

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

19 February 2004

Ms Helen Owens
Presiding Commissioner
Productivity Commission
Locked Bag 2
Collins Street East
Melbourne VIC 8003

Dear Helen

Please find attached AISV's response to the Productivity Commission's Draft Report of the Disability Discrimination Act Inquiry.

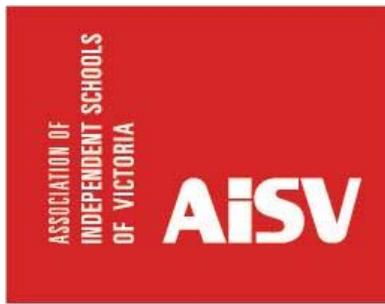
AISV was very encouraged by the Draft Report. Its acknowledgement of the need for fairer funding policies targeted at students with disabilities attending non-government schools has been well received within the sector. Yet to make an impact, we believe that the Productivity Commission should recommend change. Our main concern with the report was the absence of such recommendations.

In the attached, AISV refutes the Commission's position that this matter is outside of the Inquiry's scope and provides further evidence of the need for change. New funding arrangements are essential to ensure that all students with disabilities are able to reap the benefits of the Disability Discrimination Act.

We look forward to elaborating these points at our Public Hearing next Thursday, 26 February. In the meantime, you are most welcome to contact me with any queries in relation to the attached.

Regards

Michelle Green
Chief Executive



RESPONSE TO THE PRODUCTIVITY COMMISSION'S DRAFT REPORT OF THE DISCRIMINATION ACT INQUIRY

INTRODUCTION

Further to AISV's submission (submission number 99) and Public Hearing presentation to the Productivity Commission's Disability Discrimination Act Inquiry during 2003, the following is provided in response to the Draft Report.

To further support our initial contribution, new information is contained in this response. Drawing from AISV's 2003 State Support Services research and two new case studies, this response reinforces that the low level of funding for students with disabilities attending independent schools needs to be urgently addressed. The following substantiates AISV's argument that current funding arrangements for students with disabilities limit the potential of the DDA. While the Draft Report goes some way to acknowledge AISV's concerns in this regard, it stops short of recommending change.

This response seeks to highlight that the current funding arrangements undermine the objectives of the DDA. The full potential of the DDA – for *all* students – can only be realised when support for their specific educational needs is more fairly met by governments. AISV's initial submission detailed these funding arrangements and highlighted that, as the number of students with disabilities in the sector increased, the amount of per capita assistance decreased. This occurs because targeted funding has not kept pace with inflation and demand. It is unfortunate that the increasing number of students with disabilities attending independent schools - such a positive outcome of the DDA - has been met with negative consequences.

In 2004 the number of applications for State Support Services funding in mainstream schools rose by 21.2 per cent from 2003 (1,156 students in 2003 to 1,402 students in 2004) while the amount of funding increased by only 0.77 per cent. Similarly, though to a lesser extent, applications for Australian Government targeted funding have risen by 9.6 per cent this year while funding has risen by 5.6 per cent. As shown in AISV's original submission, the funding disparity for students with disabilities is most obvious at State level. The following provides new findings on the State Support Services program.

NEW RESEARCH FINDINGS

In the time between submissions, the situation has deteriorated further. The decline in funding available through the State Support Services program makes this obvious. The State Support Services program provides the sector with State Government funding to assist with the cost of support services that are essential for some students to achieve their potential at school. In 2003, students attending independent schools received \$17 of State Government funding for each hour of required support. In 2004 this funding has declined even further. In an effort to assist as many children as possible, AISV has, once again, had to stretch a stagnant amount of government funding across an increased number of students. In 2004, this has translated to just \$15.75 an hour. Year after year the State Support Services program has failed to keep pace with inflation and demand.

