

7 May 2002

Mr John Carter
Secretary
Employment, Workplace Relations
and Education References Committee,
Legislation Committee
Suite 1, 61
Parliament House
Canberra ACT 2600

Dear Mr Carter

Please find attached the AISSA submission for the *Inquiry Into the Education of Students with Disabilities, Throughout All Levels and Sectors of Education* for consideration by the appropriate Senate Committee.

AISSA would appreciate an opportunity to make a further submission to a public hearing of the Senate Committee.

We would be pleased to assist the Committee in identifying site visits to independent schools in South Australia.

Yours sincerely,

Garry Le Duff
Executive Director

A I S S A



ASSOCIATION of
INDEPENDENT
SCHOOLS of SA

ASSOCIATION OF INDEPENDENT SCHOOLS OF SOUTH AUSTRALIA

SUBMISSION

to

**THE SENATE EMPLOYMENT, WORKPLACE RELATIONS, SMALL
BUSINESS AND EDUCATION REFERENCES COMMITTEE**

INQUIRY INTO THE EDUCATION OF STUDENTS WITH DISABILITIES

MAY 2002

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EXECUTIVE SUMMARY

- a) AISSA has made a strategic commitment to advocating significant improvement in the access to government funding and to support services for students with disabilities enrolled at its member schools. At the same time the sector is aware of its social and legal obligations to enhance the access to school education for students with disabilities, in particular non-government school education if chosen by parents. Government collected data indicates that in recent years the enrolment of students with disabilities within the Independent sector has increased at a greater rate than the overall enrolment increase within the sector.**
- b) The National Council of Independent Schools' Association (NCISA) submission clearly demonstrates that there are significant discrepancies across states and territories and school sectors in the availability of government funds (Commonwealth and State) to students with disabilities. Underpinning these discrepancies are variations in the application of definitions of "disability" and lack of recognition of the resource needs of students with different type and severity of disability in the approaches to allocation of government funds. This Senate Inquiry provides another opportunity to explore how these significant discrepancies can at least be minimised. Any recognition of the need to widen the current definition of "disability" to include students with learning disabilities (difficulties) must also be supported by a recognition of a significant increase in the level of funding support for individual students and school authorities.**
- c) AISSA contends that the level of government funding (Commonwealth and State) to students with disabilities enrolled at most Independent schools (R-12) is inadequate. Students with disabilities from various disadvantaged backgrounds are most affected by this situation. On available data it also appears that these students receive significantly less funding than students with similar disabilities who attend government schools; this particularly applies for students with severe disabilities.**
- d) The trend for Independent schools to establish pre-school or early learning centres has generated further opportunities for families to choose from a range of options for the education of their children. This includes families with children who have a disability. Schools with these pre-school facilities receive no recurrent government funding for these students and they have no access to Special Education funds provided through the Commonwealth Targeted Program. This situation is inequitable and unacceptable.**
- e) AISSA wishes to acknowledge the role of the SA Ministerial Advisory Committee: Students with Disabilities, in facilitating access to support services for students with disabilities attending schools across the three school sectors.**

- f) Evidence collected by such agencies as the Advisory Committee for Non-Government Schools during visits to schools and an analysis of the requests from AISSA member schools for advice and support to assist students with disabilities demonstrates that at the individual school level the education and related support of students with disabilities is among the most important operational and policy issues faced by schools. In broad terms these challenges include:
- the uncertainty about the application of DDA, in particular at time of enrolment
 - lack of access to assessment services to accurately diagnose the disability and identify appropriate strategies to assist each student with a disability
 - the diversity in the type and level of disability among students with disabilities
 - the significant resources (human, recurrent and capital) which are diverted to assist some students with disabilities
 - the tensions that arise between parents within the school community resulting from a school's decision to divert resources to some students or arising from the behaviour of some students with disabilities
 - the possible conflict between meeting the needs of students with disabilities and meeting the duty of care and OHS&W obligations to other students and staff.
- g) AISSA has supported an inclusive approach to enable students with disabilities to access learning opportunities with other students within the school community. A wide range of strategies are implemented across the sector; most require more intensive teacher support, access to modified equipment and access to additional expertise. School clusters have been implemented within the sector to share strategies and explore innovative approaches.
- h) This inclusive approach at the school and classroom level needs to be mirrored at the policy level, in particular, by MCEETYA Taskforces to ensure the needs of students with disabilities are incorporated into national policy and projects; for instance, on-line curriculum, transition from school, teacher supply and demand etc.
- i) AISSA commends the work of the Suneden Special School (Independent) and strongly recommends that the services available through the State government such as access transport and assessment services be made available free of charge to the students attending this school.
- j) The Commonwealth Targeted Program funds are the major source of public funds to assist Independent schools with advice, equipment and support, sector wide professional development and direct grants for key teacher programs. This Commonwealth funding is particularly important in providing on-going sector wide professional development for staff (teachers, principals, school assistants, and business managers) and school boards. If this funding program was terminated all of the above services and support to schools would cease within the Independent sector in South Australia.

- k) Given the growth in enrolments of students with disabilities within schools and the diversity of disabilities among these students it is essential that University teacher education qualifications contain some core units relating to the teaching of students with disabilities. This should continue to be supported by sector wide professional development programs.
- l) The current costs of educating students with disabilities (including providing access to expert support services) attending independent schools is disproportionately borne by the individual school, its community and individual families. AISSA strongly believes that the additional cost of educating students with disabilities should be met by the broader community via government funding. Students with disabilities should receive the same level of public funding support and access to support services, regardless of the school sector in which they are enrolled. There should also be some recognition within any government funding arrangements for the level of disability.
- m) The role of the Commonwealth and State governments in funding and providing support services to students with disabilities across the school sectors needs further investigation and clarification.

RECOMMENDATIONS

1. **MCEETYA initiate a project to explore the development of nationally consistent approach to the applications of the definition of disability across State/Territories and school sectors.**
2. **Any recommendation that supports the widening of the definition of disability also recognize the resource implications for governments and schools.**
3. **Access to assessment by experts be acknowledged as an entitlement for families for students with disabilities, regardless of the school sector the student attends.**
4. **The cost of meeting the educational needs and related support services for students with disabilities should be the shared responsibility of Commonwealth and State Governments. The contribution of each level of government should be negotiated using the basic principle that these students should receive the same level of government expenditure for their school education, regardless of the school sector in which they are educated. This level of funding either be determined by the use of broad categories of disability to which a student is allocated according to a professional assessment.**
5. **The particular needs of students with disabilities from disadvantaged backgrounds be explicitly considered in any revised funding arrangements.**
6. **MCEETYA seek data from each State/ Territory to determine the level of government funds available to students with disabilities who attend government schools. This data be used as benchmark for the full-funding of students with disabilities attending school, regardless of the sector they attend.**
7. **The significant additional costs associated with the education of students with disabilities within mainstream schools be recognised by the Senate Committee.**
8. **The Senate Committee acknowledge the significance of the Commonwealth Targeted Programs special education funding to the independent sector, in particular, in those State/Territories where there is minimal access to State government services for students with disabilities attending non-government schools.**
9. **The Independent Special School in SA be given access to access transport and a wide range of professional services by the SA State Government**
10. **The Senate Committee recommend that university teacher education courses include core units on teaching students with disabilities**

- 11. The Senate Committee support the need to enhance Commonwealth funding of professional development programs for teachers and other staff given responsibility in schools to support students with disabilities and school boards.**

- 12. MCEETYA investigate the role of the Commonwealth and State Governments in the funding of students with disabilities.**

1. INTRODUCTION

- 1.1 This submission is presented by the Association of Independent Schools of South Australia which represents 90 member schools in South Australia with an enrolment of approximately 35, 000 students (19,210 Primary and 15,581 Secondary). A more detailed profile of the sector in South Australia is provided in Appendix 1.
- 1.2 The information for this submission was gathered from the following sources:
- AISSA Primary and Secondary Heads meetings
 - Meeting of school authorities and interest groups within the independent sector
 - Reports from visits to schools through the Non-Government Schools Registration Board and Advisory Committee for Non-Government Schools
 - A reference group of Primary and Secondary Heads established for this Senate inquiry
 - The annual survey of independent schools in South Australia that is conducted by the AISSA Special Education Team
 - The knowledge of the Targeted Programs Special Education Advisers who provide direct assistance to 93 Independent schools across, across South Australia.
- 1.3 Consultations with representatives of member schools and the interest groups across the sector in South Australia reinforced the view that they see significant benefits arising from the inclusion of students with disabilities within their school communities. They also expressed a desire and a commitment to support young people with disabilities within their schools. The independent sector does recognize its social and legislative obligation to these students, contrary to the views of some politicians and lobby groups.
- 1.4 The legal/legislative requirements placed on schools has protected the entitlement of young people with disabilities to access education and training of their choice; however this advancement has not been linked to a serious consideration of the resource and organizational implications for educational institutions. Current arrangements inhibit the ability of many Independent schools to provide for students with disabilities and may in fact act as a disincentive for some families to enrol their children with disabilities at an Independent school.
- 1.5 Schools face many challenges in terms of funding, staffing, capital infrastructure, impact on the well being of other students, etc, in providing inclusive education and support for students with disabilities. There are also tensions between the wider duty of care and other legislative (eg, OHS&W) responsibilities of schools to all students and staff and meeting the specific needs of students with disabilities.
- 1.6 The submission attempts to give members of the Senate Committee an overview of the challenges faced by Independent schools across the State and the resource, legal and organizational implications arising from the efforts of

the school communities to meet the educational needs of students with disabilities.

