

NATIONAL COUNCIL OF INDEPENDENT SCHOOLS' ASSOCIATIONS

SUBMISSION TO

THE PRODUCTIVITY COMMISSION INQUIRY

INTO

THE DISABILITY DISCRIMINATION ACT 1992

The National Council of Independent Schools' Associations (NCISA) is the peak national body covering the independent school sector. It comprises the State and Territory Associations of Independent Schools. Through these Associations it represents a sector with over 1,000 schools and almost 443,000 students accounting for some 12 per cent of Australian school enrolments.¹

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

- *Schools affiliated with larger and smaller Christian denominations, for example, Anglican, Catholic, Lutheran, Uniting Church and Presbyterian schools*
- *Non-denominational Christian schools*
- *Islamic schools*
- *Jewish schools*
- *Montessori schools*
- *Rudolf Steiner schools*
- *Schools constituted under specific Acts of Parliament, such as Grammar schools in some states*
- *Community schools*
- *Indigenous community schools*
- *Schools that specialise in meeting the needs of students with disabilities.*

Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the relevant state or territory education authority. Most independent schools are set up and governed independently on an individual school basis. However, some independent schools with common aims and educational philosophies are governed and administered as systems, for example the Lutheran system. Systemic schools account for nearly 20 per cent of schools in the independent sector.

¹ This data is inclusive of Catholic independent schools.

SCOPE OF THE SUBMISSION

1. This submission by the National Council of Independent Schools Associations' (NCISA) does not address all the issues and questions raised by the Commission in its Issues Paper. The focus is on the impact of the *Disability Discrimination Act 1992* on independent schools in their role of providing school education. The submission does not address issues relating to the role of independent schools as employers. The impact of the legislation on independent schools as employers is similar to that on other employing organisations and the pertinent issues are therefore likely to be adequately addressed by other submissions.
2. Some State and Territory Associations of Independent Schools will be making separate and complementary submissions to the Inquiry. The State and Territory Associations have a closer relationship to individual independent schools and are well positioned to provide perspectives on the impact of the legislation at the individual school level. They also provide advisory services to schools on enrolment and education of students with disabilities and administer Commonwealth (and in some instances State and Territory) targeted funding for students with disabilities.

ROLE OF THE INDEPENDENT SCHOOL SECTOR IN EDUCATING STUDENTS WITH DISABILITIES

3. The education of students with disabilities in the independent school sector has a long history, with the first independent special schools established in 1860 in Victoria and New South Wales to educate students with sensory impairments. Historically initiatives by Australian governments for the education of students with disabilities have tended to flow after voluntary groups demonstrated what could be done.² Progressively the government school sector assumed greater responsibility for the education of students with disabilities and the services provided by the independent school sector declined. In recent years, however, there has been a trend towards more parents choosing independent schools for their children with disabilities.
4. Since 1992 enrolments of students with disabilities at independent schools has increased six fold. According to the Commonwealth census of schools, enrolments of students with disabilities in the independent school sector increased from 1056 in 1992 to 6443 students in 2002. The greatest area of growth has been in students with disabilities attending regular schools, with regular schools now accounting for some 80 per cent of enrolments of students with disabilities in the independent school sector. An increasing proportion of students with moderate to severe disabilities are now being educated in regular schools.
5. A range of factors are likely to account for the growing enrolments of students with disabilities in the independent school sector, including the broader trend for an increasing proportion of Australian school students to be educated in

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

independent schools and the shift in all school sectors to an increasing proportion of students with disabilities being educated in regular school settings. While the *Disability Discrimination Act 1992* has undoubtedly played a role, it is not possible to quantify the magnitude of its effect.

6. The independent school sector believes that it has a responsibility to continue to expand its role in the education of students with disabilities, improving access and the capacity of schools to provide these students with an education appropriate to their needs. For many independent schools their religious philosophy and/or values demand a commitment to meeting the needs of students with disabilities.

THE BENEFITS OF INCLUDING STUDENTS WITH DISABILITIES IN SCHOOL COMMUNITIES

7. Students with disabilities can bring important positive benefits to independent school communities, adding to the richness of the fabric of school life and broadening the experience of other students and teachers. Direct contact with students with disabilities can challenge the attitudes of students and teachers, increasing their acceptance of differences in people, altering their perceptions of people with disabilities and increasing their awareness of them as individuals with unique personalities and strengths. Sometimes students with disabilities can be inspiring role models, encouraging students to reflect on their own situation and approach to life. Educationally, the professional experience of developing effective teaching and learning strategies to meet the educational needs of students with disabilities can also have positive flow on effects in terms of increasing the effectiveness of teaching and learning for all students.

SCHOOL EDUCATION IS DIFFERENT FROM MANY OTHER GOODS AND SERVICES

8. School education differs in degree from many other goods and services provided to people with disabilities. It is not a fleeting transaction with the relationship between a school and student often the most significant outside their immediate family – with students generally attending school for some six hours a day, five days a week for forty weeks of the year for potentially a thirteen year period. In the independent school sector, where some 55 per cent of schools provide both primary and secondary school education, some students spend their entire school career at a single school.
9. The Commission's Issues Paper notes "Students with disabilities must meet the essential entry, attendance and assessment criteria of their course of study." Unlike higher education, the majority of school education is mandatory. There are no entry requirements related to skill or competence, except for a number of selective government and non-government schools. In this respect, compared to tertiary institutions schools often face far greater challenges in meeting the requirements of the *Disability Discrimination Act 1992*. To appropriately meet the needs of students with disabilities schools are often required to significantly modify their education programme compared to that provided for students without disabilities. This can involve developing a specific programme and

providing specialist teaching and/or resources to assist the student to access the curriculum. Accommodating the student may require the school to change the way that it has historically operated including changes to the detail of the education programme and experiences provided to other students attending the school.

APPROPRIATELY MEETING THE NEEDS OF STUDENTS WITH DISABILITIES INVOLVES ADDITIONAL COSTS AND SPECIFIC RESOURCES

10. To meet the needs of students with disabilities schools generally are required to incur additional costs compared to providing for students without disabilities. These costs are unique to each student depending on the specific nature of their support needs and can vary widely. They may involve capital and/or ongoing recurrent expenditure. Capital expenditures can take the form of expenditure to modify buildings to allow the student with disabilities to more easily move around the school campus (for example, lifts, ramps, widening of doorways and modifications to toilet facilities) and specific equipment (for example, specialist computing facilities, Braille resources). Additional recurrent expenditure is often incurred to meet the cost of specialist teaching advice, teacher aides, therapy services (for example, speech) and the development of specialist teaching resources. In some cases this additional recurrent cost can be very high, for example, meeting the needs of a student with severe sensory impairments can be in excess of \$70,000 per year, because of the need to develop specialist Braille resources or to provide the services of an AUSLAN interpreter.
11. Enclosed with this submission is a spreadsheet illustrating the nature of support needs of students with disabilities and the associated financial costs. It was developed by the Association of Independent Schools of New South Wales to inform work on the implementation of the Disability Discrimination Act and the Draft Disability Standards and has been reviewed by KPMG with regard to the integrity and accuracy of the model. While the examples are not actual case studies, they reflect the needs of students currently enrolled in independent schools in New South Wales. The data demonstrates the very specific nature of students support needs and the very great range in support costs.
12. In addition to these direct financial costs schools may also incur unquantifiable costs in terms of the need to change policies and procedures to ensure that they comply with the Act and more generally adequately take into account the particular needs and circumstances of students with disabilities. (See Section below on Decision Making Processes.) Adjustments to timetables both in terms of sequencing classes and venues may be necessary, for example, to reduce the extent to which a student with disabilities must move around the school. In some instances schools may need to revise their selection of locations and activities for field trips and camps to enable greater participation of students with disabilities. Similarly, they may need to adjust the detail of the curriculum offered to all students, for example the selection of specific activities undertaken as part of physical education programmes so that the student with disabilities can participate on the same basis as other students.