New research findings have quantified the **true cost** of providing support services. In 2003, AISV commissioned ASR Research to calculate the combined contributions of the State Government, families and schools to deliver support services. It found that:

- Families and independent schools are meeting a State Government funding shortfall to the tune of more than \$1 million a year.
- The current cost of support services is at least \$2.122 million per annum; this is two and a half times the amount provided by the State Government.
- In order to subsidise the State Government's low level of funding, parents and schools are meeting the shortfall. While the State Government provided just 38 per cent of the total amount required; parents and schools contributed the remaining 62 per cent.
- The most commonly accessed service is speech therapy; 89 per cent of students use their State Support Services funding for speech therapy. Yet for every \$17 that the State Government provides, families and schools pay \$53; three times the amount provided by the Government for speech therapy.

A similar trend exists in relation to visiting teacher services:

- For every \$17 that the State Government spends on visiting teachers for the vision impaired, parents and schools pay \$63;
- For every \$17 that the State Government spends on visiting teachers for the hearing impaired, parents and schools pay \$35; and
- For every \$17 that the State Government spends on visiting teachers for the physically disabled or health impaired, schools and parents pay \$31.

This arrangement is, clearly, unsustainable.

In contrast to the figures listed above, the State Government meets the full cost of these services for students with the same needs who attend government schools. This arrangement leaves many families with little choice but to enrol their child into a

government school where services and resources are provided at no cost to eligible students, despite the family preference for a particular independent school. Exercising educational choice is significantly harder for a disabled student than a non-disabled student.

NEW CASE STUDIES

In AISV's initial submission, we provided case studies to demonstrate the extent of inequity. Two new case studies, specifically related to vision impaired students, have since come to our attention.

James Bartels is in year ten at St Michael's Grammar School. His mother, Cherie Brand, contacted AISV following the National Library Information Services (NILS) introduction of a cost recovery charge for braille transcription and an increased charge for the RVIB visiting teacher services. The hourly rate for an RVIB visiting teacher increased from \$55 an hour in 2002 to \$92.50 an hour in 2004. This high hourly rate imposes a significant cost for independent schools that is not borne by government schools. The State Government meets the cost of all services provided to visually impaired students at government schools.

The cost of braille services through NILS is of even greater concern. Cherie Brand has been advised that the cost of her son's braille could reach \$35,000 a year. This is a new cost that was previously absorbed by RVIB. As Ms Brand noted in correspondence with the RVIB, "It is difficult enough for a school to accommodate the special needs of a visually impaired child within a mainstream system, without expecting them to now pay for the child's books as well, and at a rate exorbitantly higher than that paid by a sighted child for his/her books". While the State Government pays for the braille required by government school students, the prohibitive cost of essential educational materials for students at independent schools is another example of discrimination toward students with disabilities because of their choice of school. Ms Brand will provide further details of this specific case during AISV's Public Hearing with the Commission.

Access to vital educational materials is not merely obstructed by the exorbitant cost of braille. These students are also denied access to the Statewide Vision Resource Centre. Pam Hyden is the mother of Sam Byrne who is currently starting year eight at Girton Grammar School in Bendigo. While Sam accessed the Resource Centre for six years during primary school, his move from a government school to an independent school means that he is no longer able to draw from their resources. Personnel at the Resource Centre have expressed their willingness to assist Sam, yet the State Government has continued to deny him access. AISV's assessment of the needs of visually impaired students currently attending independent schools shows that there are just six students who may need to access the center. This number represents just one per cent of the Resource Centre's current client base of 550 students.

Further details of Sam's specific case are included in the attached letter, written by Ms Hyden. The Principal of Girton Grammar School, Mr Clayton Jones, has also made representations on Sam's behalf. In his letter to Politicians, Mr Jones described Sam's passion for learning. An extract follows:

When Sam and Ms Hyden came for interview two years ago prior to his enrolment, I was astonished at his capability for someone who has no eyesight at all. At this School we encourage prospective students to attend for a day or so before any commitments are made to try to ensure that students will enjoy the special nature of this independent school. On his 'try-before-you-buy' day, Sam was in the thick of the playground with his peers trying to kick a soccer ball with them. He was in his element. Last year, he gave speeches to the School Assembly about his adaptation to his difficulty. He ran (attached to Clare McKechnie, a Year 12 Australian Age Champion) in the Cross-Country. He swims, he orienteers and cycles (assisted). He even finished in the top few in Art History when he will never have the opportunity to see artworks! He is a bright, fearless academic boy headed for the stars. He has the capacity and motivation to have an ENTER of 95+.