- 1.7 AISSA has also contributed to the development of the NCISA submission to this inquiry and supports the broad directions outlined in that detailed submission.

2 PRINCIPLES

- 2.1 Improving the level of public funding at both State and Commonwealth levels and access to a wide range of services for students with disabilities attending Independent schools on more equitable terms is a high policy priority for AISSA.

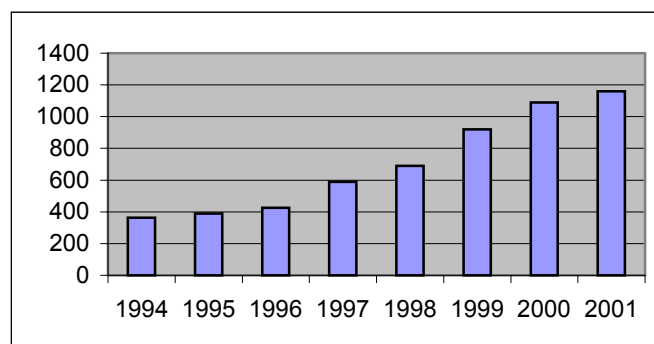
- 2.2 The points made in this submission are based on the following principles:

- Every child has an entitlement to receive a high quality education
- Every child is entitled to a basic level of public funds and access to support services to enhance their access to school education and choice of school, regardless of the school they attend
- School communities across the Independent sector are committed to improving access to their schools for students with disabilities
- Independent schools recognize their obligations introduced by the Disability Discrimination Act (1992)
- Families with children with disabilities should share in the opportunity to select the school of their choice
- The costs associated with enabling students with disabilities to attend the school of their choice and to access support services should be more equitably borne by the whole community rather than by the student's family and each school community
- The level of government funding (Commonwealth and State) to support the specific additional education support needs of students with disabilities should be the same level regardless of the school sector attended
- More consistent application of definitions of disability should be generated across school sectors and across States/Territories. More severe forms of disability should be recognized in the level of funding provided to support the student
- Current data,(eg, Commonwealth School census or ABS data) should be used by governments to determine the allocation of public funds to school authorities and schools to support students with disabilities.

3 PROFILE OF STUDENTS WITH DISABILITIES WITHIN THE SECTOR IN SOUTH AUSTRALIA

3.1 Over the past decade there has been a significant increase in the number of students with disabilities enrolled at Independent schools. Since 1994 the number of students with disabilities attending independent schools in South Australia has increased by approximately 300%, whilst overall enrolment growth has increased by about 20% See Table 1 below. This does not include students attending the one Independent special school that caters for students with moderate to profound multiple disabilities; it currently has an enrolment of 46.

TABLE 1
ENROLMENT GROWTH OF STUDENTS WITH DISABILITIES AT INDEPENDENT SCHOOLS IN SOUTH AUSTRALIA 1994-2001



Note : These figures are based on the Commonwealth definition of “disability” which is consistent with the SA State definition.

- 3.2 More detailed analysis of the data available from the Advisory Committee for Non-Government Schools indicates the following trends:
- a) A marked increase in the number of students with severe and profound difficulties from 84 in 1998 to 115 in 2001, (including students at Suneden Special School)
 - b) An Increase in the number of students with medically assessed high health and personal care needs such as toileting, meal time management, invasive health procedures and intensive supervision
 - c) Considerable diversity in the disabilities of students as demonstrated in Table 2
 - d) A strong association between disability and severe behavioral problems, leading to classroom disruption, teachers stress, complaints from other parents and in some instances violent behaviour against other students and teachers.

TABLE 2

**STUDENTS WITH ASSESSED DISABILITIES
IN SA INDEPENDENT SCHOOLS – AUGUST 2001
(EXCLUDES SPECIAL SCHOOL STUDENTS)**

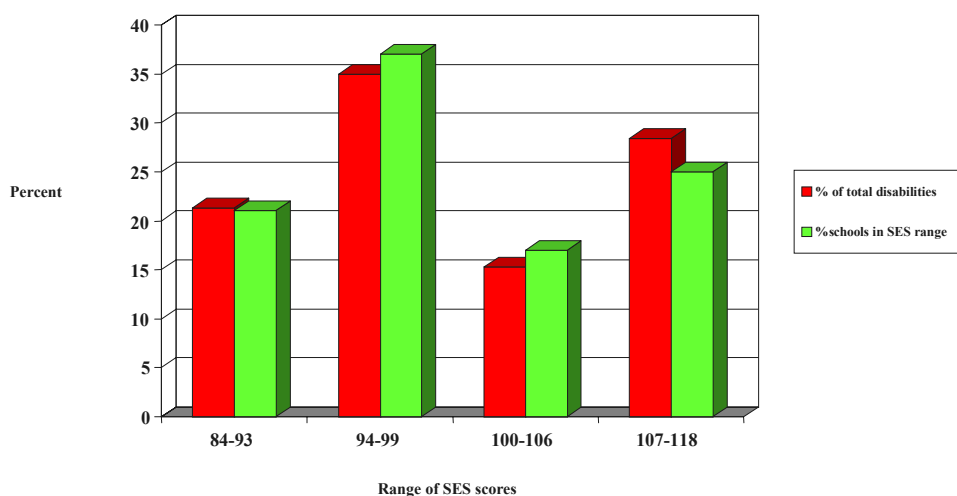
Disability	No. Of Students
Intellectual	105
Autism/Asperger Syndrome	67
Visual Impairment	33
Hearing Impairment	58
Physical Disability	346
Language Disorder	265
Severe Multiple Disability	2
Emotional and Behavioural Difficulties	247

3.3 Two other observations are important to note:

- In 2001 the independent sector in South Australia enrolled more students with disabilities in mainstream schools (1123 students) than the Catholic sector (1049 students).
- The distribution of enrolments of students with disabilities across the sector broadly reflects the overall distribution of independent schools across the SES spectrum. See Table 3.

TABLE 3

**PERCENTAGE OF STUDENTS WITH DISABILITIES IN
INDEPENDENT SECTOR SCHOOLS IN 2001
ACROSS SES SCORE GROUPS**



- 3.4 The overall growth in enrolments of the above students within the independent sector is related to a number of factors, including the increase in the accessibility (economic and location) of Independent schools that cater for a wider socio-economic spectrum of the community, (particularly lower fee schools in the outer suburbs of Adelaide and country towns), the impact of the Disability Discrimination legislation, the demand of parents that their children with disabilities also have access to choice of school and a caring supportive environment and more effective forms of identification of disability within existing enrolments linked to various government funding programs.
- 3.5 The SA Ministerial Advisory Committee : Students with Disabilities report (*Schooling Options for Students with Disabilities in South Australia: A Parent Survey*) indicated that parents from all school sectors supported a range of schooling options for students with disabilities and that one of the most important factors influencing their decision was the school ethos. Anecdotal observations also suggest that parents are now more often choosing the same school for all their children (those with and without disability).
- 3.6 It is the overall increase in numbers, the diversity of disabilities now present in mainstream schools and the increase in the number of students with severe and profound disabilities that are the focus of this submission.

4 THE CRITERIA USED TO DEFINE DISABILITY AND TO DIFFERENTIATE BETWEEN LEVELS OF DISABILITY:

- 4.1 There is no nationally agreed definition of disability (type or level) across the school sectors in the States and Territories. The Commonwealth definition states that... “ *A student who is attending a government or non-government school and who has been assessed by a person with relevant qualifications as having intellectual, sensory, physical, social/emotional or multiple impairments to a degree that satisfies the criteria for enrolment in Special Education services or programs provided by the government of the State,....* ” This definition and the requirement to be assessed by an expert determines the number of students across States/Territories and across the three schools sectors that are eligible for Commonwealth funding.
- 4.2 Given the general nature of the Commonwealth definition there is no consistency in the application of criteria across States and Territories. The NCISA submission to this inquiry illustrates this point.
- 4.3 The definition of “disability” in the Disability Discrimination Act is much broader and potentially encompasses a significantly larger number of students than those covered by the Commonwealth definition.
- 4.4 This particularly applies to students with **learning disabilities** (referred to as students with learning difficulties in South Australia) who are not in receipt of any Commonwealth funding and yet their special learning needs are amongst the most challenging for teachers. In South Australia this group of students receives up to an additional \$170 per annum allocated from the State grant for non-government schools. According to the Advisory Committee for Non-

Government Schools (SA) there are 3,500 students with a learning disability (difficulty) attending Independent schools. Under the DDA they are entitled to programs that cater for their needs. The implementation of the DDA Education Standards could improve the identification of these students, increasing further the demands on school resources.

