

Australian Associations of Christian Schools

Mr Paul Belin
Assistant Commissioner
DDAct Inquiry
Productivity Commission
FACSIMILE NO.. 03 9653 2305
ATTENTION: MS DELWYN RANCE

Dear Commissioner,

RE: **SUBMISSION TO DDACT INQUIRY**

Thank you for the invitation to make a further submission to the Inquiry and to discuss the submission at a public hearing preferably in Canberra, early February 2004.

Previously, I made a submission on behalf of the Australian Associations of Christian Schools (AACS) (Sub No 148). Subsequently, I appeared before the Commission at its public hearing in Canberra, 19 June 2003. It is not the purpose of this submission to rehearse the points made or the consultations held at those times.

It is with interest that I note that only **five peak education (school) authorities made submissions to the Inquiry. All** of these authorities/peak bodies came **from the non-government sector**. To the best of my knowledge, there are no submissions from government school education authorities at Commonwealth, State or Territory level.

The original terms of reference for the Commission refer to the social impacts of the DDA 1992 in terms of costs and benefits. I want to limit this submission to that consideration.

Increasingly, non-government schools are mainstreaming education for students with disabilities. They are, however, at a serious and significant cost disadvantage in providing education of both a quality and quantity comparable with that offered to students without disabilities. The Draft Report seems to bypass the serious cost differentials incurred in the non-government school sector in educating students with disabilities. These cost differentials will be exacerbated with the introduction of the Disability Standards for Education.

Currently, there is a cost shift in social responsibility by governments when students with disabilities are enrolled in non-government schools. These students would attract, on average, an additional \$20,000 in a government school. In a non-government school, the same students would be lucky to attract an additional \$4,000 from government sources. The cost, therefore, shifts socially from the government sector to parents and non-government schools authorities and their communities.

At the hearing I attended, 19 June 2003, Presiding Commissioner Mrs H Owens suggested "**the resolution of the issue (is) a voucher, that every child is entitled to a certain amount of money to spend in whichever system they chose to go to?**" AACCS would agree with this proposal. Anything less is discriminatory for the student.

Attached for the Commission's consideration is a **letter** written by the Principal of **William Carey Christian School** in south west Sydney to the Australian Government Minister for Education, Dr Brendon Nelson, on 8 September 2003. The letter details the cost impact on that school for educating students with disabilities. If the non-government sector is going to play its role in educating these students, the additional funds needed must be the same across all sectors.

Thank you for your consideration.

Yours sincerely,

Peter A Crimmins
Executive Officer, AACCS

17 December 2003

8th September 2003

WILLIAM CAREY
CHRISTIAN SCHOOL

Dr Brendan Nelson
Minister for Education

Dear Dr Nelson,

I have taken the opportunity of your meeting with Mr Peter Crimmins to write to you about the *Draft Disability Standards for Education* and how these standards could affect William Carey Christian School as an example of a large school, which already has a support unit for disabled students.

William Carey has 1270 students, Kindergarten to Year 12, located in the south west of Sydney (SES 98). Since 1991 the school has maintained a support unit managing students eligible for integration funding. We also have a significant contingent of non-eligible students with learning difficulties. The school also has a large ESL population (about 30% of total students). The school, because it is Christian and is regarded as compassionate and has a reputation for the quality of its work, has numerous applications for enrolment from families with disabled students. In an attempt to relate need to resources the school eventually settled on admitting two or three students in each grade K-12 depending upon the nature and severity of the disablement. Our heart is in this work but reality had to prevail, because in some situations we had 6 or 7 disabled students in a year cohort which produced financial, resource and pastoral care concerns for children in the normal range and for classroom teachers. This problem was very severe, particularly where a disabled child combined one problem with a behavioural problem. The larger numbers of disabled students sometimes occurred because parents concealed information at enrolment, or because they had not realised the extent of their child's disability, problems that were discovered by the classroom teacher and support staff after the children had begun to attend 'class. Teacher stress and disruption of classes was a significant problem. Parents sometimes complained that their children's education (in the normal range) was being adversely affected by the classroom teacher's need to devote excessive time and energy to the disabled. The solution would have been more resources, but this was impossible because the existing deficit between revenue (both government grants and student fees) and costs was already significant. This school would be prepared to take more disabled students, including the severely disabled, if government funding covered financial need.

I regard some of the most significant achievements of WCCS to be our disabled students who access the School Certificate and the Higher School Certificate and gain post-school employment. Our support unit oversees the integration of students in the regular classroom, provides special courses and group and individualised programs and instruction where applicable. This approach is resource-rich and therefore financially expensive. The effect on William Carey is that the school has no financial surpluses for

such matters as provision of long service leave, because the support unit consumes these resources.