The low and decreasing level of support provided by governments is well documented as part of AISV's earlier submission. The two case studies detailed above further demonstrate the specific hurdles faced by visually impaired students – even to simply access the educational resources that are vital to their learning.

Targeted funding for students with disabilities should not be determined by school sector. Furthermore, a student's access to fundamental resources for his or her learning should not be dependant on which school he or she chooses. The need associated with a student's disability should be the single deciding factor in allocating targeted funding and granting access to educational resources. Until these factors are addressed at both State and Federal levels, the full potential of the DDA will not be recognised for students with disabilities.

RESPONSE TO THE DRAFT REPORT

AISV was pleased to read similar sentiments in the Productivity Commission's Draft Report. Yet while the Draft Report strongly acknowledges this need, no recommendation is provided to encourage change.

"Funding arrangements, among other factors, affect education choices for all students. However, to the extent that funding arrangements restrict choice more for students with disabilities than for students without disabilities, they reduce equality of opportunity for these students." (Draft report, page 377)

Funding arrangements limit educational choice for students with disabilities, even in instances where there is no government school that can cater for their needs (as shown in AISV's earlier submission). In fact, families of students with disabilities often choose a school because of its specific ability to meet their child's individual, special needs. It is very difficult to curb disability discrimination when public funding arrangements work against these goals.

"...the students affected by these arrangements do not appear to be discriminated against on the ground of disability, as defined by the DDA. Rather, as described by inquiry participants, discrimination is

based on the school sector that students with disabilities choose to attend.

“Schools associations, disability groups and individuals emphasised that inadequate or inequitable government funding can reduce education choices for school students with disabilities and exacerbate disability discrimination.” (Draft report, page 376).

While the Draft Report suggests that education funding is outside the inquiry’s terms of reference, it seems impossible to look at discrimination in school education without considering the support provided by governments. While the DDA grants students with disabilities an ideological right to attend the school of their choice, the reality often prohibits their ability to exercise that right. As long as targeted funding for students with disabilities depends on the school they attend, students with disabilities are being discriminated against. These students are facing challenges that do not exist for non-disabled students and, as noted in the extract above, this practice “reduces the equality of opportunity for these students”.

AISV commends the Draft report’s comment that special education funding should “follow” the child:

“In the interests of reducing discrimination and promoting integration in education, the Productivity Commission considers that a general objective of government education funding arrangements should be to ensure school students with disabilities have the same range of education choices that other students have. Their choice of school sector should only be subject to the same personal factors – such as location, income and education needs – as other students. This objective could be assisted by linking a greater proportion of special education funding to individual students, rather than to the school or the sector they attend. This would enable, for example, special program funding to ‘follow’ an individual students with a disability if that student chooses to change schools.” (Draft report, page 378)

AISV encourages the Commission to support these comments with recommendation for change.

FINAL REMARKS

While discriminatory funding policies persist, students with disabilities attending independent schools cannot exercise the same rights as their non-disabled peers. For them, educational choice poses many more obstacles. Current funding arrangements discriminate against the disabled student’s rights, choices and, ultimately, education.

AISV encourages the Productivity Commission to reconsider its approach to education funding. Having recognised the obstacles to choice posed by current funding arrangements, it is incumbent on the Productivity Commission to recommend change.

ATTACHMENT 1

The following letter further details Pam Hyden's efforts to secure her son's access to the Statewide Vision Resource Centre. Ms Hyden has forwarded this letter to a number of Federal and Victorian politicians.

I am writing to you regarding an issue, which I feel needs to be addressed. I have a son, Sam, who is blind and attends an Independent school, Girton Grammar, here in Bendigo. My issue is that, whilst Sam attended a government primary school he had access to the Statewide Vision Resource Centre in Nunawading, Victoria. However, because he chose Girton, which he now attends, he cannot access this facility to help provide him and the school with much needed braille resources. Sam has a right to attend an educational institution of his choice yet he is discriminated against because of his choice.

