

# **NATIONAL COUNCIL OF INDEPENDENT SCHOOLS' ASSOCIATIONS**

## **SUBMISSION TO**

### **THE SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION COMMITTEE**

## **IN RELATION TO**

### **THE INQUIRY INTO THE EDUCATION OF STUDENTS WITH DISABILITIES**

#### **EXECUTIVE SUMMARY**

1. The independent school sector has had a strong commitment to students with disabilities over a long period of time. There has been rapid growth in enrolments of students with disabilities, with some 6000 students with disabilities currently enrolled in independent schools.
2. NCISA believes that it is desirable that students with disabilities have the same access to independent schools as all other students. There is also a legal obligation on schools to provide access to and meet the needs of these students. While the independent school sector is comfortable with this obligation, the lack of supporting government resourcing inhibits its implementation and places an inequitable burden on particular school communities.
3. NCISA is seeking the best possible education provision for students with disabilities irrespective of the school sector in which they are educated. Currently parents of students with disabilities have limited choice in quality schooling for their children.
4. The current government resourcing for students with disabilities is characterised by significant discrepancies across states and territories, school sectors and different types of disability. There is a demonstrable shortage of resources in non-government schools to support the specific educational needs of students with disabilities. Generally, students with disabilities in non-government schools receive less government funding than if they were educated in government schools. Sometimes this differential is substantial. This is not to suggest that resourcing of students with disabilities in government schools is sufficient.
5. The lack of a consistent definition of students with disabilities and of accurate and consistent procedures for assessing students' needs for educational support contributes to the funding problem. There is also a need for teachers to be supported by professional development to enable them to better meet the needs of students with disabilities.

6. Students with disabilities represent a special case and this should be recognised in government policy for funding their education. They are among the most vulnerable members in society, and society as a whole has an obligation to provide for their education needs. The cost of educating students with disabilities should therefore be fully met by government expenditure irrespective of the school sector in which they are educated.
7. **NCISA recommends that:**
  - (i) **Students with disabilities receive the same government expenditure for their school education irrespective of the school sector in which they are educated. This requires:**
    - **The identification of students with disabilities and the determination, on a case-by-case basis, of the full cost of meeting their particular educational needs in accordance with common definitions applying across all three school sectors.**
    - **The provision of recurrent funding in respect of the individual student that fully meets the costs identified above. This grant would be the same regardless of the education sector or governments' funding levels of the chosen school. It will require the development of a new approach to general and other recurrent funding for these students.**
    - **The provision of capital assistance to schools to meet the costs of adapting and providing suitable facilities for students with disabilities.**
    - **Access to state and territory government-provided services for students with disabilities, including assessment, transport and therapy services, on the same basis as government school students.**
  - (ii) **As a first step towards achieving this objective, governments (Commonwealth, state and territory) should make a commitment to the principle of full government funding of students with disabilities irrespective of school sector.**
  - (iii) **The commitment must be supported by on-going progress to improve the recurrent funding of students with disabilities in non-government schools, the provision of targeted capital funding to meet their needs and improved access to government-provided services and facilities.**
  - (iv) **Current levels of government resourcing of students with disabilities in non-government schools must be at least maintained as any reduction would be contrary to the progressive achievement of full government funding of the education of students with disabilities.**

- (v) The cost of meeting the education needs of students with disabilities in non-government schools should be a shared responsibility between the Commonwealth and state and territory governments.**
- (vi) How this cost is to be distributed between the two levels of government should be a matter of negotiation between them.**
- (vii) To facilitate a constructive and cooperative approach between governments the issue of government funding of students with disabilities should be referred to the Ministerial Council of Education, Employment, Training and Youth Affairs (MCEETYA) for resolution.**

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## IN RELATION TO

### THE INQUIRY INTO THE EDUCATION OF STUDENTS WITH DISABILITIES

*The National Council of Independent Schools' Associations (NCISA) is the peak national body covering the independent school sector. It comprises the State and Territory Associations of Independent Schools. Through these Associations it represents a sector with 957 schools and some 371,000 students accounting for 11.4 per cent of Australian full-time school enrolments.*

*Independent schools are a diverse group of non-government schools serving a range of different communities. Many independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education. Independent schools include:*

- *Schools affiliated with larger and smaller Christian denominations, for example, Anglican, Catholic, Lutheran, Presbyterian schools*
- *Non-denominational Christian schools*
- *Islamic schools*
- *Jewish schools*
- *Montessori schools*
- *Rudolf Steiner schools*
- *Grammar schools*
- *Community schools*
- *Indigenous community schools*
- *Schools that specialise in meeting the needs of students with disabilities.*

*Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the relevant state or territory education authority. Most independent schools are set up and governed independently on an individual school basis. However, some independent schools with common aims and educational philosophies are governed and administered as small systems, for example the Lutheran system.*

## KEY PERSPECTIVES AND RECOMMENDATIONS

2. Improving government funding for students with disabilities is a priority for NCISA. The role of the independent school sector in providing school education to students with disabilities has increased dramatically in recent years. In 2001 there were some 6,000<sup>1</sup> students with disabilities attending independent schools, with enrolments having increased by some 89 per cent since 1995 compared to a 26 per cent increase in total full time enrolments.
3. The independent school sector believes that it has a responsibility to seek to continue to expand its role in the education of students with disabilities, improving access and the capacity for independent schools to provide these students with an education appropriate to their needs. NCISA believes that it is desirable that students with disabilities have the same access to independent schools as all other students. This is consistent with community expectations and with the independent schools sector's commitment to choice. In addition, the *Commonwealth Disabilities Discrimination Act 1992* also imposes a legal obligation on independent schools.
4. Currently in Australia, there is generally a significant differential in the government funding students with disabilities receive for their educational support needs in independent schools compared to students with equivalent disabilities being educated in government schools. In making this assessment NCISA is not forming a judgement on the adequacy of funding students with disabilities in the government school sector, and recognises that students with disabilities in the government school sector may not be receiving levels of assistance that allow them to access the curriculum and fully participate in school life.
5. Students with disabilities represent a special case and this should be recognised in government policy for funding their education. They are among the most vulnerable members in society, and society as a whole - not just their families or individual school communities - have an obligation to meet their needs. The costs of meeting their educational needs to enable them to access and participate in the curriculum and school life generally can be very high, both in terms of a school's day-to-day operating costs and in adapting and providing suitable facilities. It is unreasonable that these costs be borne by either the student's family or that particular group of families served by a given school.
6. NCISA believes that the cost of educating students with disabilities should be met by society through government expenditure. Students with disabilities should receive the same government funding for their school education irrespective of the school sector in which they are educated. As with the general provision of schooling, the level of government funding might vary between states and territories, reflecting, for example, cost differentials. The full government funding of the education of students with disabilities in all school sectors will require a very substantial injection of government resources.

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<sup>1</sup> From the Commonwealth School Census, Data supplied by DEST.

7. **NCISA recommends that:**

- (i) **Students with disabilities receive the same government expenditure for their school education irrespective of the school sector in which they are educated. This requires:**
- **The identification of students with disabilities and the determination, on a case-by-case basis, of the full cost of meeting their particular educational needs in accordance with common definitions applying across all three school sectors.**
  - **The provision of recurrent funding in respect of the individual student that fully meets the costs identified above. This grant would be the same regardless of the education sector or governments' funding levels of the chosen school. It will require the development of a new approach to general and other recurrent funding for these students.**
  - **The provision of capital assistance to schools to meet the costs of adapting and providing suitable facilities for students with disabilities.**
  - **Access to state and territory government-provided services for students with disabilities, including assessment, transport and therapy services, on the same basis as government school students.**
- (ii) **As a first step towards achieving this objective, governments (Commonwealth, state and territory) should make a commitment to the principle of full government funding of students with disabilities irrespective of school sector.**
- (iii) **The commitment must be supported by on-going progress to improve the recurrent funding of students with disabilities in non-government schools, the provision of targeted capital funding to meet their needs and improved access to government-provided services and facilities.**
- (iv) **Current levels of government resourcing of students with disabilities in non-government schools must be at least maintained as any reduction would be contrary to the progressive achievement of full government funding of the education of students with disabilities.**
- (v) **The cost of meeting the education needs of students with disabilities in non-government schools should be a shared responsibility between the Commonwealth and state and territory governments.**
- (vi) **How this cost is to be distributed between the two levels of government should be a matter of negotiation between them.**
- (vii) **To facilitate a constructive and cooperative approach between governments the issue of government funding of students with**

**disabilities should be referred to the Ministerial Council of Education, Employment, Training and Youth Affairs (MCEETYA) for resolution.**

