his/her choice.

Many parents also report unwillingness on the part of their local Government school to take on their child. Schools argue they do not have the staff, facilities or resources to cope with these students. Students whose disability may make them aggressive or disruptive may live in a permanent state of school suspension – forbidden from returning to their government school until there is an improvement in behaviour.

Parents begin a merry-go-round of schools. One parent reported visiting thirty-two government schools until she found one willing to take her son.

These are children and families in despair, not only suffering because their child has a disability but because their child is not receiving an education.

Case Study *

“Tim” begins the Prep year at the local primary school. After five weeks the school informs the parent that it cannot cope with “Tim’s” behaviour (he is later diagnosed with a developmental disorder) and he will not be allowed to return to school. Government funding has allowed for two hours with an aide per day but this is not sufficient for “Tim’s” needs. In despair the parent finally enrolls Tim at an independent special school where he flourishes but the parent cannot continue to afford the fees. She is forced to send Tim to another government primary school where his behaviour deteriorates because it lacks the resources to cope with his behaviour.

“The joke is it would have been much cheaper for the government to pay my private school fees than to fork out for an aide at our local primary school – and my son would have got a much better education”

Even where government funding allows the employment of an aide, parents complain that in government schools the aide often becomes a general classroom assistant acting

only as a babysitter to their child. Often parents noted that the teacher ignored their child once they had an aide even further distancing the child from their classmates. Although the child was sitting in a mainstream classroom, integration was far from a reality. It is increasingly clear that many teachers lack any training in working with special needs children. Until it becomes a mandatory component of teacher training these children will suffer.

In non-government schools there is a freedom to establish individual programs for children with disabilities – even setting up separate classrooms for them when it is acknowledged that integration is simply not a possibility. Many disabled children in mainstream non-government schools can mix where appropriate- in the playground, in less structured activities – but if necessary their learning skills rather than socialization skills can be developed away from the mainstream.

There are few options for children with severe emotional disorders in the government sector. Government schools are often under-resourced and lacking in facilities. Most independent special schools cater for these children with the vast majority being referred from government schools and protective services. These are children who would otherwise fall through the net and miss out altogether on even the most basic education.

“It’s a tragedy the number of these kids who drop out of government schools even unable to read. They consider themselves failures before they’ve even reached adulthood”
Independent special school teacher

Other parents are searching for a greater degree of pastoral care than government schools are able to provide. Smaller classes, smaller student populations and greater stability are also appealing.

Case Study

“Peter” has been diagnosed with a condition similar to autism. His parents wished to move him from the local primary school in rural Victoria to the local independent Christian school for religious beliefs but also because they believed that the small class sizes, the facilities and the security of being able to attend the same campus for all his school life would be in their son’s best interests. In practical terms a great advantage of the school was that it was the only school in the vicinity that was securely fenced, as their son often attempted to run away.

The family was prepared to pay the school fees but was unable to afford the extra expenses that would be incurred, as they would lose a great percentage of their government funding. They therefore kept him at the government primary school. The government primary school will only allow “Peter” to actually attend while he has an aide (a few hours a day). Also, because “Peter” must be supervised by the aide at recess and lunchtimes to make sure he does not escape the school grounds, this eats into the allocated aide time.

The school will not allow the parents to employ a non -Education Department employee to supervise “Peter” at play times because of legal liability concerns.

*“Peter” is missing out on important socialization skills because he is only at school for the core curriculum and so does not participate in art, sport, excursions etc
The independent school was willing to allow “Peter” to attend fulltime without an aide and to fully integrate him.*

The costs of providing services to a child with disabilities are extremely high. Parents of children with disabilities in the non-government sector report paying enormous amounts on top of school fees. For most families this involves great sacrifice or is simply impossible.

Case Study

“Paul” has a major disability but has fine motor skills and intellectual capacity. His parents attempted to enroll him in two local government primary schools but received no encouragement to actually attend. Both schools expressed inability to educate “Paul” properly without appropriate resources. The parents were faced with keeping him at home or enrolling him in a non-government school which they did. “Paul” is entitled to several hours with an integration aide per week. He has a severe language disability and was originally entitled to \$1,000.00 per annum from the State Government which is now reduced to \$750.00 pa. They were told this was due to the increasing number of students requiring the service. Funding covers only a small percentage of the actual expenses incurred in educating their son. On top of school fees they estimate they are spending \$12,000.00 on education. While they consider themselves fortunate to be able to afford it although at great personal sacrifice, if “Paul” had been able to attend a government school, the costs would have been covered.

Case Study

“Annie” has Downs Syndrome. She attended a local government primary school and was receiving around \$10,000.00pa in funding. When her mother attempted to enroll her at the local government secondary college for Year 7 she was told that the school preferred to be known as “ a school of music, not a school of integration”. “Annie” now attends a non-government secondary school at which nearly half of the students have a disability and all have been referred from local government schools which have been unable to cope with them. Special programs have been developed so that “Annie” can learn at her own pace but mix with her classmates outside of lessons. The financial strain on the family is enormous as the family must pay school fees.

As the number of children with disabilities in the non-government sector increases the State Government in particular must increase its funding. There are already too many children missing out.

In Summary

Parents have a right to choose the school their child attends.

Children with disabilities are entitled to the best possible education.

Children with disabilities should receive adequate funding to obtain that education

The funding should attach to the child regardless of the school they attend

The definition of disability should be extended to include learning disabilities

Both government and non-government schools are suffering from a lack of funding for students with disabilities. This makes it very difficult to fulfil their responsibilities to these students.

Special education must be a mandatory component of teacher training

Parents who choose non-government schools for their disabled children do so for a number of reasons – not only because of their spiritual, cultural or philosophical beliefs but often because the government sector has failed to provide them with an appropriate alternative.

Parents and their children should not be penalised for making that choice.

“I feel punished because my child is disabled; and I feel doubly punished because I have to pay so much to have him properly educated and looked after in the school of my choice”

Parent

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*Case studies are based on interviews with parents and teachers carried out in 2002. All requested anonymity.