13. It is naïve to think that general class teachers have the skill base necessary to appropriately meet the range of possible needs of students with disabilities, especially in the context of the integration of these students into regular classroom settings. The reality is that each student with disabilities has individual educational needs and teachers need to access the current knowledge set about effective educational practices and specific information on the student's disability. Teachers are often not well prepared for this challenge given the limited attention to special education in pre service teacher training and limited in-service professional development and quality post graduate courses. In a recent survey of the views of 36 primary teachers in New South Wales and a further 41 in South Australia involved with teaching some 597 students with special educational needs 68.4 per cent of the South Australian respondents reported that they had received no coverage whatsoever of children's special educational needs during their initial teacher education courses. Twenty nine percent of the New South Wales teachers reported no element of special education in their pre service training.³
14. The issues facing schools in supporting their teaching staff to meet the needs of students with disabilities and accessing expertise was highlighted by the report of the recent Senate Inquiry into the Education of Students with Disabilities. The problems are exacerbated in rural and remote locations. In all probability the situation is likely to get worse over the foreseeable future given the age profile of the existing teacher workforce and the reduced provision of tertiary courses in relevant areas.
15. Schools which enrol students with disabilities but fail to appropriately meet their needs because of problems in accessing necessary specific resources and expertise face legal risks under the *Disability Discrimination Act 1992*. Given the likely on-going difficulties in accessing expertise, there are possible issues for Australia as a nation in effectively using these limited resources to provide the best possible opportunities to students with disabilities. It may not be appropriate that every individual school be expected to meet the needs of students with disabilities, especially those requiring very specialist assistance. This issue is at the heart of the policy of inclusion and the provisions of the *Disability Discrimination Act 1992*.
16. NCISA notes that the Senate Inquiry into the Education of Students with Disabilities in discussing the problems associated with the growing shortage of teachers and assistants with specialist skills in the area of education of students with sensory impairments suggested that, "In these circumstances, some degree of specialist concentration is the only option for parents even though it results in considerable inconvenience, even to the point of determining where families live. It would be impossible, and inappropriate in any event, for school systems to provide this level of support for such students in all local schools".⁴ It is not

³ Westwood, P and Graham L, Inclusion of Student with Special Needs: Benefits and Obstacles Perceived by Teachers in New South Wales and South Australia, *Australian Journal of Learning Disabilities*, Volume 8, Number 1, March 2003.

⁴ Senate Employment, Workplace Relations and Education References Committee, Education of Students with Disabilities, December 2002, page 41.

clear that the Senate's conclusion is entirely consistent with the obligations imposed on schools under the *Disability Discrimination Act 1992*.

GOVERNMENT FUNDING FOR STUDENTS WITH DISABILITIES IN INDEPENDENT SCHOOLS

17. The education provided by independent schools is financed by a combination of funding from Commonwealth and state and territory governments and from privately sourced income, primarily fees paid by the parental community. In the 2001 calendar year 63 per cent of the income of the independent school sector was derived from private sources and 37 per cent from governments.⁵ The financial circumstances of independent schools vary considerably both in terms of the overall level of financial resources available to the school and the relative roles of privately and government sourced income. Their financial circumstances depend, *inter alia*, on the state or territory in which they are located, the circumstances of the community served by the school and the age and philosophy of the school.
18. The government funding arrangements for students with disabilities attending independent schools are detailed in NCISA's submission to the Senate Inquiry into the Education of Students with Disabilities, which is also enclosed and is available on www.aph.gov.au.⁶ Students with disabilities who meet the funding criteria of the Commonwealth Government and of their state and territory government generally receive additional targeted funding over and above that available to students without disabilities. The funding situation varies across states and territories, but generally the available government funding rarely meets the cost of the educational support needs of these students. Further as a general rule, students with disabilities in non-government schools receive less government funding to meet their educational needs than their counterparts in government schools. The differential can be significant, in some instances in excess of \$20,000.
19. The total government budget allocations for a number of important elements of funding for students with disabilities, especially that under the Commonwealth Strategic Assistance to Improve Student Outcomes Programme, is not determined by reference to the number of students requiring assistance or the profile of their education support needs. As a result schools, in taking decisions on the enrolment of students with disabilities, face considerable uncertainty as to the level of government funding that will be available to assist to meet the support needs of the student. There is also uncertainty as to the extent to which this funding will be maintained over time, with increasing enrolments of students with disabilities in a given school sector potentially resulting in a reduction in the per student funding available. This has already become a reality in the independent sector.
20. To the extent that the cost of the educational support needs of students with disabilities is not met by government funding, the cost of schools meeting the

⁵ Derived from the Non Government School Financial Questionnaire 2001.

⁶ Submission 175,
www.aph.gov.au/Senate/Committee/eet_ctte/ed_students_withdisabilities/Submissions/sublist.htm

obligations of the *Disability Discrimination Act 1992* is borne by individual school communities. To meet the needs of these students the school must either adjust the quality of provision to other students or increase school fees. In some instances the inadequate resourcing means that the needs of particular students with disabilities are inadequately met – an unsatisfactory outcome for the student, their family and the school. It is a situation which also carries the risk of a complaint of indirect discrimination under the Act.

21. NCISA believes that the school education costs of students with disabilities should be met by society as a whole through government expenditure. It is unreasonable that these costs be arbitrarily borne by the particular group of families making up an individual school community.

APPROPRIATELY MEETING THE NEEDS OF PARENTS WITH A DISABILITY

22. The Act also establishes obligations on schools to appropriately meet the needs of parents with a disability. Issues faced by parents with disabilities are highlighted by The Disability Council of New South Wales in “More Than Getting Through the Gate”.⁷ As with students with disabilities this can involve facilitating appropriate access to buildings in order for the parent to participate in school life. It can also impact on procedures for enrolment and for communicating with parents. For example, the Act and draft Disability Standards for Education include an expectation that enrolment materials will be provided in Braille should a parent require it. There may also be circumstances where a school is required to provide an interpreter to assist a parent who is deaf or hearing impaired.
23. Providing these services imposes additional financial costs on schools. In contrast to the education of students with disabilities, independent schools are not in a position to access government funding to partially offset the costs of meeting parental needs.