Our present policy of admitting up to 3 disabled students per year K-12 is workable, with the school heavily subsidising the support unit. However, the prospect of unlimited enrolments under the proposed *Disability Standards for Education*, or having to prove justified hardship that will probably involve a legal situation, is quite untenable. There are a number of matters of concern: -

1. The current size of the gap between revenue from all sources and the costs of educating disabled students will widen even more than our present experience. Later in this letter our experience in 2002 will be used to illustrate the financial gap required to run our support unit.
2. Because this school compared to others already has facilities and is Christian and is regarded as compassionate and competent, it will attract a disproportionate number of disabled students that could cripple the school financially. If for example 8 or 10 disabled students applied for Kindergarten and we couldn't justifiably limit our intake according to our policy Of up to 3 students, we would be severely hampered financially and in terms of resources. Even if we could prove justifiable hardship, the expense, time and energy needed to appear before the relevant commission/court, would severely dent the quality of our provision of education for all our students. Would we have to continue to appear before a hearing every time this situation occurred? Already for 2004 we have been threatened by a parent with legal action because their child on the autistic spectrum has already been refused enrolment by a local non-government school. We already have a full complement of disabled students in Kindergarten next year, according to our present policy. Will the parents challenge both schools if we refuse entry? Would a court say that we ought to take the child rather than the other school because we have facilities and the other school does not, when we are already coping with 39 integrated students and really shouldn't be expected to do more?
3. The *Draft Standards* shouldn't be made law until government funding closes the gap between all sources of revenue and costs in educating the disabled. Not to do so will throw us into financial difficulty. The State and Commonwealth governments should negotiate their respective contributions to closing the gap in non-government schools. Government schools appear to have about \$20,000 for disabled students appropriately identified by health professionals.
4. The stand-alone non-government school's position is different to the position of a systemic or state government school, which potentially can direct students to special units or schools and provide the necessary subsidy. The NSW DET has much more capacity to distribute students according to both parental and school needs. If we have to take all who will come, we become disadvantaged in relation to government schools and potentially some other systems. If on the other hand each systemic or government school must take disabled students, they could then have the same problem of resources as schools such as William Carey.
5. If schools must take disabled students, particularly on a potentially unlimited basis and with unlimited severity, they must be resourced to cover both capital and recurrent needs. If resources are not available, both students and teachers will

suffer as resources are spread more thinly. Parental complaints from those with children in the normal range will intensify, and in the case of non-government schools could lead to loss of enrolments, which would exacerbate financial pressures producing further re-allocation of resources.

6. Teacher stress will rise which will not only result in personal difficulties, but will increase teacher absenteeism in the current climate of teacher shortage, where longer term illnesses are very difficult to cover. This situation is also industrially dangerous, because teacher stress relates to Occupational Health & Safety laws and particularly to Workers Compensation.

Schools should play their part in assisting the educationally disadvantaged student, but to swamp them without the necessary funding is unwise and will reduce the overall effectiveness of education, and will reduce/endanger the financial viability of some schools. A way must be found to introduce **Disability Standards** without adverse effects on schools. Justified hardship should be more clearly expanded and detailed to allow schools some flexibility in provision without removing their responsibility to make reasonable provision. Where a school like WCCS has a heart for this work, we ought not be caused to bleed to death because of our already extensive involvement.

7. Personally, I can fully empathise with the parents of disabled children. I have a mentally handicapped son and a full-blown autistic daughter. The education of the disabled must be resourced and only government can do that, especially for parents from lower socio-economic families. However, if the disabled are placed in poorly resourced situations, both the family and students will suffer more and so will their schools. These standards should not be proclaimed before Commonwealth (and State) grants are substantially raised, especially if schools face unlimited enrolments according to parental wishes and insistence, without regard to school resources. I want the opportunity to continue to provide high quality services for the disabled students. If either the number or degree of disablement becomes problematic and confronts the school with situations we can't handle, the quality of provision will be diluted, disadvantaging the already disadvantaged. I believe that the Christian school movement would want to bear its share of assisting students with disabilities according to capacity and with sufficient government funding. Any school, government or non-government, which has elitist tendencies should be shown the benefits of enrolling the disabled and should be given incentives, negative if required, to enable enrolment.

Finances relating to catering for disabled students through the support unit 2002:

In order to demonstrate William Carey's present financial position in providing education for the disabled, financial information relevant to providing and running our support unit is presented. 2002 is used as an example because of the availability of complete financial information. This financial model only concerns revenue and costs related to funded integration students with disabilities. Learning difficulties students (348 in the school) and ESL students without disabilities (255) are excluded in this analysis. Literacy and Numeracy funding, gratefully received from the Commonwealth in 2003 assists in dealing with the learning difficulties and ESL students. In our submissions we constantly seek greater funding than is received. For example in 2002 we applied for literacy funding of

\$138,511 and for numeracy funding Of \$138,053 and received \$75,542. For integration funding we applied for \$528,095 and received \$36,818. Based upon 39 integrated students, an average Of \$13,540 per student was requested and \$944 actually received. Whilst other costs and revenues have to be included, the gap in funding is apparent.

The table shows the comparison between revenue from all sources and costs in 2002 which shows the financial impact on the school of catering for the disabled.