- 4.5 In South Australia, the definition of learning disability (including dyslexia) is that the student has average or above average intelligence but has specific difficulties in certain areas such as spelling/reading/ numeracy as measured by a psychologist in a psychological assessment. This group of students also require ongoing, intensive and structured learning programs to achieve success in basic literacy and numeracy skills. They stretch the already limited resources available under the Commonwealth funded programs and other funding arrangements available for students with disabilities who attend Independent schools.
- 4.6 **Any consideration by the Senate Committee to recommend widening the administrative definition of “disability” to include students with learning disabilities (difficulties) for public funding purposes must also recognise the need for significant additional funding. Available government (State and Commonwealth) funds are already inadequate to meet the needs of those students eligible for funds under the current acceptable definitions.**
- 4.7 The Commonwealth government does not recognise different levels of disability for funding purposes. This means that a student with a severe disability attending an independent school receives the same amount of per capita funding (\$589) as a student with a mild disability. The Advisory Committee for Non-Government Schools in South Australia does recognize different levels of disability for funding purposes when allocating State Grants. In 2001 funding was \$342 for a mild disability, \$684 for a moderate disability and \$1368 for a severe disability.
- 4.8 The inconsistency in the application of definitions across States/Territories and across school education sectors means that students with the same disability are likely to receive different levels of public funding and access to support services according to location. This situation is supported in the NCISA submission to this Senate Inquiry. It is compounded by the fact that some students with disabilities in South Australia will receive different levels of public funding according to the severity and complexity of their disability. This situation particularly disadvantages small independent non-systemic and systemic independent schools and those serving communities that have limited capacity to contribute additional resources to their school.
- 4.9 **Whilst it is difficult to remove all qualitative judgement out of the application of the definition, AISSA considers a more concerted effort should be made to significantly reduce the current inconsistencies. It is recommended the Senate Committee explore an approach to public funding of students with disabilities that recognises the different levels and complexity of disability.**

5 THE ACCURACY WITH WHICH STUDENT'S DISABILITY RELATED NEEDS ARE BEING ASSESSED

- 5.1 Currently all students with disabilities who may be eligible for government funding are required by the Commonwealth and State Governments to have an assessment of their disability from an independent professional. The AISSA through the Commonwealth Targeted Program allocates approximately \$30,000 pa to assist schools obtain psychological and speech assessments for students who may meet Commonwealth criteria. It has no other source of funds to provide this service. AISSA understands that within the government school sector students with disabilities can access some services such as psychological assessment and speech pathology through professional staff employed within the Department. The use of professional expertise is considered essential in obtaining a valid assessment of the type and level of disability.
- 5.2 These assessments are also used to provide teachers with valuable information to identify appropriate strategies to support students with significant learning difficulties in the classroom. The demand for these assessments is increasing on an annual basis. AISSA faces a significant dilemma in allocating Commonwealth Targeted Program funding to the competing needs that schools have in providing for students with disabilities.
- 5.2 The cost of assessment (in many cases hundreds of dollars for families supporting students enrolled at Independent schools) is a significant issue for families and schools, particularly those with lower to middle income backgrounds.
- 5.3 **AISSA considers that assessment of students with disabilities is an essential approach to enhancing the quality of advice that school authorities can give to schools and their families and a valuable instrument in assisting teachers to devise appropriate strategies to assist young people with disabilities in the classroom and to be included in the wider school community. State governments should provide access to these assessment services on the same basis as students with disabilities who attend government schools.**

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

- 6.1 There has been substantial growth of Independent schools in lower socio-economic communities. Approximately 65% of independent schools in South Australia have an SES score of 99 or less. These schools have limited capacity to support the needs of some students with disabilities. AISSA estimates that some of these schools have about one-third of available funds (public and fees) that are available to support students with severe and multiple disabilities in the government sector. (See 7.2 of this submission). Nor do they have equitable

- access to support services such as assessment, transport, and therapy services etc. This is an unacceptable position.
- 6.2 Families from the above backgrounds are often unable to afford the assessments and therapy required so that their children can access services and obtain public funding support. AISSA through Commonwealth Targeted Program has attempted to address this difficulty by funding psychological and speech pathology assessments for students who have not previously been diagnosed. (See 5.2)
 - 6.3 There are cultural issues associated with the appropriate identification and assessment of students with disabilities in indigenous and some families from an ESL background. Some cultural groups have beliefs in relation to the identification and acknowledgement of students with disabilities and special needs. This creates challenges in identifying the disability and providing support to the young person. Early intervention and assessment (eg, psychological assessments) are often of concern for non-English speaking background parents, as some may not understand the outcomes and purpose of such assessments. Interpreters who are able to facilitate this understanding to parents are often difficult to obtain.
 - 6.4 There is a limited supply of psychologists and speech pathologists who are aware of the culturally sensitive issues associated with these forms of assessment and who are able to appropriately diagnose a student from a NESB or indigenous background.
 - 6.5 AISSA Special Education and ESL/Literacy Advisers have recently developed a resource, *“Taking a Closer Look – Identifying ESL / Special Needs Students”*, to assist teachers and schools to accurately determine the type of assessment and educational support required by students from a non-English speaking background. This has been developed with Commonwealth Targeted Program funds.
 - 6.6 Research evidence indicates that hearing impairment is a significant disability among indigenous students irrespective of their location. However the accessibility of assessment services is varied.
 - 6.7 Limited services in rural and remote areas are well documented. Often there is frequent personnel change and the staff in these services are often new graduates with limited experience. The HREOC *National Inquiry Into Rural And Remote Education (2000)* identified a number of recommendations in relation to students with disabilities. These include mobile multi-disciplinary early intervention teams to assess the health and education needs of children in the 0-5 age group and to develop remedial programs, the introduction of incentive schemes to attract specialist (eg; speech therapists, child psychologists) to rural and remote areas, establishment of protocols for schools to obtain assistance to meet the urgent needs for health related problems, enhanced access to school counsellors, funding of education providers for therapy support services in rural and remote areas, the inclusion of criteria in capital works programs that consider the needs of students with disabilities and

guaranteed access to government subsidized school road transport where it exists.

6.8 The Senate Committee should explore further some of these recommendations.

6.9 Indigenous families have a higher rate of crises and critical incidents; eg, prison and substance abuse. There is also a high level of stress and related mental health issues for students in indigenous families. This has a significant impact on individual student health, behaviour and school participation.

6.10 There is also a need for increased support for students with disabilities who are moving from school to employment/further education and training. This support is particularly significant for ESL and indigenous students whose families are often limited by their linguistic and cultural understanding of what appropriate options are available.

7 ACCESS TO AND ADEQUACY OF FUNDING

Access to Funds

7.1 Students with disabilities attending Independent schools receive recurrent funds from the following sources:

General

- Commonwealth recurrent grants according to their SES score
- State Grant according to the entitlement/ needs based funding
- School Fees and other private income

The mix of these recurrent funds varies across independent school, depending on the socio-economic profile of the school community and the characteristics of the students who attend the school.

Additional funds associated with disability

- Commonwealth per capita grant (\$589 per student)
- State grant based on severity of disability
- Targeted program funds which varies from student to student. More detailed information is provided in Appendix 111.

*Some students are also eligible to receive support from non-government agencies. This will vary from student to student.

Table 1V

Comparison of Total Funding for Students with a Severe Disability Attending Different Independent Schools : 2002

School	Recurrent Grants	Annual Tuition Fee	Additional Disability Funding	Totals
School A SES Score 117 (Primary Year 7 Student with a severe disability)	Commonwealth \$1,614 per student State \$449 per student	\$2,880	Commonwealth \$589 per student Commonwealth Compensation \$446.93 per student State \$1,366.74 per student	\$7,345.67 per student
School B SES Score 94 (Primary Year 7 Student with a severe disability)	Commonwealth \$3,157 per student State \$449 per student	\$1620	Commonwealth \$589 per student Commonwealth Compensation \$0 per student State \$1,366.74 per student	\$7,181.74 per student

7.2 The level of public recurrent funds and access to professional services for students with disabilities attending independent schools is grossly inadequate, particularly in relation to students with severe and multiple disabilities. In South Australia the level of financial support from governments that is available to students with disabilities attending government schools is higher per student than for students with disabilities attending independent schools. This observation particularly applies to students with severe or profound disabilities. It is difficult to identify a benchmark that could be used to determine the adequacy in the level of funding. However under the previous SA State government’s Partnership21 global budget approach, government schools received funding in addition to that for standard provision for students with disabilities ranging from \$1,283 to \$23,945 depending on the nature of the disability, the specific severity of the disability and the level of schooling. In addition they have access to a central infrastructure that is not available to a predominantly non-systemic school sector. They are therefore not able to spread the cost over a wider student population or the community beyond their school.