DEFINITION OF DISABILITY

24. The definition of disability is critically important in any assessment of the impact of the *Disability Discrimination Act 1992* on the non-government school sector. Significantly, the definition in the Act is broader than the range of definitions of disability historically and currently used by school sectors.
25. The definition under the *Disability Discrimination Act 1992* is more inclusive of students with learning difficulties and behaviour disorders than the Commonwealth and state and territory government definitions of students with disabilities. The *Disability Discrimination Act* definition includes
 - (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or

⁷ Robinson, S., Hickson, F. & Strike, R. *More Than Getting Through The Gate*. Disability Council of NSW, Sydney, **2001**.

- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.
26. The Commonwealth Department of Education, Science and Training defines a student with a disability as one who has been assessed by a person with relevant qualifications as having an intellectual, sensory, physical, social/emotional or multiple impairments to a degree that satisfies the criteria for enrolment in special education services or programmes provided by the government of the State or Territory. A student whose only impairment is a specific learning difficulty or for whom remedial education or remedial support is appropriate is not an eligible enrolment.⁸
27. Each state and territory has its own definition of what is meant by a student with a disability for the purpose of funding and service provision. While the states and territories generally identify the same categories of impairment, the level of impairment necessary for classification as a student with disability and hence eligibility for targeted funding and services varies considerably. For example, as shown in the following table, to be classified as a student with vision impairment in the Northern Territory and Victoria, the student needs to be legally blind while lesser levels of vision impairment satisfy the definitions in other states and territories. Hence the impact that the interaction of the *Disability Discrimination Act 1992* and government funding policies for students with disabilities has on schools is likely to vary across states and territories.

Definition of Vision Impairment in Different States and Territories

State and Territory	Definition of Vision Impairment
New South Wales	Current diagnosed vision impairment which details a permanent vision loss that is 6/24 or less in the better eye corrected or less than 20 degrees of vision. A report from the AP/ET vision that indicates that the student requires additional support to assess the curriculum in alternative formats or with significant modification of materials. Information is also required on the student's abilities to access the physical environment and daily living, orientation, mobility and social skills.
Queensland	Visual acuity that is 6/18 or less after correction, a field loss that impairs visual functioning, a degenerative visual condition.

⁸ Department of Education, Science and Training. *Commonwealth Programmes for Schools: Quadrennial Administrative Guidelines*. 2002, p.106.

South Australia	Moderate – student needs low vision aids, print modification and other equipment to access and participate in the curriculum. Severe – student is blind or functionally blind and requires audio and tactile material to access and participate in the curriculum.
Tasmania	Visual acuity of less than 6/18 after correction, print modification required for school work.
Victoria	Visual acuity less than 6/60 with corrected vision or visual fields that are reduced to a measured arc of less than 10 degrees.
Western Australia	Visual acuity of 6/18 or less and print modification needed
Australian Capital Territory	Visual acuity of 6/18 or less.
Northern Territory	Visual acuity of less than 6/60 with corrected vision, or visual fields are reduced to a measured arc of less than 10 degrees.

28. In some states and territories the definition excludes students with learning difficulties and in other others it includes only some of this group. Overall therefore, compared to the Commonwealth and state and territory definitions, the *Disability Discrimination Act 1992* potentially increases the number of students identified as students with disabilities. While there are inherent difficulties in accurately identifying students with “a disorder or malfunction that results in a person learning differently from a person without a disability”, research by the National Health and Medical Research Council is indicative. In 1990 the Council determined that 10-16 per cent of children and adolescents were considered to have learning difficulties. Within this 10-16 per cent of children and adolescents, the Council considered 2-4 per cent exhibited “problems in developmental and academic skills” which were “significantly below expectation for their age and general ability.”⁹
29. Although schools have provided some services to these students, this will need to be significantly increased to meet the level of service required under the *Disability Discrimination Act* and draft Education Standards with a resultant

⁹ National Health and Medical Research Council. *Learning Difficulties in Children and Adolescents*. Australian Government Printing Service, Canberra, 1990, p. 2 .

impact on schools. The scenarios in the enclosed spread sheet demonstrate the potential financial impact of providing services that meet the requirements of the draft Disability Standards for Education for students who “learn differently” or have a “behaviour disorder”.

30. Further the current mismatch between the definition in the Act and those used to determine eligibility for targeted government funding and in kind service provision for students with disabilities, means that the cost to non-government schools of the more inclusive definition will, by and large, need to be met by individual school communities. The problem will not be resolved by a simple broadening of the definitions determining eligibility for funding unless the budget allocations for these programmes are substantially increased.

THE FUNDAMENTAL CONCEPT OF DISCRIMINATION

31. The provisions of the *Disability Discrimination Act 1992* explicitly recognise that a balance must necessarily be struck between meeting the objects of the Act and the associated costs and benefits. Removing barriers to students with disabilities participating as fully as possible in the community generally, and school education in particular, goes well beyond overcoming issues of simple prejudice, and often involves institutions incurring additional costs. This is not to say that historically, and even to some extent today, negative attitudes, a lack of awareness, misunderstandings about the needs of particular students and their capacity to participate in and benefit from certain education programmes have not played some role in decisions by individual schools not to enrol particular students. These factors have also contributed to the unsatisfactory experience of some students with disabilities in some schools. In this regard, developments within independent schools have mirrored society at large.
32. By and large, schools’ decisions on enrolment and the extent to which they have the capacity to make adjustments to meet the needs of students with disabilities are based on very real considerations about the associated financial costs as well as the less quantifiable costs and benefits in terms of the impact on other members of the school community. A recent survey sponsored by the Association of Independent Schools of Western Australia highlights many of the issues bearing on school communities as they seek to meet the needs of students with disabilities, including funding, tensions generated by the significant impact of students with special needs and the implications for the quality of teaching and learning in the school. The tensions that schools face in balancing the needs of students with disabilities with those of the rest of the school community are apparent.¹⁰ Further, the report characterises the independent school sector as one in transition as it seeks to meet its obligations under the *Disability Discrimination Act 1992*.
33. How the “unjustifiable hardship” provision in the Act has been interpreted by the Courts and by the Human Rights and Equal Opportunity Commission (HREOC), in its advocacy and education programmes, and is understood by

¹⁰ Jenkins H.J., *A Choice for All: West Australian Independent Schools’ Responses to Student with Disabilities and Learning Difficulties*, AISWA, June 2002.

schools has far reaching implications. It determines whether, in practice, the Act succeeds in achieving the crucial balance between ensuring, as far as possible, that students with disabilities have equal access and are able to fully participate in school education and the community generally, the needs of other students and their families and the financial viability of individual schools.