## **THE ROLE OF INDEPENDENT SCHOOLS IN THE EDUCATION OF STUDENTS WITH DISABILITIES**

8. The education of students with disabilities in the independent school sector has a long history. In 1860, the first independent special schools were established in Victoria and New South Wales to educate students with sensory impairments. From these early beginnings, the independent sector, through charitable and voluntary groups, provided the main educational services for students with disabilities. As recently as the mid-twentieth century, parents of children with moderate to severe disabilities began to advocate for the choice of having their children institutionalised or keeping their child as a member of the family living in the family home. These parents established more independent schools. Government initiatives in special education tended to flow after the voluntary group demonstrated what could be done.<sup>2</sup> Over the years governments have assumed greater responsibility for the education of students with disabilities. Initially, services provided by the independent sector declined in number as government services were developed. However, over recent years there has been a trend towards more parents choosing independent schools for their children with disabilities. The independent sector now caters for students with disabilities in both special and regular schools.
9. There are 40 independent special schools that cater for students with moderate to severe educational support needs. These schools account for 21 per cent of the students with disabilities enrolled in the independent sector. In comparison, special schools account for some 4 per cent of students with disabilities enrolled in Catholic schools.<sup>3</sup> While special school enrolments have been increasing in recent years there has been even more rapid growth of enrolments of students with disabilities in regular independent schools. Regular independent schools now account for 79 per cent of students with disabilities in the sector, up from 60 per cent in 1995. An increasing proportion of students with moderate to severe disabilities are being educated in regular schools.
10. There is considerable movement of students between school sectors. While there has been dramatic growth in the total number of students with disabilities enrolled in independent schools, some schools report that they lose many students with disabilities to government schools because they are generally unable to match the quality of provision. This tends to be more significant the higher the level of school education.

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<sup>2</sup> Butler, S.R. (Ed), *The Exceptional Child*, Harcourt Brace Jovanich, Sydney, 1990, p 6.

<sup>3</sup> For statistical purposes Catholic independent schools are included within the definition of Catholic schools.

## THE LEGAL IMPLICATIONS AND RESOURCE DEMAND OF CURRENT COMMONWEALTH AND STATE LEGISLATION

11. The Commonwealth *Disabilities Discrimination Act 1992* makes it unlawful for schools to discriminate against a person on the grounds of disability, except in those circumstances where the enrolment of a student with disabilities would impose an unjustifiable hardship on the school. In the context of a school, the prohibition against discrimination relates to enrolment practices and the provision of and access to education services, resources and facilities.
12. While the requirement to enrol students with disabilities is apparently softened by the “unjustifiable hardship provision” there continues to be uncertainty about the precise legal obligation this entails for schools, with the assessment of “unjustifiable hardship” depending on the particular facts of each case. The requirements that the legislation places on schools in terms of the provision of appropriate facilities and of supporting the specific educational needs of students with disabilities is open-ended. Potentially, this involves the school community bearing very large resource costs in terms of ensuring access to facilities and in supporting the specific educational needs of the student to allow them to access and participate in the curriculum. It may also involve schools having to modify the nature of the educational experience that they offer other students.
13. The proposed Disability Standards as currently drafted through MCEETYA do not effectively address the open-ended nature of the obligations established under the Act nor significantly improve clarity as to the extent of schools’ legal obligations.
14. **NCISA is concerned that while the *Disabilities Discrimination Act 1992* has introduced a rights-based model for students with disabilities, current government funding arrangements for students with disabilities inhibits its implementation.** It potentially places an inequitable burden on the families in those independent schools which have students with disabilities enrolled. The problem is particularly acute for independent schools since they are generally not able to draw on the state services to assist in meeting the needs of students with disabilities nor can spread the cost over a student population wider than at their own school.

## ACCESS TO AND ADEQUACY OF FUNDING AND SUPPORT IN BOTH THE PUBLIC AND PRIVATE SECTORS

15. NCISA has been working for some time trying to ascertain an accurate picture of the state, territory and Commonwealth resourcing arrangements for students with disabilities across the three school sectors. The information provided in this section draws on this research. By necessity it is limited, reflecting the relative lack of publicly available information about government expenditures on students with disabilities and the diversity and complexity of funding programmes.
16. NCISA’s analysis points to a complex funding picture for students with disabilities in independent schools in Australia, characterised by widely varying



levels of government funding, often unrelated to their level of educational support needs. Variations exist within and across states and territories. Students with similar levels of educational support needs can receive different levels of funding depending on the nature of their disability and the setting in which they are educated.