- 7.3 The extent and diversity of resource implications for independent schools is clearly illustrated in the case studies provided in Appendix 111.
- 7.4 Community expectations and strengthened legislation acknowledge and protect the entitlement of young people with disabilities and their families to education and training of their choice. However, these expectations are not matched equitably across schools or school sectors. In many cases individual school communities are placed in a situation of meeting the shortfall between existing levels of public funds and the actual cost of providing facilities and support to individual students with disabilities. In some school communities this difference is placing significant strain on available resources and tension between parents of the school.
- 7.5 **The level of public funding for students with disabilities should be the same across school sectors and the level of this support should be based on the level of disability, educational and support needs of each student.**

Capital Grants

- 7.6 Independent schools in South Australia can obtain direct grants through the Commonwealth Targeted Program funds. Grants of up to \$10,000 per student with a disability per annum are allocated for essential items of equipment and building modifications. In 2002 approximately \$80,000-\$90,000 will be allocated for capital grants to assist 30 students attending Independent schools in South Australia.
- 7.7 Schools often contribute towards the on-going cost of these items, including maintenance, training and insurance.
- 7.8 Many other building modifications and minor capital items for these students are funded by the schools and families. These vary in cost from several hundred dollars for handrails to several thousand dollars for modification to buildings, (such as modifications to classroom doorways, paved pathways), electric wheel chair loading, laptop computers, etc.
- 7.9 The Commonwealth Block Grant funds administration guidelines do not permit grants to be allocated to support individual students with disabilities. However if the school is building new facilities or renovating existing buildings either through a Commonwealth Block Grant or by using funds raised by parents and others in the school community, they are required to comply with the Australian Building Code in relation to access of people with disabilities. This may include access provision such as lifts at a cost of \$150,000 to \$200,000 dollars and toilets for people with disabilities. Recently a school included a lift at a cost of \$180,000 in an extension of their current facilities.
- 7.10 Some Independent schools are housed in old buildings, occasionally with heritage listing. More than one lift may be needed to provide access to all buildings, particularly in secondary schools for students with disabilities.

Some independent schools have also purchased sites not originally designed as schools and the cost of modifying these sites can impose an additional burden.

Commonwealth Targeted Programs

- 7.11 The Commonwealth Targeted Programs are administered by the SA Independent Schools Targeted Programs Authority Inc on behalf of all Independent schools in South Australia. It receives approximately \$513, 000 to support Special Education programs and projects across the sector and within schools. A breakdown of how the funds are used is outlined in Appendix 111. 2.6EFT advisory staff are employed to support Independent schools and plan sector wide initiatives with the above funds. The above Authority also administers the Commonwealth Per Capita Special Education Grants (\$589 per student) which it distributes direct to schools.
- 7.12 The above Advisers provide the following support to schools:
- Support for the enrolment and inclusion of students with disabilities in primary and secondary schools, including liaising with schools, families and outside agencies in this process; assisting schools to write inclusive enrolment policies; and supporting schools to use and prepare student support plans for students with disabilities
 - Promotion of an understanding of the relevant Equal Opportunity and Disability Discrimination legislation through seminars, workshops, responses to individual school enquiries and preparation of a resource package for schools outlining the obligations under the DDA
 - Support for schools in completing the Commonwealth Census by maintaining a database of all students with disabilities and assisting schools to verify eligible students
 - Professional development for teachers, principals and school board members in disability awareness and curriculum development
 - Advice about the access and participation of students with disabilities in Commonwealth initiatives, specifically Literacy and Numeracy and VET. A current focus is on participation in the literacy and numeracy benchmarks, including issues around the types of tests used, exemptions and accommodations for students with specific disabilities.
- 7.13 In 2000 the Special Education funding was combined with the Literacy and Numeracy Program funds to form the Strategic Assistance for Improving Student Outcomes Programme on the basis that this would provide greater flexibility for school authorities in meeting the needs of schools and students. In reality these programs are both critical to the improvement of educational outcomes for a wide range of disadvantaged students (not just students with disabilities) and there is little flexibility in allocating the funds to specific priorities. The consolidated administration of the funds has however

encouraged more across program initiatives and an integrated approach to meeting the needs of educationally disadvantaged students within each school.

- 7.14 **The Commonwealth Targeted Program funds provide invaluable assistance to independent schools across the State. The above support and direct grants to independent schools would cease if the current Targeted Programs funding arrangements were terminated.**
- 7.15 The allocation of the Targeted Program funds across States and Territories is based on historical shares that are now difficult to justify. **The Commonwealth should use up-to-date data and the method of allocation should be made public.**

Support Services Provided by Non Government Agencies

- 7.16 School communities or individual families are meeting the significant costs for a wide range of services that are essential to ensure access for students with disabilities to the school of their choice. These include transport (including access cabs), speech pathology, occupational therapy, physiotherapy and psychological assessments and programs for some health care and personal care needs. Independent schools and parents consider that they are disadvantaged relative to their State government school counterparts in that they face fee for service charges for many specialist services.
- 7.17 Independent schools in South Australia have access to a range of teacher support programs through the Commonwealth Non-Government Centre Support funding, which is administered by the SA Minister for Education and Children's Services through the Ministerial Advisory Committee: Students with Disabilities on behalf of the three school sectors. The non-government agencies are funded under the Non-Government Support Centre Programme and receive funding of \$5,171 for a school student requiring intensive and specific educational support of more than 20 hours per term, \$1,477 for a student requiring significant education support equivalent to 5-20 hours per term and \$740 per school student requiring additional specialist educational support equivalent to less than five hours per term. Many of these services are provided by non-government agencies, including the Down Syndrome Society, Autism Association, Crippled Children's Association, Cora Barclay Centre for Hearing Impaired Students, and Townsend House for Vision and Hearing Impaired Students. Independent schools also have access to visiting teacher services from the state government vision impaired service that currently provides a free service to non-government schools. However the non-government agencies have a limited capacity to meet the high demand for their services and some have introduced fee for service charges to schools and families and have to charge for some professional development activities for teachers involved in the education of the students.
- 7.18 Forty to fifty independent school students per year require some form of personal care whilst attending an Independent school. In the past, the Access Assistant Program in South Australia primarily provided support to students with disabilities who required assistance for personal care needs such as

toileting and mealtime management with some health support. Improvements in medical technology have meant that an increasing (but still small) number of children are surviving premature birth and major trauma and some require on-going invasive health care, such as gastrostomy feeds and tracheostomies, including during their time at school. This cannot be managed by school staff as credentialed procedures are required and/or one to one support is needed because the procedures are life threatening. This group of students are also supported by the Access Assistant Program funded, (Commonwealth and State), through the Ministerial Advisory Committee: Students with Disabilities. The increased demand for this more intensive health support has increased the pressure on this program, limiting the availability of public funding for students with disabilities that also require personal care needs. As a consequence parents and schools are incurring the cost of supporting these students either through parental assistance during school hours or the support of school staff that volunteer to provide assistance. In some cases paid support is provided via the parents. Staff cannot be compelled to provide such assistance.

Crisis Funds

7.19 The three school sectors in South Australia have access to limited funds for support crisis situations through the state Ministerial Advisory Committee-Students with Disabilities. The criteria for access to these funds are:

- An urgent response is required to maintain the student in their current setting and to enable them to access the curriculum
- The call for an urgent response is unpredictable in its nature and, therefore, outside of normal funding processes available to sectors
- Crisis funding is applied for on the understanding that short term allocations will be made available, after which time alternative funding or services will be sought to maintain the student in their current setting
- The nature of the funding would typically relate to issues of: health, access, extreme behaviours and medical issues
- The request for crisis funds is understood to be supplementary in nature. The sector takes prime responsibility for the student's participation in and access to the curriculum

7.20 Typically, requests for crisis funding might include support for students:

- with terminal illness
- on medication trials
- whose seizures have increased in frequency
- requiring intensive reorientation to school following surgery, which has resulted in disability
- with extreme emotional/behavioural/mental health issues where services are unavailable or restricted

- where duty of care/legal issues have arisen and require immediate intervention
- whose access is not possible without urgent injection of funds.