UNJUSTIFIABLE HARDSHIP

34. A difficulty that schools face is the absence of a clear definition of what is meant by unjustifiable hardship, with the question of whether a school faces unjustifiable hardship in enrolling a student with disabilities depending on the specific facts of each case. Further the assessment goes beyond the evaluation of objective criteria. In *Hills Grammar V Human Rights and Equal Opportunity Commission*,¹¹ Judge Tamberlin said that the assessment of whether unjustifiable hardship applies “involves the weighing of indeterminate and largely imponderable factors and the making of value judgements”.
35. In this context previous court decisions have little, if any, precedent value. Decisions relating to state legislation have upheld expenditure of \$41,000 and \$4,500 as imposing unjustifiable hardship given the particular circumstances of the students and schools involved. In *Hills Grammar V Human Rights and Equal Opportunity Commission*, Judge Tamberlin stated “no assistance can be gained from these cases which turned on their own facts and the particular circumstances of the school and the complainant.” The problem facing individual schools is making an assessment of how the courts would view the particular circumstances of their case - of how the imponderable factors should in this instance be evaluated and weighed.
36. As currently specified the Act, therefore, creates considerable uncertainty as to schools’ actual legal obligations. HREOC acknowledge the inherent uncertainty surrounding the assessment of unjustifiable hardship advising that the question of whether unjustifiable hardship is satisfied “must always be an uncertain matter until and unless determined by the Commission or the courts in hearing a complaint”.¹²
37. Past court decisions do suggest, however, that in some instances schools and the fee paying parental community will be expected to bear some financial penalty from enrolling and meeting the needs of students with disabilities. In *Finney V Hills Grammar*¹³ the Commissioner acknowledged that accepting Scarlett Finney may have resulted in additional costs to parents of other students at the school such as increased fees, but suggested that any such detriment would be spread across a large number of persons. In making this comment he referred to *Scott V Telstra* where it was assessed that the additional cost would involve an increase of 30 cents per year in the fees for subscribers. Given that the Commission rejected the schools assessment of the additional costs it would

¹¹ *Hills Grammar V Human Rights and Equal Opportunity Commission* (2000) FCA 658, www.austlii.edu.au/au/cases/cth/federal_ct/2000/658.html.

¹² HREOC, Disability Rights, Frequently Asked Questions: Education, www.humanrights.gov.au.

¹³ *Scott and Bernadette Finney V The Hills Grammar School* (1999) HREOCA 14, www.austlii.edu.au/au/cases/cth/HREOCA/1999/14.html.

bear in meeting Scarlett Finney's needs it is not clear what level of fee increase was viewed as acceptable in this instance.

38. In the absence of a clear definition of "unjustifiable hardship" there is a real probability that schools are taking on obligations and bearing a level of costs beyond those expected by the legislators. In the current context, a decision by a school to not enrol a student with disabilities exposes it to real legal risks and damage to its reputation and that of individual staff members. The school faces the potential legal costs of defending its decision and, should the decision not be upheld, costs of compensation as well as the additional costs of providing for the student's education should this be required by the Court. It can involve the school in a drawn out process, diverting valuable leadership and managerial effort from the key issue of providing quality school education for all students. Against this backdrop, it would not be surprising if schools view themselves as having little, if any, flexibility to not accept the enrolment of a student with disabilities. In practice, there is room for concern that the unjustifiable hardship provision works poorly to provide the balance sought by legislators.
39. In the current environment there is a risk that some schools are accepting enrolments of students for whom they do not have the capacity to appropriately meet their needs. In avoiding the up front legal risk associated with the enrolment decision they may expose themselves to subsequent legal risks of indirect discrimination.
40. The draft Disability Standards for Education do not address the definition of "unjustifiable hardship" and hence in this crucial respect do not provide greater clarity or reduce the uncertainty faced by the school sector.

DECISION MAKING PROCESSES

41. To meet the requirements of the *Disability Discrimination Act 1992* schools must put in place appropriate processes and procedures for considering the enrolment or the provision of services for a student with disabilities. Over time conciliated cases and court determinations have provided greater clarity as to the nature of these requirements. The emerging reality is that the required processes are not straight forward.
42. The judgement in *Finney v Hills Grammar* makes it clear that it is imperative that schools have good processes, that they gather information from appropriate sources, including accessing expertise advice where necessary. More significantly any advice must relate to the particular circumstances of the child in the context of the given school. Any failure to address the details required by the decision-making process exposes schools to the risk of a complaint to HREOC or a potential court case and to the risk of damaging their relationship with their parental community and the school's public image.
43. The required processes can be costly and time consuming for schools. The school may need to meet the cost of accessing additional advice from external educational specialists and therapists to clarify the student's need for their particular school setting. They may also need to seek legal advice. Further,

court decisions and HREOC advice make it clear that a collaborative approach is central to the objectives of the Act. While collaboration with parents is a feature of the values and approach of the majority of independent schools, meeting the requirements of the Act requires schools to take additional time consulting with parents, the student with the disability and the student's relevant specialists in order to make a full assessment of the student's needs in the particular school setting. This may also involve the school in additional documentation.

44. The process requirements present a particular challenge to the independent school sector, given that the majority of schools are governed on an individual school basis and many are quite small. It has been necessary for individual school communities to invest in acquiring information about their obligations under the Act and to develop satisfactory processes. The last ten years can be characterised as a period of adjustment as schools seek to modify their processes in light of lessons learned from conciliated outcomes and court determination. Since the inception of the Act, the State and Territory Associations of Independent Schools have had a growing role in providing schools with professional development and advice in relation to its requirements. This has required Associations to increase their resource levels or divert resources from other areas and presented challenges, particularly to the small and middle-sized Associations.

DISABILITY STANDARDS

45. The draft Disability Standards for Education seek to clarify and elaborate the legal obligations in relation to education in the areas of enrolment; participation; curriculum development; accreditation and delivery; student support services; and elimination of harassment and victimisation.
46. Contrary to the suggestion by the Senate Inquiry into the Education of Students with Disabilities, the independent school sector is not confident that the Disability Standards for Education can clearly articulate the requirements for schools. Nor do they appear to provide a level of certainty for all parties – students with disabilities, their families and schools. Unlike the transport standards and building codes, education standards by their nature are not amenable to the definition of specific measures. In education it is not possible to set detailed specifications on every issue that could arise, given that schools vary in size, staffing allocations, age and design of buildings, geographical location, government funding, fiscal base and access to services. The draft Education Standards acknowledge this by outlining a process to determine what is reasonable for each area. While they could be helpful to those trying to interpret the Act as it applies to schools, they will fall far short of providing certainty to the sector. The availability of the standards is also likely to contribute to an increase in activities related to the Act, creating a more challenging environment for schools in responding to the needs of students with disabilities.
47. The processes outlined in the standards are subject to issues of interpretation, with this involving both an objective and subjective dimension. NCISA's

involvement in the process of developing the standards has highlighted the risk of different interpretations of what the standards entail, with the strong likelihood that there will emerge a difference between public perceptions of the requirements and those established by conciliation outcomes and case law. A high level of uncertainty as to the precise nature of schools' obligations will remain.

48. The standards will not remove the need for schools to access specialist advice to inform their decision-making and to develop appropriate programmes for students' with disabilities. In developing the scenarios in the enclosed spreadsheet it was necessary for the Association of Independent Schools of New South Wales to seek the advice of a range of specialists in the disability field and to access input from a variety of specialist services and consultants in order to identify the support needs of students with particular disabilities. Schools, or the general public, would be unlikely to identify such student needs and necessary adjustments without specialist input.
49. The draft standards extend the Act through the extension of unjustifiable hardship to all aspects of education; the inclusion of curriculum development and accreditation bodies; and the provisions to eliminate victimisation and harassment. While the extension of the unjustifiable hardship provision is in principle a desirable development, concerns about the operation of this provision mean that the change may have little practical effect. The draft Disability Standards for Education do not address the issue of what is meant by "unjustifiable hardship", with this being one of the most critical sources of uncertainty for students, their families and schools and going to the very heart of the impact of the legislation on individual schools.
50. Given the difficulties inherent in interpreting the processes outlined in the draft Disability Standards for Education, NCISA preference would be for a policy of guidelines rather than standards. NCISA continues to have particular concerns about certain aspects of the standards but has, nonetheless, not opposed the moving ahead with the development of a regulatory impact statement. NCISA does not believe that further delays in finalising the standards will significantly improve them and a regulatory impact statement is imperative for Ministers to make an informed assessment of the impact of the standards.

HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

51. HREOC currently serves a valuable role as an advocate for people with disabilities and in the conciliation of complaints. According to HREOC's website a significant number of complaints have been resolved by the parties deciding to settle the dispute with the assistance of the Commission. This process has benefits for all parties. Conciliated disputes result in outcomes for the specific person with a disability involved in the case and frequently generalised outcomes for other people with disabilities. In addition, conciliation procedures usually result in a faster outcome and far less expensive procedures for all parties.

52. Effective conciliation requires trust. There is a potential for conflict of interest and diminished mutual trust between parties to a dispute if HREOC's power to initiate complaints was reintroduced.

CONCLUSION

53. The independent school sector supports the objectives of the *Disability Discrimination Act 1992*, in particular its goal of ensuring as far as possible the full participation of people with disabilities in the community generally and school education in particular. The inclusion of students with disabilities in regular school settings has brought benefits to the individual student and the wider school community. The period since the inception of the Act has been one of transition for the independent school sector, as schools have sought to adjust processes and better meet the needs of students with disabilities in line with their obligations under the Act. This learning and adjustment process is continuing. Meeting the requirements of the Act has unambiguously imposed additional financial costs and compliance costs on many school communities.
54. The impact of the Act on the non-government school sector is closely entwined with the issue of government funding for students with disabilities. The present inadequate levels of government funding for students with disabilities in non-government means that a significant part of the higher costs of meeting the needs of students with disabilities is met by a reduction in the quality of provision for other students or increases in fees to be met by the school's parental community. The objectives of the Act would be more fully realised and fairly achieved in an environment of appropriate government funding arrangements for students with disabilities in non-government schools.
55. The independent school sector is concerned about the lack of certainty as to its precise legal obligations under the Act and the resulting legal risks for schools. It does not believe that this issue will be resolved by the promulgation of Disability Standards for Education. A key area of concern, given current government funding arrangements for students with disabilities, is how the "unjustifiable hardship" provision operates in practice. The uncertainty surrounding whether in a particular instance the requirements of this provision are met and the associated legal risks and risks to a school's reputation may mean that schools are taking on obligations and bearing a level of costs beyond those intended by the legislation. There is also a risk that schools are enrolling students for whom they are not in a position to appropriately meet their needs.

Bill Daniels
Executive Director
Canberra
28 May 2003

**SCENARIOS OF STUDENTS WITH DISABILITIES –
THEIR SUPPORT NEEDS AND ASSOCIATED FINANCIAL COSTS**

1. This spread sheet was developed by the Association of Independent Schools of NSW to inform work on the implementation of the Disability Discrimination Act and the draft Education Disability Standards. While the examples are not actual case studies, they reflect the needs of students currently enrolled in independent schools in New South Wales. These needs have been identified by a range of special education consultants and itinerant teachers working in the field.
2. The situations of 10 students are examined, covering a broad range of disabilities and education support needs. The education needs of each student are identified together with the resources required to effectively meet these needs. The costs of meeting the needs of the students in a variety of school contexts, in terms of both school size and geographic location are identified.
3. One scenario examined the access issues for a parent with a disability and the potential costs to the school.
4. Information is also provided on likely government funding (State and Commonwealth) that would be provided to a student in an independent school in NSW with the specified disability and support needs.
5. The work has been reviewed by KPMG with regard to the integrity and accuracy of the model.

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
Rhys is 12 years old, currently in grade 6, having repeated grade 3 and has changed school 4 times in search of a place to “meet his educational needs” He is the oldest person in his year. Rhys has recently been diagnosed with Dyslexia. He reads at a beginning Grade 2 level and his maths is slightly better, at almost grade 3 level. He is clumsy at sport, but likes to participate especially swimming and basketball. His handwriting is almost illegible. He can use a computer but is very slow and mainly uses it to play games. His spelling is at a grade 1. When Rhys enrolled at his latest school in the beginning of Grade 6 he was bitterly unhappy and was refusing to go to school. His mother is very worried that if this school does not 'work out' then he may refuse even more at High School and she is worried that his behaviour, such as aggression, will get worse.			
1. Daily additional instruction in basic skills. Modified texts and curriculum materials (worksheets) in subject areas where reading is required.	1. Special Education Teacher to assess, develop, program, including support strategies as required, and work with Teacher, Teacher's Aide and student to implement the program. <i>1 day per week over the whole year</i>	<i>School Description: Suburban Primary School, 246 students</i> 1. Special Education Teacher: 0.2 over the week. Minimum Qualifications: Graduate Diploma (Special Education) or equivalent. Assume 5 years experience. Range: Step 5 to Senior Teacher, Level 1, \$42,045 - \$61,256 p.a. Mid Range: Average between the 2 levels	<i>School description: Country Primary School, 124 students, more than 200 kms from Sydney.</i> 1. No additional costs
2. Support with adapting/explaining/scribing written material in all subject. Intensive keyboarding skills instruction	2. Teacher's Aide to read and scribe and give some individualized instruction (including keyboarding skills) under supervision of Special Education Teacher and class teacher. <i>1 day per week over the whole year.</i>	2. Teacher's Aide 0.2 over the week Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Step 3: \$38,298 p.a. This level is the minimum required for the Teacher's Aide to work with a student alone	2. No additional costs
3. Counselling support and mentoring by a consistent adult.	3. Mentor/Counsellor (Psychologist) for fortnightly meeting. 1 period per week in Term 1, reducing to average 1 period per fortnight for Terms 2,3,4.	3. School Counsellor/Psychologist: 1 period per week in Term 1, reducing to an average of 1 period per fortnight for Terms 2,3,4. Total: Assuming a period is 45 minutes ie 18.75 hours per year Qualifications: Counsellor/Pshychologist with 8-10 years minimum experience including some with people with disabilities. Rate: Assume \$120 ph	3. Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 25 trips over the year
	4. Staff training on literacy/numeracy and program adaptation, planning and implementation.	4. Staff Training (All teachers = 14.2 for 246 students Teacher number based on Year 2002 ABS Category #4221.0 , Primary Teacher: Pupil Ratio 17.3). Training for all teachers in 2 x 4 hour sessions then 4 x 2 hour sessions for the class teacher and special education teacher Lecturer: total 16 hours @ \$150 per hour Teacher release time for 2 half days for 14.2 teachers and 4 half days for 2 teachers. (at Step 8 \$124.94)	4. Staff Training (All teachers = 7.2 for 124 students Teacher number based on Year 2002 ABS Category #4221.0 , Primary Teacher: Pupil Ratio 17.3). Training for all teachers in 2 x 4 hour sessions then 4 x 2 hour sessions for the class teacher and special education teacher Lecturer: total 16 hours @ \$150 per hour Travel for 100kms x 6 Teacher release time for 2 half days for 7.2 teachers and 4 half days for 2 teachers.