17. **Generally students with disabilities in independent schools receive significantly less government funding for their educational support needs than if they were educated in a government school, and in some instances this differential is substantial.** The differential varies between states and territories depending on:
  - the size of the targeted funding pool under the Commonwealth Strategic Assistance for Improving Student Outcomes Programme,
  - the approach taken to allocating this funding, and
  - the nature of the funding provided by the relevant state or territory government.
18. In some instances students are receiving less than 20 per cent of the funding that they would receive in a government school for their specific education support needs. Generally the differential is greatest for students with high education support needs.<sup>4</sup>
19. This funding differential combined with the high cost of meeting the specific educational support needs of students with disabilities, especially those with moderate to high needs has a number of important implications:
  - **It severely limits the capacity of independent schools to provide adequate resources for students with disabilities.**
  - **Individual school communities are required to fund the shortfall if they are to provide adequately for the educational needs of students with disabilities in independent schools. In some cases the shortfall is very large, placing an unjustifiable strain on particular school communities and/or diverting much needed resources from the general educational provision.**
  - **Concerns about the quality of provision in independent schools, in particular the level of additional educational support provided relative to a government school, are likely to have acted to limit effective parental choice in schooling for students with disabilities.**
  - **The funding differential is likely to result in more students with disabilities attending the better-funded government schools because of the adverse effect on parental choice.**

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<sup>4</sup> The exception is some high support needs students in Western Australia funded under the special State government arrangement and some students in special schools in some states.

- **It is likely to have contributed to a lower level of enrolments of students with disabilities in independent compared to government schools.**

### *Government School Sector*

20. Indicative information on the average recurrent<sup>5</sup> cost of provision for some groups of students with disabilities is available from the Budget Estimates of some state and territory governments.<sup>6 7</sup> Individual students, depending on their disability, could be expected to receive funding levels greater or less than this average. It is likely that some of the estimates understate the cost of provision as some costs, such as those for assessment, therapy and transport services, may be included in other Budget output classes. The data, nonetheless, highlights the high cost of meeting the specific educational support needs of students with disabilities.
- In Western Australia the estimated actual average per full time equivalent recurrent cost for students in education support schools and centres was \$26,344 for the 2000-01 financial year.<sup>8</sup>
  - In Queensland the estimated average per student recurrent cost for students in special education facilities is \$21,901 in the 2001-02 financial year.<sup>9</sup>
  - In the ACT the estimated average per student recurrent cost of special education provision delivered by government special schools is \$37,695 in 2001-02 financial year. The estimated average per student recurrent cost of special education delivered in mainstream settings is \$19,307.<sup>10</sup>
21. More disaggregated information is available for Victoria and South Australia. In Victoria students with disabilities in government schools receive additional funding on top of funding for standard school provision under a Disabilities and Impairments Index (D&I Index). In 2002 students with disabilities in regular schools receive additional funding under this index ranging from \$3,928 for students at level one to \$29,979 for students at level six. In South Australia students with disabilities in P21 schools (which are funded under global budgets) receive additional funding on top of the standard provision ranging from \$1,283 to \$23,945, depending on the nature of the disability, the specific level of disability and the level of schooling. In South Australia, students with certain disabilities also receive services from organisations funded via the Commonwealth Non-Government Centre Support Programme and from services

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<sup>5</sup> In line with recent reforms to Government financial reporting this cost is reported on an accruals basis and thus includes costs of superannuation, depreciation and other provisions. In some states and territories it is inclusive of the cost of using capital.

<sup>6</sup> The nature of provision is not necessarily strictly comparable between states and territories. The definition of facilities has been drawn directly from the Budget documentation.

<sup>7</sup> It is not clear from the Budget documentation whether the cost estimates are inclusive of the full cost of provision for these students or relates specifically to the special education component.

<sup>8</sup> Western Australia Budget Papers 2001/02.

<sup>9</sup> 2001/02 Queensland State Budget, Ministerial Portfolio Statement, Department of Education. The estimated actual average recurrent cost for the 2000-01 financial year was \$22,694.

<sup>10</sup> ACT Budget 2001/02, Budget Paper 4.

from additional funds provided by the State Government through the Ministerial Advisory Committee, for example the Access Assistant Programme.<sup>11</sup>

22. In addition state and territory governments are continually undertaking capital investment in individual schools to adapt and provide suitable facilities to meet the needs of students with disabilities enrolled at those schools.