7.21 Whilst Independent schools appreciate access to this source of funds, they are rarely in a position to sustain the ongoing one-to-one support needs required by these students if they are to remain at school. In extreme cases this has led to families seeking an alternative school placement within the government sector that may or may not have the infrastructure and diversity of options to accommodate these students.

Suneden Special School

7.22 The clientele (46- 18 Primary and 28 Secondary students) of the only Independent special school in South Australia has changed significantly over the last ten years since the closure of specialist facilities in the State for students with severe and multiple disabilities and the move of many students with more mild to moderate intellectual disabilities into mainstream schools. Two thirds of the students in this school now have severe to profound intellectual, physical and behavioural disabilities. There are now students who have complex needs such as:

- intellectual disabilities in conjunction with health needs
- invasive health care needs; for instance gastrostomy, tracheostomy
- epilepsy that require intra nasal midazolam or rectal valium, (both credentialed procedures for which school staff require accreditation by a registered nurse. These costs are met by the school on an annual basis)
- Personal care assistance such as mealtime management, toileting, positioning and transfers and communication.
- Significant behavioural problems which put students and teachers at risk. This often requires one to one support or modifications to classrooms to cater for the behavioural difficulties. In 2001, nine of the 42 enrolments had severe behavioural problems requiring intensive support and environmental modifications.

High cost budget items include the following:

- Specialized transport to and from school and into the community costs the school about \$87,000 per year in salaries and running costs. The school has also met the cost of purchasing the bus and there is significant reliance on charity organizations and donations from manufacturers and others in the community for other equipment required in the school.
- The school has to purchase expert services such as speech pathology and psychology. In 2001 it spent \$34,000 on this service.
- Staff/student ratios have been reduced due to the complex behavioural and/or physical needs of some students
- There is a much lower Education Support Officers/Student ratio than in mainstream schools

- The specialized swimming program for the students costs approximately \$20,000 per year and is considered an essential component of the curriculum for some students.
- 7.23 This school receives the highest level of Commonwealth recurrent grant; ie 70% of the AGSRC plus the Strategic Assistance per capita grant. The SA Advisory Committee for Non-Government Schools has recently undertaken a review of the resource needs of the three non-government special schools in South Australia in recognition of the high level of needs of the student. The outcomes of that review resulted in a modification of the funding formula for 2002 that increased the State grant allocation from \$5,215 to \$6,705 per student. In addition the State Ministerial Advisory Committee: Students with Disabilities allocates \$5,532 per student attending a non-government special school.
- 7.24 The Suneden Special School will receive approximately \$18,268 per student, for the 2002 calendar year, including school fees of \$1, 720 per student.
- 7.25 **AISSA considers that the intensive demands on special schools in the non-government sector deserves further review by both Commonwealth and State governments. The pressure on the budgets of these schools would be lessened by the State government providing access to special services such as Access cabs, speech pathology, etc.**

8 THE EFFECTIVENESS OF EARLY INTERVENTION PROGRAMMES

- 8.1 In recent years many Independent schools in South Australia have established pre-schools and early learning centres and is enrolling students with disabilities at these levels. Schools are seeking the advice and on-going support of the AISSA Special Education Advisers (funded via the Commonwealth Targeted Programs) and links with non-government agencies. These early years of education receive no recurrent funding from either Commonwealth or State governments and technically should not be receiving support through the Commonwealth Targeted Programs. This places additional resource pressure on individual schools and AISSA in meeting the needs of these students
- 8.2 Research indicates that early intervention programs significantly improves the longer-term educational outcomes for students with disabilities. It is vital that children in all types of preschool care have access to the same funding sources as government agencies.
- 8.3 **AISSA considers both Commonwealth and State governments need to review their current funding policies to ensure children attending Independent pre-schools have access to the appropriate support to enhance their future educational progress through primary and secondary education.**

9 THE NATURE, EXTENT AND FUNDING OF PROGRAMS THAT PROVIDE FOR FULL OR PARTIAL LEARNING OPPORTUNITIES WITH MAINSTREAM STUDENTS.

- 9.1 Independent schools are very reliant on the Commonwealth Targeted Program funds to enhance the support for students with disabilities to access learning opportunities with mainstream students. The Strategic Assistance for Improving Student Outcomes Programme is the product of a combination of the former Literacy and Numeracy Program Literacy-including ESL and the Special Education Program. AISSA has also established a coordinated approach to planning and implementation of Targeted Program services to independent schools across the State. The consolidation of these programs and the management strategy implemented by AISSA has facilitated the development of a more effective use of Commonwealth funds to assist disadvantaged students enrolled at independent schools. This includes students with disabilities.
- 9.2 Schools are limited in the amount of funding that they have for inclusive programs for students with disabilities, however they are very creative in accommodating these students.
- 9.3 AISSA Special Education Advisers advocate an inclusive approach for students with disabilities and there is a strong adherence to this approach across the sector. Schools use a range of inclusive strategies; eg, Blooms taxonomy, thematic work, cooperative learning, multiple intelligences and 6 Hats. However schools also acknowledge that some students (eg those with learning disabilities) require explicit teaching/learning strategies, particularly in primary schools, where the inclusive approach is combined with withdrawal from the classroom or a one to one approach for teaching.
- 9.4 The significant majority of students with disabilities attending Independent schools are included within mainstream classrooms and are supported in a variety of ways including the following strategies:
- School Assistant and special education teacher support in the classroom.
 - Negotiated curriculum planning through a Student Support Plan
 - Review meetings and liaison with agencies, monitoring support and modifications to the curriculum
 - Peer and cross peer tutoring
 - Volunteer support in the classroom and for small groups
 - Small group withdrawal for teaching specific skills or for emotional support for the student; eg, Learning Assistance Program. Not all students can cope with being in the classroom fulltime and they, their teachers and their peers need short periods of respite
 - Implementation of modified literacy programs in schools to accommodate students with disabilities; eg, Reading Recovery, Rainbow Reading, Letterland, Jolly Phonics
 - Co-ordination programs to support students with a range of disabilities and learning difficulties; eg, Funtastics
 - Behaviour management and social skills development- classroom teachers incorporate a range of programs for the whole class and in specific

instances programs are established to accommodate particular students with more challenging behaviours

- Use of modified resources; eg, enlarged print, FM audiological equipment to assist students to access the curriculum within the classroom, modified computer software programs
- Inclusion of children with disabilities on extra curricular activities with support; eg camps, excursions and other activities.
- Employment of speech pathologists particularly for Junior Primary classrooms to identify specific difficulties and to provide inclusive programs for teachers to use to address specific speech and language difficulties but which are beneficial for all students.

9.5 The provision of advice and the implementation of sector wide professional development programs for teachers are core duties of the Targeted program Special Education Advisers.

9.6 There are some different approaches applied for secondary students. For instance, a reduction in the number of subjects that students undertake within the same time frame, assessment and guidance for teachers from Psychologists and Speech Pathologists, modifications of Stage 1 subjects of the South Australian Certificate of Education and inclusion of workplace learning within the curriculum. ANTA VET has supported the later initiative in Schools funds and Commonwealth Targeted Programs.

9.7 Some Independent schools enable students with disabilities to enroll jointly in their school and other specialist institutions such as the Suneden Special School or a Government special school. This enables the student to obtain specialist support and socialization in a mainstream peer setting.

9.8 In recent years Commonwealth Targeted Program funds have been allocated to innovative programs, which enable schools to establish clusters or networks to implement programs that explore appropriate areas of inclusive curriculum strategies and structures. These have included the use of information and communication technology such as email for rural schools, social skills groups and professional development with a speech pathologist. Key teachers are identified in each school and provided with on-going support by the Special Education Advisers and professional development days to share good practice in assisting students with disabilities.

10 TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT

10.1 Clearly there are significant on-going professional development needs arising from the inclusion of students with disabilities in mainstream schools for various occupational groups involved in managing and delivering education services within individual independent schools. It is imperative that school boards, principals and business managers recognize the schools obligations under DDA legislation (and other relevant legislation such as OHS&W) and the need to provide appropriate professional development for teachers and other staff who provide support to students with disabilities; ie, the inclusion

of students with disabilities within a mainstream school has ramifications for many parts of the institution.