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
10,330.10	10,330.10						
7,659.60	7,659.60						
2,250.00	3,725.00						
6,947.82	5,552.66						
27,187.52	27,267.36	0.00	0.00	27,187.52	27,187.52	27,267.36	27,267.36

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
Alex, aged 7, (Grade 1) has autism and a severe intellectual disability. He is very active and can only stay on task for about ½ a minute. He has 6 verbal utterances, and also uses gestures to communicate. Alex needs a visual picture system to express his basic needs and to help him with everyday routines. He can go to the toilet when prompted and eat independently when supervised. He does not socialise or mix with other children. When his routines are changed or interrupted he becomes very upset and aggressive toward others. He is also upset if it gets too noisy and will seek to escape these situations.			
1. Instruction in independent living skills, such as, toileting and hand washing, dressing and undressing, basic grooming, travel training, road safety and community access; functional academic curriculum; play skills and social skills.	1. Special Education Teacher with experience in Autism to generate and differentiate curriculum, to co-ordinate specialist input and train classroom teacher and aide to implement special program. <i>2 days per week for 1 term, then 1 day per week.</i>	<i>School Description: Suburban Primary School, 246 students</i> 1. Special Education Teacher: 0.4 Term 1, 0.2 Terms 2,3,4 (over the week). Minimum Qualifications: Graduate Diploma (Special Education) or equivalent with 5 years minimum relevant experience in Autism. Range: Step 5 to Senior Teacher, Level 1, \$42,045 - \$61,256 p.a. (averaged between two levels)	<i>School description: Country Primary School, 124 students, more than 200 kms from Sydney.</i> 1. No additional cost
2. Monitoring in the playground to prevent leaving the premises. Assist teacher in the classroom with the delivery of instructional programs, where required, as noted in #1 above.	2. Full time Teachers Aide to assist in the classroom for the student and the teacher so teacher can implement educational programs to the student and others. Aide will assist with self-care as well as supervise in the playground and in the 'quiet support space'.	2. Teacher's Aide Full time. Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Step 3: \$38,298 p.a. This level is the minimum required for the Assistant to work with a student alone. Note: relief time for the Teacher's Aide could occur during class time rather than recess or lunch so student can be supervised adequately in these times.	2. No additional cost
3. Augmentative Communication program and speech therapy	3. Speech therapist to assist with classroom teacher, aide, other staff and student to learn and use visual picture system for communication in the classroom and other settings	3. <i>Speech Therapist:</i> 1 hour per week Term 1; 1/2 hrs per week Terms 2,3,4 consultancy. <i>Total hours per annum:</i> 25 hours <i>Rate:</i> \$120 per hour (mid range consultant rate and assuming 10 years relevant experience, including Autism)	3. Travel from nearest centre (assume 100 km round trip) 25 visits
4. Support for learning strategies to cope with sensory sensitivity and change to routines.	4. Occupational Therapist or Special Education Consultant, to assist classroom teacher and aide, with strategies for supporting changes to routine, 1 hour per week.	4. <i>Occupational Therapist:</i> 1 hour per week average over the year. Total: 40 hours Rate: \$120 per hour (mid range consultant rate and assuming 10 years relevant experience, including Autism)	4. Travel from nearest centre (assume 100 km round trip) 40 visits

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
		Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
12,912.63	12,912.63						
38,298.00	38,298.00						
3,000.00	4,475.00						
4,800.00	7,160.00						

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
5. Assistance with developing and implementing a Positive Behaviour Support Plan.	5. Behavioural support specialist (could be a Special Education Teacher or other relevant professional) providing training, consultation, monitoring and supervision to staff. <i>2 hours per week consultancy.</i>	5. <i>Behavioural Support Specialist</i> : 2 hours per week average over the year. Qualifications: Special Educator or Psychologist, minimum 10 years experience with Behaviour Support including Autism Total: 80 hours per year Rate: Consultant rate of \$120 per hour.	5. Travel from nearest centre (assume 100 km round trip) 40 visits
	6. Teacher release time for training, liaising with all professionals and producing curriculum material. <i>2 hours per week for the classroom teacher.</i>	6. <i>Teacher Release Time</i> : 2 hours per week Rate: half day rate per week at Step 8, \$124.94 per half day per week .	No additional cost
7. Professional development for whole school.	7. Ongoing staff training and development for all staff. 2 days prior to or at the beginning of Term 1 and ongoing 4 hours per term follow-up for class teacher and special education teacher.	7. Staff Training (All teachers = 14.2 for 246 students Teacher number based on Year 2002 ABS Category #4221.0 , Primary Teacher: Pupil Ratio 17.3). Training for all teachers of 2 days equivalent in Term 1, then 4 hours in each of Terms 2,3,4 for class teacher and special education teacher. To be delivered as a two day workshop before or in early Term 1 and then a 4 hour follow up each term in Terms 2,3,4 for class teacher and special education teacher. Qualifications: The Autistim Association Training or equivalent. Total: 24 hours @ \$150 per hour, Teacher release time: 2 full days for 14.2 teachers and then 3 half days for two teachers	Staff Training (All teachers = 7.2 for 124 students Teacher number based on Year 2002 ABS Category #4221.0 , Primary Teacher: Pupil Ratio 17.3) Additional costs for travel (from Sydney 400 km round trip) and sustenance for 4 or 5 visits
8. A quiet place to use where support or supervision is available	8. Quiet place to 'escape' to. Supervision by Aide, included above.	No cost	8. No cost
	9. Relief time for aide, including lunch and morning tea. No cost as all staff are trained and total time is 40 mins per day.	9. No cost	9. No cost
	10. Materials for augmentative communication system (hardware and software).	10. Digital Camera (Sony Mavica VGA) \$764, Ibico IL-BTQ Laminator \$1359	10. No additional cost

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
		Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
9,600.00	11,960.00						
4,997.60	4,997.60						
12,945.51	11,267.19						
0.00	0.00						
0.00	0.00						
2,123.00	2,123.00						
88,676.74	93,193.42	9180.00	10034.54	79,496.74	78,642.20	84,013.42	83,158.88