### ***Independent School Sector***

23. The Commonwealth and state and territory governments have a joint role in funding students in independent schools, including the specific educational support needs of students with disabilities. Government funding for the specific educational support needs of students with disabilities is currently in addition to the general recurrent funding provided to independent schools.
24. The role of general recurrent grants is defined in the Administration guidelines: to help schools in their pursuit of the National Goals. It does not address the issue of the cost of the specific educational support needs of particular groups of students, including students with disabilities. An attempt to do this is made through targeted funding programmes, but while they provide some benefits, the funding level is inadequate in the case of students with disabilities.
25. Average Government School Recurrent Cost (AGSRC) which is used in determining the level of general recurrent funding for non-government schools is inclusive to some extent of the cost of special education provision in government schools. AGSRC is not, however, a precise measure of actual average cost of provision for government schools. It is a measure of certain costs of government provision and there are “swings and roundabouts”, with AGSRC not including superannuation, financing costs<sup>12</sup> and depreciation.
26. **Currently, general recurrent funding does not meet the specific educational support needs of students with disabilities. The funding is unrelated to the number of students with disabilities in a given school or the students’ educational needs.** Some independent schools have attracted the choice of more parents of students with disabilities than other schools. This has resulted in some small community groups having to find significantly more resources with inadequate help from governments.

### Commonwealth Funding of Students with Disabilities in Independent Schools

27. Students with disabilities in independent special schools and regular schools attract the same ***general recurrent per capita funding*** as other students in that

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<sup>11</sup> In South Australia students in non-government schools also have access to these programmes on the same basis as government school students. In 2002, organisations funded under the Non-Government Support Centre Programme receive funding of \$5,171 per category 1 school student supported (intensive and specific educational support equivalent to a total of more than twenty hours per term); \$1,477 per category 2 school student (significant specialist education support equivalent to a total of five to twenty hours per term); \$740 per category 3 student (additional specialist educational support equivalent to less than five hours per term).

<sup>12</sup> Including the user cost of capital.

school. In addition all students with eligible disabilities attract additional funding of \$589<sup>13</sup> under the *Strategic Assistance Per Capita (Students with Disabilities) Funding*. At present some students may also attract *Special Education Compensation Funding*. This is a transition arrangement due to terminate at the end of 2004. The level of assistance from this transitional funding varies with a maximum of some \$2,600 for eligible secondary students.

28. Students may also receive targeted funding under the *Strategic Assistance for Improving Student Outcomes Programme*. This funding is administered by State and Territory Associations of Independent Schools on behalf of the Commonwealth Government. In 2001 the funding for students with disabilities and other literacy and numeracy initiatives were broad banded into a single programme. The stated intent of this broadbanding was to allow increased flexibility in the allocation and use of funds, but in practice there is limited scope to shift funds between these two components because both are politically sensitive and have to meet the extensive demands of students and schools. While the broadbanding has had positive benefits in terms of new approaches to meeting the needs of students with disabilities, it has failed to effectively address the problem of inadequate government funding and has acted to reduce the transparency of the total level of government resources provided to meet the specific additional educational support needs of students with disabilities.
29. The funding allocation that is administered by each State and Territory Association of Independent Schools is not directly related to the number of students with disabilities or the level of severity of the disability or the educational need. The allocations are based on historical shares that are now difficult to rationalise given the changes in profile of enrolments of students with disabilities in the intervening years. As a result, the funding received by a given student can vary from year to year depending on changes in the number of students with disabilities and the level of severity of educational need of those students. **The value, in real terms, of the funding pool available for allocation has not increased since 1991.** The funding pool has been indexed only for changes in AGSRC and has not been adjusted for the significant increase in the number of students with disabilities in the independent sector.
30. Some State and Territory Associations allocate a small amount of funding for minor capital works, to assist student assessment and for teacher professional development, with the remainder allocated as recurrent funding to support the needs of individual students. The basis for allocating funds between students varies between associations. This reflects the eligibility criteria employed by the relevant State or Territory government, the level of the pool of funding relative to the population of students to be served and local circumstances, in particular, other funding programmes to support students with disabilities in that State or Territory. In Western Australia, for example, the criteria relate to the nature and level of disability and the socio-economic status of the student's school. In other states and territories the criteria focus exclusively on the nature and level of disability. The funding allocations are related to students' educational support

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<sup>13</sup> Exclusive of supplementation for 2002 which is expected to be made in the second half of the 2002 school year.

needs and funding ranges from students attracting zero funding from this programme to a number of students receiving \$19,200. **The vast majority of students receive funding allocations of less than \$4,000, including students with very high support needs.**

31. Funding is also provided to various non-government organisations specialising in providing services to students with disabilities, for example the Autism Association under the *Non Government Support Centre Programme*. In turn these organisations provide services to schools. This funding, however, appears only to be an important source of funding for some students with disabilities in independent schools in South Australia<sup>14</sup>.