- 10.2 AISSA has conducted regular seminars and briefings for school leaders and managers (including school board members) on the implications of DDA legislation, including future strategic directions for schools.
- 10.3 Professional development programs for teachers and other staff are funded via the Commonwealth Targeted Program. Schools are regularly consulted about their in-service requirements. The high enrolment in all courses is an indicator of the high priority which schools place on the special education area. In 2001 about 900 teachers from Independent schools accessed the professional development organized by the Targeted Programs Special Education program. An example of these activities is outlined below.
- Speech and Language workshops.
 - Inclusive Teaching Professional Development Program
 - Post school options workshops
 - Issues around the literacy and numeracy benchmarks and students with disabilities (with literacy and numeracy team).
 - Disability awareness
 - Grief counseling-in dealing with families with disabilities and teachers there are significant issues of grief which need to be understood
 - Suicide
 - Technology and students with disabilities and learning difficulties
 - Behaviour management
 - Resilience
 - Interface between ESL and Special Education
 - Legal Issues
 - Training school assistants.
 - Understanding psychological assessments.
- 10.4 School Assistants are often used by schools to support students with disabilities in the classroom and specialist programs. This means very often that the least trained staff member is often supporting students with the greatest educational needs. There is a great need for a program of professional development for school assistants. AISSA provides one full day a year of professional development for school assistants. This is not sufficient for the demand for this training. Addressing teachers' and school assistants' ongoing professional development needs is highly likely to reduce the amount of stress occurring in relation to the education of some groups of these students.
- 10.5 The use of information and communication technology can have a positive impact on the educational outcomes for some students with disabilities and learning disabilities. The Ministerial Advisory Committee: Students with Disabilities recently undertook a project (*Technology for Learning: Students with Disabilities*, Nov. 2000) to identify the current strategies used by teachers to implement learning programs for students with disabilities using computer-based learning technology and to identify the critical components of these

programs. The case studies investigated in this project indicated that several factors were critical to the success of classroom practice for students with disabilities. These included development of programs for students with disabilities within established curriculum frameworks, integration of computer-based technology in individual learning plans, selection of appropriate adaptive technology, increased levels of teacher release time for planning and skills development, clearly defined plans for classroom activities to assist support staff and improved training for teaching assistants.

10.6 **There should much greater exploration of how the emerging technologies can be used to assist education programs for students with disabilities and improve access to education of their choice. Major on-line curriculum projects should include consideration strategies that can be implemented to ensure students with disabilities have access to this form of delivery; for instance the national Learning Federation–on-line curriculum project.**

10.7 Several recent reports (*Mapping the Territory: Primary Students with Learning Difficulties: Literacy and Numeracy*, DETYA 2000. *Literacy, Numeracy and Students with Disabilities*, DETYA, 2000) have highlighted the need for special education units in pre-service training. An AISSA review of existing University Education courses indicates that teacher education courses at Flinders University include one compulsory Unit of special education in their undergraduate B.Educ. The University of Adelaide does not have any core units in their courses. Dip. Educ. for secondary teachers and the University of South Australia has one compulsory unit in the final year of the B.Educ. for Junior and Primary teachers entitled "Children with Special Needs".

10.8 **Given the inclusive approach of schools across the three school sectors it is imperative that teacher education qualifications contain units on students with disabilities and learning disabilities.**

11 LEGAL IMPLICATIONS

11.1 The major legislation affecting schools in this area is the Commonwealth DDA. This legislation 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 “unjustifiable hardship” on the school. It should also be noted that schools cannot always make decisions based on this legislation without taking into account other legal requirements such as OHSW, duty of care and in fulfilling Human Rights and Equal Opportunity obligations.

11.2 Independent schools are committed to the care of young people. That spirit, coupled with a sense of responsibility to meet the needs of children with disabilities and also to fulfill legal requirements, has to be placed in the context of determining the capability of the school to service the total needs of each student who wishes to enroll. The school has to weigh up its desire to enroll the student with the realities of how it may best meet the student’s needs within the school’s available resources and the uncertainty about their precise

legal obligations under the DDA. The draft DDA standards being considered by MCEETYA are yet to provide the degree of clarity in terms of a school's legal obligations.

- 11.3 Schools have to assess prior to enrolment what resources will be necessary in terms of staff and facilities, to provide adequate support for each student with disability. Some elements are more easily definable, such as changes to buildings and staff support needed, but in some instances provision may place considerable strain on the school. Other resource requirements may not be known until the student is actually in the school. For example, a student with a disability may develop behaviour which requires more intensive allocation of staff, or which affects the safety of other students or staff. Schools are generally loath to invoke conditions of "unjustifiable hardship", yet there is clear evidence that schools often have to allocate considerable resources to cater for the students needs.
- 11.4 The significant majority of Independent schools in South Australia require external support and advice, mainly through the Commonwealth Targeted Program advisers, to undertake pre-enrolment investigations. Some Commonwealth Targeted Program funding is allocated to appoint 2.6FTE staff to assist schools with their enrolment procedures, preparation of a negotiated curriculum for individual students and to manage programs for students with disabilities involving significant behavioural difficulties. Abolition of Commonwealth Targeted Program would remove any external advisory support to Independent schools in South Australia.
- 11.5 AISSA has developed and provided a resource folder, "*Students with Disabilities: Enrolment Guidelines for Independent Schools*", and a professional development program to inform and guide schools in meeting their legal obligations and responsibilities when enrolling and developing educational programs for students with disabilities. Schools are advised to follow a recommended enrolment process that guides them through the stages of enrolment application, information collection and individual curriculum negotiation. This process recommends the collection of extensive information about the student's educational needs from parents and other agencies to ensure that the school's process and ultimate decision complies with the DDA.
- 11.6 There are numerous situations that have arisen around the access and enrolment of students with disabilities. This process is very resource intensive for schools and school authorities. This primarily involves schools with the assessment of students' educational needs and the capability of the school to make a judgment about whether they have the resources and expertise to manage the student in a school setting. Schools are required to spend substantially more time in interviews and meetings, analyzing professional reports and observing students in different settings to ensure that these decisions are appropriate. These investigations also require involvement from a number of school staff including the Principal, Special Education Teacher, Teacher, Enrolment Officer and Board members and in more severe cases AISSA special education staff.

- 11.7 The sense of uncertainty around the legal obligations of schools has resulted in a substantial increase in the demand for advice and on-ground support from AISSA member schools. AISSA conducts a wide range of seminars relating to the legal obligations of schools under the DDA and has kept schools fully informed about the potential implications of the draft DDA Education Standards. A legal advisory service is also provided to schools to assist them in managing individual situations. The demand for this service has expanded significantly in the past two years. In addition seminars and a legal advisory service are provided on a wide range of other legislative issues such as OHS&W, Privacy and duty of care to staff and students.
- 11.8 An analysis of the various case studies that AISSA has sought legal advice about illustrates potential conflict between the DDA obligations, duty of care to other students and staff and OHS&W legislation. These tensions also flow onto relationships between parents and the school. Some schools have indicated there is increasing tension arising from the re-allocation of resources to support children with disabilities. This trend is not unique to any particular type of school.
- 11.9 This resource implications and diversity of situations faced by schools are illustrated by the following case studies:
- a) A Special Education Adviser provided approximately 25 hours of assistance to support a family and the school when negotiating the enrolment of a student who required a two hourly gastrostomy feed at school. This included identifying the additional resources and staff training required, assisting the school with information and consulting the parents who given the nature of their child's initial illness, were very concerned about enrolling the young person in school.
 - b) A student with a particular disability became violent and was physically restrained because of danger to other students and staff. A supporting non-government agency considered the student had been discriminated against; the school considered it had a duty of care to its staff and other students. Legal advice indicated the school took the appropriate action. This student required constant 1/1 support that could not be provided at that school. These situations are not easily resolved by changing school, particularly in the case of Autism Spectrum Disorder, as the students require management by personnel who have specialist knowledge and skills.
 - c) A student with a disability demonstrated aggressive behaviour against other students on a number of occasions, with threats from the parents of an injured child that they would take legal action against the school to guarantee the safety of their children at all times. Principals have expressed feelings of powerlessness when faced with these demands. They are concerned about the effects on current and future enrolments.
 - d) A student with a life threatening food allergy required intensive supervision during meal times in the school. Legal advice indicated that other parents had to be informed about the danger of the particular type of

food to this child; this restricted the food their children could take to school. This again created tension within the school community. The legal advice also considered the school had an on-going obligation to provide advice to other parents.