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
<p>Chloe is fifteen years old and has Asperger's Syndrome. She is in year 9 at school. Chloe is of average intelligence. She is at grade level in maths and science where factual knowledge and memory is required but she is unable to apply the facts to general related concepts without assistance. She is at grade level in oral reading but her comprehension is at Grade 5 level. Chloe appears at first to be quite articulate but closer examination reveals that she has poor conversation skills and few social skills. She plays netball and is a fanatical supporter of the state netball team. She is able to remember all their game scores for the entire season. She has great difficulties forming and sustaining friendships. Chloe is not interested in personal hygiene or grooming and frequently looks dishevelled. She has trouble getting her body language and verbal language to correspond correctly, so that her peers think that she is a bit "different". She is teased because of her socially inappropriate behaviour, for example using literal meanings of words. This leads to verbal and physical fights in the playground.</p>			
<p>1. Differentiate outcomes across all subject areas for comprehension and understanding concepts.</p> <p>Additional specialist tutoring in reading and subject specific activities involving comprehension and abstract concepts.</p> <p>Coordination and liaison between staff across subjects and coordination and liaison with outside agencies and parents.</p>	<p>1. Special Education Teacher to assist with differentiating outcomes across subject areas. <i>3 periods per week or 3 1/4 hours (assuming 45 minute periods)</i></p> <p>Special Educator/Resource Teacher to provide tutoring in comprehension/concept skills. <i>2 periods per week or 1 1/2 hours..</i></p> <p>Special Educator or Home Teacher to liaise between teachers across all subjects and with external personnel and parents. <i>2 hours per week</i></p>	<p><i>School Description:</i> Suburban High School, 482 students</p> <p>1. Special Education Teacher: Total 61/2 hours per week or 1 day equivalent. Minimum Qualifications: Graduate Diploma (Special Education) or equivalent, with 5 years minimum relevant experience in Autism Spectrum Disorders. Range: Step 5 to Senior Teacher, Level 1, \$42,045 - \$61,256 p.a</p>	<p><i>School description:</i> Country High School, 250 students, more than 200 kms from Sydney.</p> <p>No additional costs for teacher.</p>
<p>2. Assistance with hygiene and grooming</p>	<p>2. Teacher's Aide as required to assist with personal hygiene. Every day prior to school, at recess and lunch time, 15 minutes per day.</p>	<p>2. Teacher's Aide 15 minutes per day or 1.25 hours per week. Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Step 3: This level is the minimum required for the Teacher's Aide to work with a student alone.</p>	<p>No additional costs</p>
<p>3. Counseling support and mentoring by a consistent adult.</p>	<p>5. Mentor/Counselor (Psychologist) for fortnightly meeting. 1 hour per week in Term 1, reducing to average 1 hour per fortnight for Terms 2,3,4.</p>	<p>5. School Counselor/Psychologist: 1 hour per week in Term 1, reducing to an average of 1 hour per fortnight for Terms 2,3,4. Total: 10 hrs Term 1 plus 15 hrs terms 2,3 & 4 Qualifications: Counsellor/Psychologist with 8-10 years minimum experience including some with people with disabilities. Rate: Assume \$120 ph</p>	<p>5. Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 25 trips over the year</p>

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
10,330.10	10,330.10						
29.00	29.00						
3,000.00	4,475.00						

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
4. Behavioural support for whole school. Social skills training for Chloe.	4. Behavioural support specialist providing training, consultation, monitoring and supervision to staff and students. Ongoing coordination to maintain consistency across all settings and implementing social skills program.	4. <i>Behavioural Support Specialist</i> : 2 hours per week average over the year. Qualifications: Special Educator or Psychologist, minimum 10 years experience with Behaviour Support including Autism. Total: 80 hours per year Rate: Consultant rate of \$120 per hour.	4. Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 40 trips over the year
5. Conversation skills and monitoring	5. Speech therapist or Special Educator for consultation and direct work with student and teachers as required. 1 hour per week .	5. Speech Therapist: 1 hour per week . Total: 40 hours Rate: \$120 per hour (mid range consultant rate and assuming 10 years relevant experience, including Autism)	5. Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 40 trips over the year
6. Professional development for across all subject areas	6. Staff training and development for all staff then additional specific training and development for subject teachers, year coordinator and special education teacher.	6. Staff Training (All teachers) = 39.2 for 482 students. Teacher number based on Year 2002 ABS Category #4221.0, Secondary Teacher: Pupil Ratio 12.3) Training of 6 hours for all teachers plus one two hour workshops/consultation per term for Chloe's subject teachers (6), year coordinator and special education teacher (say 8 teachers) Qualifications: The Autism Association or equivalent Lecturer: 12 hours of training time @ \$150 per hour Teacher release time: 1 day per term for all 39.2 teachers plus 3 half day per term for 8 teachers assuming delivered in school time.	6. Staff Training (All teachers) = 20.3 for 250 students. Teacher number based on Year 2002 ABS Category #4221.0 , Secondary Teacher: Pupil Ratio 12.3) Additional costs of travel (400km round trip) and sustenance for 5 trips Teacher release time: 1 day for all 20.3 teachers plus 4 half days for 8 teachers assuming delivered in school time.
7. Place to go to for supportive, quiet environment, either alone or with support.	7. Quiet place to be alone or with support	7. No cost	7. No cost

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
9,600.00	11,960.00						
4,800.00	7,160.00						
23,589.54	12,690.64						
0.00	0.00						
51,348.64	46,644.74	1343.00	2484.60	50,005.64	48,864.04	45,301.74	44,160.14

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
David is 13 years old, has a mild intellectual disability and in Year 7. His oral reading is almost at Grade level but his comprehension is 2 years below grade level. David has basic maths skills but is very poor at problem solving and maths concepts. He has been having remedial input since Grade 3 which has improved his reading and maths but he is still 2 years below grade level in some areas. He is aware of this and has poor self esteem. His writing is also very difficult to read and he is very slow to produce written work. He does not enjoy any sport as he is slow and has poor coordination.			
1. Academic outcomes differentiation. Specific program support in reading comprehension and concepts across the curriculum areas.	1. Special Educator to generate and differentiate outcomes and train or assist staff to implement. <i>1 day per week. Special Educator/Resource teacher for instruction. 20 minutes per day, included above.</i>	<i>School Description:</i> Suburban High School, 482 students 1. Special Education Teacher: .2 over the week which would include 20 minutes per day instruction with the student. Minimum Qualifications: Graduate Diploma (Special Education) or equivalent. Range: Step 5 to Senior Teacher, Level 1, \$42,045 - \$61,256 p.a. Mid Range:	<i>School description:</i> Country High School, 250 students, more than 200 kms from Sydney. 1. No additional costs for teacher.
2. Self esteem assistance through developing and acknowledging strengths. Social skills assistance.	2. School counselor for social skills. <i>1 hour per week Term 1, 1 hour fortnight Terms 2,3,4.</i>	2. School Counselor/Psychologist: 1 hour equivalent per week in Term 1, reducing to average 1 hour per fortnight (15 visits) for Terms 2, 3, 4. Total: 25 hours per year Qualifications: Counsellor/Psychologist with 8 years minimum experience including some with people with disabilities. Rate: Assume \$120 per hour	2. Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 25 trips over the year
3. Handwriting instruction and keyboarding skills.	3. Occupational Therapist for handwriting and keyboarding coordination. Providing materials and individual instruction to student and supporting classroom teacher to implement. <i>1 hour per week.</i>	3. <i>Occupational Therapist:</i> (Consultant) <i>1 hour</i> per week. Total: 40 hours per year. Rate: \$120 per hour (mid range consultant rate and assuming 5 years relevant experience)	3. Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 40 trips over the year
4. Whole school professional development.	4. Initial staff training and development for all staff. Specific training and development for subject teachers, year coordinator and special education teacher.	4. Staff Training (All teachers) = 39.2 for 482 students. Teacher number based on Year 2002 ABS Category #4221.0, Secondary Teacher: Pupil Ratio 12.3) Training for all teachers of 1 day per year plus 6 x 2 hour sessions for subject teachers, year coordinator and special education teacher (8 teachers). Qualifications: Post Graduate Special Education Total Lecturer Time: 1 day plus 6 x 2 hr sessions i.e. 19 hours @ \$150 per hour. Teacher release time: 1 full day for 39.2 teachers plus 6 half days for 8 teachers	4. Staff Training (All teachers) = 20.3 for 250 students. Teacher number based on Year 2002 ABS Category #4221.0 , Secondary Teacher: Pupil Ratio 12.3) Training for all teachers of 1 day per year plus 6 x 2 hour sessions for subject teachers, year coordinator and special education teacher. Qualifications: Post Graduate Special Education Total Lecturer Time: 1 day plus 6 x 2 hr sessions i.e. 19 hours @ \$150 per hour plus travel from nearest local centre (100 km return) for 7 sessions Teacher release time: 1 full day for 20.3 teachers plus 6 half days for 8 teachers