State and Territory Government Funding of Students with Disabilities in Independent Schools

32. State and territory government funding arrangements for students with disabilities in independent schools are very diverse, encompassing widely different approaches to funding and levels of assistance. Some state and territory governments provide low levels of assistance while others make a more significant contribution. Table 5 provides a summary of these arrangements.

*Table 5: Summary of State and Territory Governments Funding of Students with Disabilities in Independent Schools in 2001*

State/Territory	
New South Wales	<p>Special schools and students with disabilities at regular schools are funded at the maximum State Government general recurrent per capita rate of \$1,294 for primary students and \$1,795 for secondary students..</p> <p>Some special schools are eligible for a supervisor subsidy</p>
Queensland	<p>Additional per capita funding of \$3,000 for students ascertained at support levels 4 and \$5,000 for students at support levels 5 and 6.<sup>15</sup></p> <p>The number of students with disabilities is a factor in the formula determining a school's general recurrent funding per capita rate.</p> <p>The provision of in-kind advisory teacher support to students with visual, hearing and physical impairments.</p>

<sup>14</sup> Eligible organisations are funded for category 1 students (intensive and specific educational support equivalent to a total of more than 20 hours a terms) at \$5,171, category 2 students (significant specialist education support equivalent to a total of five to 20 hours per term) at \$1,447 and category 3 students (additional specialist education support equivalent to less than five hours per term) at \$740.

<sup>15</sup> The \$5,000 funding level applied to 2001 only. In 2002 the level has been reduced to \$3,000 per student ascertained at support levels 5 and 6.

South Australia	<p>Students in special schools receive total additional per capita funding of \$6,872.</p> <p>Students in regular schools receive additional funding</p> <table border="0" data-bbox="667 376 1145 488"> <tr> <td>Mild</td> <td>\$342</td> </tr> <tr> <td>Moderate</td> <td>\$683</td> </tr> <tr> <td>Severe Profound Multiple</td> <td>\$1,367</td> </tr> </table> <p>In kind provision of visiting teacher services for students with vision impairment.</p> <p>Eligible students participate in the Access Assistant Program.</p>	Mild	\$342	Moderate	\$683	Severe Profound Multiple	\$1,367
Mild	\$342						
Moderate	\$683						
Severe Profound Multiple	\$1,367						
Tasmania	<p>1.922 per cent of a school's State Government general recurrent grant is designated as supporting students with disabilities.</p>						
Victoria	<p>Special schools are funded at the maximum State Government general recurrent per capita rate.</p> <p>Funding to assist with therapy services, with average funding of \$800 per student receiving this assistance.</p>						
Western Australia	<p>Majority of students receive, depending on their level of disability, additional funding of 0.3, 0.5 or 0.7 of the standard State Government general recurrent per capita rate. Funding ranges between \$271 and \$1,324<sup>16</sup>.</p> <p>Students with severe disabilities who are eligible for enrolment in government special schools receive a special per capita rate of \$19,200.</p>						
Australian Capital Territory	<p>Targeted funding for students with moderate to severe disabilities, with an average funding level of \$4,491.</p>						
Northern Territory	<p>Additional funding of \$3,708 for students ascertained at support levels 5,6 or 6+.</p> <p>Provision of in-kind services.</p>						

## DEFINITION OF STUDENTS WITH DISABILITIES

36. Each state and territory government has its own definition of what is meant by a student with disability and the related levels of education support needs. These definitions are used for the purpose of determining eligibility for Commonwealth funding for students with disabilities. In some states and territories the definition

<sup>16</sup> Funding range for 2002 is \$271 to \$1,324.

excludes students with learning disabilities and in others it includes only some of this group. Students with learning disabilities receive some assistance via other targeted funding initiatives, such as funding for literacy and numeracy initiatives. Learning disabilities are often manifested in poor numeracy and literacy outcomes.