Sam has retinoblastoma – a rare condition where he experienced a genetic mutation that caused tumours to detach his retinas. As we caught it too late, both his eyes had to be enucleated. This happened when Sam was twenty-six months old. He has grown and developed knowing nothing but blindness. Sam is also a candidate for being 'at risk' in our education system. He is labelled as handicapped, and seen as being different to his peers. He needs to be in an environment that promotes his resilience to prepare him for the future. I believe Girton does that. All Sam wants is to be seen as normal and he strive to great lengths so that others will see him as 'normal'.

Sam is a bright young man and as a family, we get on with our lives. I have tried to raise Sam as 'normal' as possible and SVRC have been instrumental in helping Sam with appropriate braille and tactile resources for him to learn during his early years. He completed primary school and was awarded the local shire's award for Outstanding Academic Excellence – an award of which he and I are immensely proud of.

Sam and I chose Girton for many reasons. One of my reasons concerned the fact that Girton has Yr 7 to Yr 12 at the one school on the one site. All other Secondary Schools in Bendigo have Years 7 –10 on one site, then students transfer to another school to complete VCE. There is only one Senior School in Bendigo with just under 2,000 students. Girton believes a busy/active adolescent is a healthy one, which I also believe in. Girton promotes community citizenship, positive attitudes and relationships within the student population and student leadership and involvement with others. Girton provides an array of co-curricula, which I as a parent, would have trouble finding elsewhere. Girton also provides lots of opportunities for students to experience. Sam also had the opportunity to attend a school alongside other family members which he felt was good.

Sam was accepted into Girton for Year 7 last year (2003). I was devastated to learn that Sam could no longer access SVRC, Over the years we have come to know the people who work there, attended workshops and camps, and borrowed numerous amounts of resources. Sam's learning medium, like other visually impaired people is tactile – braille. It is different to print in its formation and reading. Sam needs to learn his letters and words to participate in our sighted world, just like a sighted child needs

to learn to write with pen and paper to form letters and words. Giving him a computer (with print) is not the same as a braille machine. Giving him a printed text is useless. At Girton, where do we access braille resources?? NILS (National Library Information Services) is available but because blind children are USUALLY in the government education system, they have very little secondary education material. What they do have is perhaps transcripts or sections of texts. The cost of producing braille from print is quite expensive – a Year 7 Maths print book of some 496 pages costs approximately \$24,000 to produce in braille. If NILS doesn't have a copy, which we can borrow then we can request it be brailled for the cost. But then, due to copyright laws, I can't sell it or give it back or do anything with it. I'm sure you will agree that that is a waste of paper and monies.

Sam chose to attend Girton, knowing we would have a problem with resources. His response was that, "When I finish school I won't have everything done for me, so I may as well start getting used to it." He had a wonderful year at Girton in 2003, participating in all school activities such as athletics, the swim carnival, the cross-country, house competitions, public speaking, he achieved Merit Certificates in various academic subjects and at Speech Night he was awarded House Half Colours for his Citizenship at Girton. There has been a two-way relationship at Girton. The school has nurtured and supported Sam in every way they can. His teachers have commented that he is a delight to teach and has a positive attitude and willingness to learn. Sam has also been an ambassador for handicapped children, for his fellow students to experience. They have seen how he will tackle anything and have admired his courage, his stamina and his personality. He has made many friends.

I question whether this is an issue of discrimination. Because of Sam's choice of education, he can no longer access the SVRC. I understand that there have probably been very few blind or visually impaired students attend an Independent school and if they have, they would probably have attended a Catholic Independent School as they have access to this facility.

I am not asking for funding, though I also question whether there is discrimination in this area as well, but simply wish that **all** blind and visually impaired children have access to SVRC regardless of the school they have chosen to attend. I'm quite sure the number involved would be quite small. Sam was a client for seven years at SVRC—why can't he continue for another six?

In 2003 I wrote to the Minister for Education Services, Jacinta Allan MP, but my two letters resulted in no action, nor was there any mention of further exploration of this issue. I was explained the funding system, which I already knew about. I was extremely disappointed. As my son has achieved success at Girton in his first year, which needs to continue till he completes his schooling, I feel I need to take this issue up again and hence I am writing to you.

I look forward to hearing your response.

Yours truly,
Pam Hyden