<u>ALL REVENUE</u>		<u>ALL COSTS</u>	
Integration Grant	36,818	Support Unit Costs	528,095
Proportion of Numeracy/literary Grant	25,000	Provision of building - Principal PA	16,500
			(Original Building Cost \$330,00/20 Years)
<u>Recurrent Grants</u>		Contribution to general running costs (ie non-salary costs)	57,829
(i) State	102,550		
(ii) Commonwealth	133,475		
		Proportion of classroom salary costs	104,000
Fees	153,770		
	<u>451,613</u>		<u>706,424</u>

School deficit in running the support unit for the disabled = 706,424- 451,613 = 254,811.

This deficit can be viewed from different perspectives..

- (i) Family perspective: WCCS had 710 families in 2002.
Subsidy/family for support unit = 254,811/710 = 359
- (ii) Disabled Students: For the 39 integrated/disabled students
The School’s Subsidy = 254,811/39 = 6534

If the school were to be flooded by the disabled under *Disability Standards*, this deficit would rise and would become even more unsustainable. **Justifiable hardship** needs to be defined for each school at a number of disabled the school can handle (including severity of disablement), and government funding for the disabled increased to maintain school viability.

If the new *Standards* caused enrolments greater than allowed for in our present model, the school’s subsidy for the extra enrolments would increase depending upon the severity of the disabled problems. For example, if mobility, sight and toileting problems were to increase, it is conceivable that more aides could be required and eventually an additional teacher. Costs would not be matched by existing funding and capital costs could also rise if our existing unit proved inadequate in either size or facilities. Additional special recurrent and capital funding would be required to prevent an expansion of the support unit deficit (subsidy from the school). Our community is willing to provide a degree of subsidy as an act of compassion for the disabled, but to increase it would be damaging to the parents, students and the school. We would also be disadvantaged compared to other schools that have not provided similar facilities or demonstrated the same level of commitment, commensurate with the size and characteristics of those schools.

Another area that is very open-ended is the provision of all courses for all disabled students, even where some courses present the threat of death or injury to the student and stress for teachers. A typical example would be an anaphylactic student in a food technology room where allergic residues could remain, even with the best care to remove them. To provide an alternative food based course would involve significant practical and costly alternatives for which no government funding would be available. Under these circumstances, with sensible discussion with the parents and students, the school should be able to prevent such life threatening participation and provide a reasonable alternative without having to prove justified hardship and facing a possible legal challenge.

In *Disability Standards for Education (Draft)* the concept of **justified hardship** is briefly outlined, no doubt the brevity is to encourage compliance with the *Standards*. However, work needs to be done to make this concept workable for schools, because there is a strong chance that the disabled themselves, and other students, teachers and teachers aides will suffer because of insufficient funding. The Standards, which are based upon a concept of equality and justice for the disabled will work against itself, unless the financial problem is solved before the *Draft Standards* are revised and introduced.

Questions:

Is it possible under the 1992 Act and Disability Standards for a school to present a plan for the enrolment of the disabled that specifies numbers to be enrolled, linked to the severity of disablement? If for example William Carey planned to enrol 2 or 3 disabled students per year covering possible emotional/behavioural conditions, cerebral palsy, autistic spectrum, downes syndrome, blind, etc according to the ability to cope with existing resources, and funding, would this be acceptable to deny enrolment above the quota?

If this is not possible is there a simple, no-cost procedure of applying for justifiable hardship that won't farther impact on the resources of the school to make such an application and to avoid legal challenges by parents? Would a school have to apply for unjustifiable hardship year after year if applications exceeded resources?

This school wants to fulfil its obligations to the disabled, but there must be limitations and a way to avoid unjustified legal challenges from parents, particularly at the point of enrolment.

Dr Nelson, this school would welcome more discussion and would be pleased to have you visit the school to examine our current provision for the disabled, if this would be helpful.

Yours sincerely

Warwick Wilkie
PRINCIPAL

Copy sent to: Attorney General
 AACS - Mr Peter Crimmins

Disability Funding - a Case Study:-

School accepted X in Kindergarten. He lasted at the school for approximately 18 months. The school received integration funding because he had mild cerebral palsy and serious behavioural problems. Mother was a drug addict, kicked in the stomach by drunken father whilst carrying the child. Baby was drug affected at birth. Child was under foster care when enrolled. Foster mother was very supportive, but her marriage broke down as well. Child experienced two broken relationships. Child kicked, hit and spat and needed physical restraint.

Support Unit Coordinator spent two weeks developing a special program to manage behaviour. AIS were also involved to review procedures and program. Class teacher refused to implement the program. Full-time aide appointed to class, but aide had a back problem and permanently damaged her back restraining the child. Workers Compensation case continues. Classroom teacher refused to use the services of another more physically suitable aide.

Time allocated to this child has impacted on at least 20 other children, now in Year 2, all below the expected levels for literacy and numeracy because they did not receive the attention they required in Kindergarten.

Classes were organised so that other children with mild disorders were kept away from this child to avoid imitation of his behaviour in the classroom.

This one child has impacted on the learning of at least 20 students who will now need special help to pick up what was lost in the formative years of Kindy and Year 1.

If the school is prevented from determining which students to accept, it will lead to situations with multiples of these problems and a significant reduction in teaching standards.