### *Students with Learning Disabilities*

37. A key difficulty lies in the lack of an agreed definition of learning disabilities. In the absence of an agreed definition even the scope of targeted students falling within the terms of reference of this Inquiry is unclear. The National Medical and Health Research Council has, for example, noted that the terms learning disability and learning difficulty are often, but not always, interchanged. What is meant by learning disabilities varies among interest groups depending on their particular focus. **While the students with learning disabilities fall within the scope of the Commonwealth *Disabilities Discrimination Act 1992*, they do not fall within the eligibility criteria for funding in some states, and where they do, the funding is spread more thinly over that greater number.** A further related group of students with significant educational support needs for which funding is not provided are students in rehabilitation for addictions and students who are homeless (Street Kids).
38. In reaching a conclusion about the appropriate scope of the definition of students with disabilities it is crucial to recognise that extending the current definition to include students with learning disabilities and other significant educational needs would radically increase the number of students in the target population. For example, estimates from the National Health and Medical Research Council suggest that up to 16 per cent of the school population might satisfy the requirements of a more inclusive definition.<sup>17</sup> To illustrate, the Association of Independent Schools of the Northern Territory conducted a large-scale project focused on hearing issues for over one thousand students across six schools in urban and remote locations. Seventy-nine per cent of the students were found to have an educationally significant hearing disability. What might seem to be an apparently minor hearing loss can have significant educational consequences. For example, a child with a hearing loss of 25 decibels sitting at the back of the classroom has a loss equivalent to 60 decibels.
39. A move to a more inclusive, and therefore wider definition, would create an expectation of more programmes directed to raising the education achievement of the additional students brought within the definition. **A more inclusive definition would need to go hand-in-hand with a very substantial increase in targeted government funding. Government funding for the already identified target group of students with disabilities in the independent schools sector is already under extreme pressure, with a significant shortfall in terms of meeting the educational support needs of the currently identified students. It would be undesirable if a policy for a more inclusive definition**

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<sup>17</sup> National Health and Medical Research Council, *Learning Disabilities in Children and Adolescents*, Australian Government Publishing Service, Canberra, 1990. p 2.

led to a further deterioration in the funding available to each of these students.

### *The Lack of a Nationally Consistent Definition*

40. The absence of a nationally consistent definition of students with disabilities means that a student might be classified differently, and as a result receive quite different levels of support, depending on where they live in Australia. As an example of inconsistencies in definition, Appendix A sets out the definition of vision impairment across the different states and territories. It shows that to meet the criteria for vision impairment the student needs to be “legally blind” (acuity of 6/60 or less) in the Northern Territory and Victoria, while lesser levels of vision impairment satisfy the definition in other states and territories.
41. **The inconsistency in definitions is a major difficulty and a priority for resolution. It leads to inequities in the support provided to students in different parts of Australia.** NCISA notes that the development of consistent definitions is on the MCEETYA Performance Monitoring and Reporting Taskforce agenda and that the aim is to implement consistent definitions by December 2003. NCISA is concerned, however, that this issue has been on the MCEETYA agenda for a number of years and to date progress has been limited. Further, NCISA is concerned that a consistent definition be developed not just for performance monitoring and reporting purposes but also for funding purposes.
42. **A consistent framework of definitions that defines both the nature of disabilities to be supported and the associated level of educational support needs is a prerequisite for effective dialogue and negotiation within MCEETYA on a fair funding regime for students with disabilities.**

### **ACCURACY WITH WHICH STUDENTS’ DISABILITIES-RELATED NEEDS ARE BEING ASSESSED**

43. Under the current set of definitions diagnosis, and thus eligibility for funding, is quite clear. This would, however, become more problematic if there was a move to a definition that is more inclusive of learning disabilities without the resolution of the definitional problems discussed in paragraph 40.
44. **The key problem under the present definitions is the lack of a consistent and accurate approach for assessing students’ educational support needs and thus their resourcing requirements.** Progress is required in this area in order to develop appropriate funding arrangements that are related to student needs and adequately recognise that these needs can vary widely between students depending on the nature and severity of their disability.
45. There is also concern that estimates of the number of students with disabilities, as measured by the Commonwealth Census, are not necessarily accurate. The experience of a number of NCISA’s State and Territory Associations is that for authorities and individual schools it can be difficult to apply the relevant definition when completing the census, possibly leading to inaccuracies. Some families and schools also oppose the categorisation of students for philosophical



reasons, believing that effective education practice should be based on the student's needs rather than categories. Further, some families and schools in the independent sector make a calculation that it is not worth seeking a formal diagnosis for a student with a mild to moderate level of disability. Students in the non-government school sector do not have free access to state and territory government-provided assessment and diagnosis services. The cost of diagnosis and assessment adds to the financial burden of families and schools and they decide that the resources are better used in directly supporting the child's education. **On balance, NCISA considers that there is a strong probability that the current estimate of the number of students with disabilities in independent schools understates the actual population.**