- e) Students in several schools have indicated that they wish to assist friends with physical disabilities to participate in school activities; this may on occasions require lifting of that student. Legal advice is that schools should not allow other students to assist in this way, given the school's liability associated with injury to themselves and possibly the students they are attempting to assist. This applies even if the parents of all the students involved give their permission.
- f) There are legal risks associated with the administering of various medications. Some medications (eg, intranasal midazolam for epilepsy) are usually administered by health care workers; school staff have to be credentialed by a Registered Nurse to administer the medication for specific students. Principals cannot require staff to do this. They must always be volunteers. There are duty of care, OHS&W responsibilities and industrial issues in the area of administration of medication at school.
- g) A student with a severe disability who lived 30km from his Independent school, located in a rural town was not permitted to use the government school bus. Other members of his family were able to use the bus. AISSA sought legal advice which indicated the action by the government sector was discriminatory. The decision was reversed. Commonwealth Targeted Program funds from the Independent sector were allocated to provide a seat harness for the student.
- h) A student with spina bifida transferred from a Government school to an Independent school at Year 4 level. The Government school had made significant modifications to their school site to accommodate this student. The child's condition deteriorated significantly over the school holidays so that the child started the Independent school with a tracheostomy and gastrostomy and required a full time credentialed access assistant to support his severe medical needs. In year 7 the students from the child's class were going on camp to a remote location. The student's parents insisted that he attend this camp with his peers even though there was not appropriate medical supervision; at this stage the child required an intensive care nurse overnight to manage his ventilator. It took 6 weeks of AISSA and school staff time and significant legal input from AISSA lawyers and the managers of the Access Assistant program to achieve a solution. Ultimately the student attended the camp with support from family members as no avenue could be found to resolve the legal, industrial and duty of care issues.

11.11 The resource demands flowing from the legislative obligations of the DDA and other possible legislative and legal duty of care liabilities are significant.

These range from:

- a) Increased work load on school staff when students need more intensive supervision in the school yard and support in the classroom
- b) Reallocating staffing across programs; for instance appointing a special education staff member and not appointing a music teacher
- c) Reducing class size in classes where students with disabilities require more intensive support or have behaviour management problems to reduce teacher stress and risk.
- d) Reducing class size to enable students with disabilities more physical space, particularly where equipment is required
- e) Employment of a staff member to relieve class teachers and/or providing additional hours for school assistants
- f) Employment of specialist support staff; (eg, with expertise in supporting students with hearing impairment, Psychologists)
- g) Additional yard duty requirements for teachers where students with disabilities require intensive monitoring
- h) Additional time allocated to teachers out of the classroom to plan and provide negotiated curriculum for students with disabilities
- i) Extensive PD costs to ensure school staff have appropriate skills and knowledge for students with disabilities

12 ROLE OF COMMONWEALTH AND STATE GOVERNMENTS

- 12.1 The Commonwealth and State governments each have role in the public funding of students with disabilities. **The significant variations across States and Territories in the availability of public funds to students with disabilities enrolled at schools requires investigation by MCEETYA.**
- 12.2 Apart for general recurrent grants from both Commonwealth and State governments Independent schools in South Australia rely on Commonwealth Targeted Programs for public funds to provide access to expertise, professional development of staff, minor capital works, equipment and other advisory services. **It is essential these funds remain beyond the current (2000-2004) quadrennium and the allocation in the next quadrennium is based on a transparent funding formula.**
- 12.3 Students with disabilities attending non-government schools must have more equitable access to support services (eg, access transport) to facilitate their enrolment at the school of their family's choice. AISSA considers this is essentially a responsibility of State governments.

APPENDIX 1

BACKGROUND INFORMATION ON THE PROFILE OF THE INDEPENDENT SECTOR : 2002

Schools Profile

- ❖ There are approximately 34,791 students attending 92 independent schools across South Australia. This represents 44.95% of the total non-government school enrolments.
- ❖ About 49% of independent schools in South Australia provide primary (only) education; however 65% of students enrolled at independent school attend R-12 schools
- ❖ Non-Government school enrolments now represent 28.6% of primary enrolments and 33.6% of secondary enrolments in South Australia.
- ❖ The average SES score for independent schools in SA is 99.3 with a range of 87-119
- ❖ 19 independent schools have an enrolment of 100 or less students; six schools have an enrolment of 1,000+ students.
- ❖ Approximately 3,300 students enrolled at independent schools are from families with incomes above \$104,000 per year; about 3,900 students in government schools are from families with the same level of income (1996 Census data).
- ❖ About 2,648 families with children at independent schools have annual combined incomes of \$20,800 or less.
- ❖ There are 3,500 students with special learning needs enrolled at independent schools and 5,250 families eligible for School Card.
- ❖ 1,380 students of Non-English Speaking background attend independent schools.
- ❖ 32 new independent schools have been established in South Australia since 1985.

Funding

- ❖ Non-government schools in SA receive the seventh lowest level of per capita allocation from States grants out of the eight States and Territories in Australia.

- ❖ The average per capita allocation of State funding for students attending non-government schools in South Australia is 17% of the cost of educating a child in a government school (AGSRC) in South Australia.
- ❖ Government funding (Commonwealth and State) provided for an independent school student is on average less than half the public funding allocated for a government school student by both levels of government.
- ❖ Parents of independent school students pay on average 56% of all costs for their children's education, while government school families pay 7%. Some parents contribute over 75% of the income of their school; families from disadvantaged communities may contribute about 10-20% of the income of their school.
- ❖ Parents are the sole provider of funds for capital works projects in the majority of independent schools.
- ❖ More than one-third of South Australia's independent schools have at least 30% of their students entitled to a School Card.

APPENDIX 11

CASE STUDIES : RESOURCE IMPLICATIONS FOR SCHOOLS

Case Study 1 : Site Modifications

Student in wheelchair enrolled in an independent school in reception. The school modified the site at each year level up to grade 4 at a cost of approximately \$50,000 (with a contribution of approximately \$9,000 from Commonwealth Targeted programs capital grants. The school intended to continue to modify the site for this student until the end of the child's schooling at year 12 level. The parents expressed dissatisfaction with the amount of support their child was receiving at the school and sought another placement. Against advice the student was enrolled in a school with a relatively accessible primary school site but a inaccessible secondary site.

Legal advice was sought about the obligation of AISSA to continue to contribute to Capital Grants to modify sites for this student. The advice indicated that it would be discriminatory not to continue to provide support to this student, regardless of the number of school changes in independent schools. In 2001 a further \$18,000 was allocated for a stair lift and computer equipment for the above student.

The school applied for \$180,000 last year to make modifications to the secondary school site. Guidelines for Targeted Programs capital support only enable grants of \$10,000 p.a. At this stage the school has continued to modify the site as it can afford it.

Case Study 11 : Capital Modifications

Student with a severe physical disability and terminal illness applied to enrol at an independent primary school of 50 students with a relatively difficult site. The student did not have significant academic problems. However following an analysis of the ongoing support needs of the student and of the nature of the student's disability the advice was for the family to seek an alternative placement. Parents insisted this was the school of their choice. \$18,000 was spent on toilets, ramps and paving to accommodate the student from the Commonwealth Targeted program capital grant. The student stayed at the school for only one term as the parents then decided her needs could be accommodated elsewhere.

CASE STUDY 111: Additional Support And Equipment

A Student with cerebral palsy already enrolled at an independent school received an additional diagnosis of intellectual disability and developed epilepsy that disoriented her in the school environment. The school provided 10 hours per week of one to one support in the classroom and 3 lessons per week with the special education teacher. This cost was met by the school. The Access Assistant Program provided two and a half hours per week for personal care and the

Targeted Program capital was allocated to provide a computer for the student in the classroom.

At this stage the parents were dissatisfied with the perceived lack of support of the student from the school. The parents wrote to the School Board and contacted other agencies and AISSA staff and outlined their concerns. The classroom teacher became extremely stressed although she was observed to be handling the situation very well, and was spending at times 14 hours per day at school in an attempt to plan and provide an appropriate program for the student. AISSA special education staff were requested to support the school in resolving the situation. This involved about 30 hours in meetings with parents, the teacher, the school administration and agencies involved with the student to stabilize the situation. The student will transition to middle school soon and again a great deal of anxiety is developing around this situation.

Case Study IV : Transition from Primary to Secondary School and Post School

There are many students with intellectual disabilities enrolled in mainstream primary and secondary schools. In most cases because of the nature of primary schools(ie students remain in one classroom with one teacher for most of the day) the students are included well with their peers and within the primary school curriculum.

Once these students reach secondary school placements often become very difficult or breakdown completely due to:

- the increased number of teachers students have contact with during one day, up to eight in some cases.
- the increase in complexity of the curriculum.
- the distribution of facilities and physical design of most secondary schools; students change classes at regular intervals throughout the day.
- the changing nature of their peers as they approach adolescence; they become much less accepting of difference.
- the increased need for life skills and social skills of these students if they are to make a successful transition from school to the workplace and further education and training.

Commonwealth Targeted Program funds were allocated to support these students to prepare for transition to post school. Schools are supported by the AISSA advisers through post school planning for individual students, modifications of the curriculum and identification of alternative curriculum offerings to cater for these students. Schools would spend far in excess of their combined State and Commonwealth funding to support these students. Funds have been allocated by AISSA from the Commonwealth Targeted Program to establish school clusters so that students with intellectual disability can access social skills programs with like peers. allocates Commonwealth Targeted Program funds and ANTA Vocational Education funds are allocated to workplace learning programs for students with intellectual disability of post compulsory age. Students in this program access TAFE one day per week to complete subjects from the Certificate in Preparatory Education Stage I for two terms. Following this the students are involved in work observation, work shadowing and

work experience. Each year this program caters for approximately 16 students in independent schools at a cost of \$20,000 per annum (**Each student or in total?**).

Case Study V : Rural Location

This case study involves an independent school 300 kms from Adelaide. It has enrolled a student with a severe physical disability with partial mobility, in a wheel chair, and who is non-verbal. The student is considered to be very bright.

The sibling and extended family members attend the school and are part of the church community. They live 30km from school. The enrolment process involved the principal, school special education teacher and AISSA advisory staff in visits to kindergarten for observation. The appropriate school staff had constant contact with the kindergarten and family for at least 12 months prior to enrolment in reception, including involvement in negotiated curriculum planning meetings, etc.

The student is supported by Crippled Children's Association (CCA) for physiotherapy, Occupational Therapy, and advice from a speech pathologist about a the use of communication device as a non verbal student.

The school made the building modifications and special equipment was provided to assist the student; they included:

- Liberator communication device supplied by CCA .
- Toilet modifications
- Building modifications, particularly electronic doorway to resource centre, which enhanced access to computers and the library.
- PC computer in classroom and software for a non verbal student (constantly requires update as child grows)
- Modifications to school bus.

In addition the school provided:

- a teacher assistant in the classroom for up to 5 hours per day in the first instance. This was supported in part by fundraising by the school, the school's recurrent grant and about \$150 per year from the Targeted Program grant.
- an Access Assistant of up to 5 hours per week to support to toileting, yard supervision and mealtimes. Reimbursement to school through the Access Assistant Program.
- professional development for teachers and the assistants have to be trained regularly in the use of the Communication device; this can involve visits to Adelaide to Regency Park. (TRT costs for schools). Student has new teacher each year.

The Crippled Childrens Association staff also visit once a term for up to two days to support the school. Again teachers and assistants have to be released (TRT costs) for part of that time to work with these staff. Regular telephone contact is also made between the school ,CCA and AISSA staff when issues arise.

The Reception teacher had to receive additional support in how to accurately assess the student in the School Entry Assessment, given he is non-verbal. This was provided via the AISSA Literacy Adviser and Special Education staff (funded by Commonwealth Targeted Programs). This support was provided for all areas of the curriculum.

APPENDIX 111

SOUTH AUSTRALIAN INDEPENDENT SECTOR

COMMONWEALTH SAISOP FUNDING

The independent sector in South Australia (comprising 92 schools) received \$1,709,000 in SAISOP funding from the Commonwealth in 2001. Of this total, \$513,000 was allocated to the Special Education Program, which addresses the specific needs of students with disabilities.

All the Commonwealth targeted groups of students, including those with disabilities, also have access to the SAISOP funding through the specific Literacy and Numeracy initiatives developed by the Targeted Programme Advisers based at AISSA.

The support for students with disabilities and the allocative mechanisms for grants are described below. 2.6 (FTE) Special Education Advisers support independent schools in this program.

There are approximately 1,150 students with disabilities, as defined by the Commonwealth and agreed by the three education sectors, in the South Australian Independent School sector. Each year, the Special Education Advisers verify these numbers with schools by ensuring that schools hold documentation from an independent professional for each student.

In 2001, the following amounts were allocated to the Special Education school grants:

▪ Key Teachers' Project - \$160.00 per eligible student (73 schools accessed this program in 2001):	-	\$94,080.00
▪ Capital Grants (32 schools received grants for 50 students in 2001):	-	\$82,945.35
▪ Psychological Assessments)	-	\$28,745.00
▪ Speech Pathology Assessments) \$30,313.00 (approximately 90 Psychological and Speech Assessments undertaken in 2001)	-	
▪ School-based Projects (10 schools)	-	\$12,500.00
▪ Social Skills Programs (10 schools)	-	\$10,000.00
▪ Workplace Learning Program (10 schools)	-	\$7,584.10

The SA Independent Schools Targeted Programs Authority also administered the Commonwealth Per Capita Special Education grants (\$672,991 with supplementation) and the Compensation amounts (\$530,132). These funds are allocated directly to schools on the basis of the allocations indicated by DEST.

SPECIAL EDUCATION PROGRAM

Due to the growing numbers of students with disabilities in the sector, the following services are offered as a priority:

- Support for the enrolment and inclusion of students with disabilities in primary and secondary schools, including liaising with schools, families and outside agencies in this process; assisting schools to write inclusive enrolment policies; and supporting schools to use and prepare student support plans for students with disabilities.
- Promotion of an understanding of the relevant Equal Opportunity and Disability Discrimination legislation through seminars, workshops, responses to individual school enquiries and preparation of a resource package for schools outlining the obligations under the DDA.
- Support for schools in completing the Commonwealth Census by maintaining a database of all students with disabilities and assisting schools to verify eligible students.
- Professional development for teachers and principals in disability awareness and curriculum development.
- Advice about the access and participation of students with disabilities in Commonwealth initiatives, specifically Literacy and Numeracy and VET. A current focus is on participation in the literacy and numeracy benchmarks, including issues around the types of tests used; exemptions; and accommodations for students with specific disabilities.

Information about emerging needs of students with disabilities and issues associated with grants and professional development is collected by an annual survey of schools and through Key Teacher Days. Allocations to specific Special Education programs are also adjusted according to demand and feedback from schools and specific issues for students with disabilities in the sector.

In 2002, direct grants are available to all independent schools with eligible students with disabilities for the following:

- Capital grants.
- Psychological assessments.
- Speech pathology assessments.
- School-based projects.
- Social Skills programs.
- Workplace Learning programs.
- Special Education Key Teachers' project.

A range of professional development activities is offered to facilitate the participation of students with disabilities in the curriculum. These services are funded solely by the Targeted Programs.

Capital Grants

Capital grants of up to \$10,000 are allocated as a budget priority to students with disabilities who require support to access the school site or the curriculum.

Grants are allocated on a submission basis for building modifications and equipment that are integral to programs to improve access for students with disabilities.

Submissions are prioritised according to the following criteria:

- Eligibility of students according to Commonwealth disability criteria.
- Relative need for physical access, taking into account OHS&W and duty of care issues.
- The educational needs of the students with disabilities.
- Recommendations from professional and non-school organisations.
- The status of the student's enrolment – priority is given to new enrolments or students in transition from kindergarten to primary school and primary to secondary school.

Assessments

Funding is available to assist schools with psychological and speech assessments for students who meet the following criteria:

- Query intellectual disability or language disorder.
- Complex case – that is, the child has a disability, and clarification of learning potential is required; or
- Speech and language problems affecting access to the curriculum.
- Severe articulation problems affecting access to the curriculum.
- An apparent discrepancy between intellectual ability and speech and language development.
- The student has not had a recent assessment, nor is having speech therapy.

Applications for assessments are prioritised by the Special Education team based on documented school assessment and observations and recommendations from other professionals and agencies involved in the student's education.

Currently, there is a focus on addressing the specific cultural needs of Aboriginal and NESB students in assessment.

Travel costs are funded for psychologists and speech pathologists who assess students in the country.

In circumstances of extreme socio-economic disadvantage, some families are funded to attend appointments for assessments in the city.

School-based Projects

Grants for innovative school-based projects are offered to clusters of two or more schools with eligible students with disabilities. Clustering does not necessarily mean that schools are closely located geographically, and the use of information technology to connect schools is encouraged. This is to ensure the participation of independent schools in rural and isolated areas in projects.

Funds can be used for curriculum development and/or professional development of teachers.

For educational accountability, and to encourage the dissemination of good practice, schools are asked to share their outcomes at a project-sharing day, to which all schools are invited.

Social Skills Projects

Four clusters of secondary schools are funded to provide a Social Skills Program to lower secondary students with disabilities who require significant support to access post-school pathways.

Participation in a Social Skills group is a prerequisite for the Workplace Learning Program offered to students with disabilities who are of post-compulsory age.

Workplace Learning Program for Students with Disabilities

This program is coordinated jointly with the Vocational Education Program. Students with disabilities who are 15 years and over are invited to participate in the Workplace Learning Program. The Program has a strong focus on teaching students functional literacy and numeracy skills at TAFE and within a workplace context.

Special Education Key Teachers' Project

The balance of funds each year is allocated to key teachers in schools (on submission basis) where there are two or more students with moderate to severe disabilities to enhance the schools' professional development opportunities in the area of special education. A per capita amount is allocated to each student with a disability to a maximum of 10 students in any school. The eligibility of students is verified through the annual survey conducted by the Special Education team.

Attendance at two Special Education Key Teacher Days forms the basis of the Educational Accountability for this project.