#### **PARTICULAR NEEDS OF STUDENTS WITH DISABILITIES FROM LOW SOCIO ECONOMIC, NON-ENGLISH SPEAKING AND INDIGENOUS BACKGROUNDS AND RURAL AND REMOTE AREAS**

46. The failure of current government funding arrangements (Commonwealth and state and territory) to fully meet the educational needs of students with disabilities in non-government schools can be expected to have the greatest consequences for students from lower socio-economic backgrounds. Typically their school communities have a more limited capacity to provide the resources that are required to meet the specific needs of these students. The problem is exacerbated by students in non-government schools generally not having the same access as students in government schools to government-funded support services, such as assessment, transport, itinerant teachers and therapy services.
47. Key issues faced by schools in rural and remote locations relate to the availability of, and access to, specialist professional services necessary to adequately support the needs of many students with disabilities.
48. Another concern is that in some states and territories the definition of students with disabilities excludes certain conditions which are often more prevalent among less advantaged groups. In the Northern Territory, for example, the definition focuses on the severely disabled and thus excludes otitis media which is prevalent among students in indigenous community schools.

#### **THE EFFECTIVENESS OF EARLY INTERVENTION PROGRAMMES**

49. NCISA has a two-fold interest in early intervention programmes for students with disabilities. First, in recent years there has been a trend to more independent schools providing pre-school education. As with school age students, NCISA believes that students with disabilities in non-government pre-school facilities should receive the same government funding as students with disabilities in government facilities. Second, NCISA has an interest in ensuring that early intervention programmes are well designed and are as effective as possible. The effectiveness of these programmes can have important implications for the nature and level of support needs of the student once they reach school age.

## **TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT**

50. This aspect of the terms of reference will be addressed more comprehensively in the submissions of State and Territory Associations of Independent Schools.
51. The independent school sector is characterised by a high level of inclusiveness of students with disabilities in mainstream or regular class settings. This is consistent with the policies of the Commonwealth and state and territory governments for students with disabilities to have the opportunity to be educated in mainstream school settings. For the policy of mainstreaming to be effective in meeting the needs of students with disabilities, it is essential that regular class teachers have at least a minimal level of professional knowledge about the needs of students with disabilities and of related pedagogical issues. NCISA therefore supports the inclusion of a component of study on the needs of students with disabilities in teacher training courses. Currently the majority of teachers in independent schools have not had any special education training in their pre-service courses. A number of the State and Territory Associations of Independent Schools allocate some of the targeted funding under the Strategic Assistance for Improving Student Outcomes Programme that they administer on behalf of the Commonwealth Government to in-service teacher professional development to support teachers in meeting the needs of students with disabilities.
52. Pre- and in-service professional development in the area of students with disabilities should not, however, be viewed as removing the need for ongoing professional support and expertise to assist the teacher to address the needs of the student with disabilities at the same time as catering for the needs of other students. Policy for professional support for teachers and more generally for government funding of students with disabilities should not lose sight of the diverse nature of disabilities and that each one can be complex in terms of the educational support the student requires.
53. NCISA is also concerned about a possible emerging shortage of teachers specially qualified in teaching students with disabilities. A number of independent schools have reported problems in recruiting suitably qualified staff specialising in the education of students with disabilities.

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**Definition of Vision Impairment by State and Territory**

State and Territory	Definition of Vision Impairment
New South Wales	Current diagnosed vision impairment which details a permanent vision loss that is 6/24 or less in the better eye corrected or less than 20 degrees of vision. A report from the AP/ET vision that indicates that the student requires additional support to assess the curriculum in alternative formats or with significant modification of materials. Information is also required on the student's abilities to access the physical environment and daily living, orientation, mobility and social skills.
Queensland	Visual acuity that is 6/18 or less after correction, a field loss that impairs visual functioning, a degenerative visual condition.
South Australia	Moderate – student needs low vision aids, print modification and other equipment to access and participate in the curriculum. Severe – student is blind or functionally blind and requires audio and tactile material to access and participate in the curriculum.
Tasmania	Visual acuity of less than 6/18 after correction, print modification required for school work.
Victoria	Visual acuity less than 6/60 with corrected vision or visual fields that are reduced to a measured arc of less than 10 degrees.
Western Australia	Visual acuity of 6/18 or less and print modification needed
Australian Capital Territory	Visual acuity of 6/18 or less.
Northern Territory	Visual acuity of less than 6/60 with corrected vision, or visual fields are reduced to a measured arc of less than 10 degrees.