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
10,330.10	10,330.10						
3,000.00	4,475.00						
4,800.00	7,160.00						
18,642.42	14,332.68						
36,772.52	36,297.78	1,343.00	2,484.60	35,429.52	34,287.92	34,954.78	33,813.18

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
John is 9 years old and in grade 4. He is very quiet and does not mix at all with other children, preferring to play by himself with a few of his favorite toys. This behaviour is now the subject of taunting from his peers and John is becoming extremely withdrawn at school and is refusing to go to school. He is currently reading at a Grade 3 level (about 1 year behind) but because of his school absences he is falling further and further behind his peers in all subject areas. John is seeing a psychiatrist on a regular basis and his diagnosis meets the criteria for mental health. A family support program has been implemented within the treatment program.			
<p>1. Additional instruction in basic skills, social skills development and modification of classroom materials to match reading levels.</p> <p>Links without outside agencies.</p> <p>Classroom and school wide anti-bullying program</p>	<p>1. Special educator to provide individualised instruction where appropriate and assist teacher with inclusive classrooms programs to assist with social skills program. <i>4 hours per week, including 20 minutes individual instruction 4 times per week.</i></p> <p>Time for teacher to liaise with parents and outside agencies who provide support (Behavioural Specialist, Counselor, Psychiatrist). <i>4 hours per term.</i></p> <p>Buddy system/anti bullying, time to organise, implement, monitor and liaise for the classroom teacher. <i>1 hour per week.</i></p>	<p><i>School Description :</i> Suburban Primary School, 246 students</p> <p>1. Special Education Teacher/Teacher: 4 hours over the week which would include 20 minutes per day instruction with the student; 4 hours per Term for Liaison; 1 hour per week for Buddy system and anti-bullying program. Total: 54 hours per term or 216 hours per year. Minimum Qualifications: Graduate Diploma (Special Education) or equivalent minimum 5 years experience. Range: Step 5 to Senior Teacher, Level 1, \$42,045 - \$61,256 p.a. Mid Range:</p>	<p><i>School description:</i> Country Primary School, 124 students, more than 200 kms from Sydney.</p> <p>No additional costs for teacher.</p>
2. School wide anti-bullying program	2. School Counselor for individual support and developing, implementing and monitoring anti-bullying program. Whole school program. <i>1/2 hour per week, reducing to 1/2 hour per month in Terms 2,3,4.</i>	2. <i>School Counselor/Psychologist :</i> 1/2 hour equivalent per week in Term 1, reducing to average 1/2 hour per month for Terms 2,3,4. Total: 9.5 hours per year Qualifications: Counsellor/Psychologist with 8 years minimum experience including some with people with disabilities. Rate: Assume \$120 Per hour	2. Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 10+7 trips over the year
3. Social skills program/whole class	3. Behaviour specialist/Counselor focusing on interaction and social skills in class and playground. <i>2 hour per week Term 1, then 1 hour per week average for Terms 2, 3,4.</i>	3. <i>Behavioural Support Specialist/Psychologist :</i> 2 hours per week Term 1; then 1 hour per week for Terms 2,3,4. Qualifications: Special Educator or Psychologist for social skills, minimum 5 years experience with Behaviour Support and social skills training. Total: 50 hours per year Rate: Consultant rate of \$120 per hour.	3. Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 40 trips over the year

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
7,132.01	7,132.01						
1,140.00	2,143.00						
6,000.00	8,360.00						

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
4. Whole school professional development in relation to 2 & 3 above	4. Ongoing staff training and development for all staff. <i>6 hours per term (Note - all staff will need training and development as all will work with John in class/playground/sport)</i>	<p>4. Staff Training (All teachers = 14.2 for 246 students. Teacher number based on Year 2002 ABS Category #4221.0, Primary Teacher: Pupil Ratio 17.3).</p> <p>Training for all teachers (14.2) of 4 hours per term per teacher. Assume training delivered as single 4 hour session per term. Lecturer: total 16 hours @ \$150 per hour, Teacher release time for 4 half days for 14.2 teachers.</p>	<p>4. Staff Training (All teachers = 7.2 for 124 students. Teacher number based on Year 2002 ABS Category #4221.0, Primary Teacher: Pupil Ratio 17.3).</p> <p>Training for all teachers (7.2) of 4 hours per term per teacher. Assume training delivered as 4 hour session per term. Lecturer: total 16 hours @ \$150 per hour, plus travel from nearest local centre 100km return Teacher release time for 4 half days for 7.2 teachers.</p>

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
9,496.59	6,234.27						
23,768.61	23,869.29	1343.00	2197.54	22,425.61	21,571.07	22,526.29	21,671.75

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
<p>Georgina is 10 years old and in Year 5. She has a significant vision impairment as a result of Optic Atrophy. Recent assessments showed that in an optimum testing situation Georgina has distance vision of 6/60 in both eyes when she is wearing glasses. Her near vision shows she is capable of reading N18 but is more comfortable with N24 print size. Within the Grade 5 classroom Georgina is following the regular curriculum with no modification of syllabus content, classwork or homework expectations. She is using the same texts as her classmates but needs them in N24 print size. When the print size of reading material is too small Georgina uses a visulette and a slope table. She also has access to a computer with customized Windows settings for her use. Georgina's keyboarding skills and knowledge of how to operate a computer are not sufficient to do this independently. She uses a monocular for distance viewing (whiteboards and outdoors). Georgina's reading speed with using large print or visulette are at a lower level than same age peers.</p>			
1. Large print texts, handouts/worksheets, school newsletters, examinations	1. Borrow large print texts when available or enlarge written material if given about a 2 week turn around time. Classroom teacher time to organise and liaise with Itinerant Teacher for large print in Primary School, <i>1 hour per week for classroom teacher.</i>	<p><i>School Description: Suburban Primary School, 246 students</i></p> <p>1. Release Time for Classroom Teacher: 1 hour per week for curriculum needs. Total: 40 hours per year Rate: Assume mid range teacher salary</p>	<p><i>School description: Country Primary School, 124 students, more than 200 kms from Sydney.</i></p> <p>No additional costs for teacher.</p>
2. Buddy system for additional classroom and playground support. Additional support with audio materials and information from other personnel (e.g. ISTV and Guide Dogs Association).	<p>2. Teacher time to organise and monitor Buddy system <i>3 hours per term</i></p> <p>Time for teacher to liaise and co-ordinate with parents and outside agencies who provide support (ISTV, Guide Dogs Association). <i>4 hours per term</i></p> <p>Teacher time to borrow, purchase or produce audio materials such as novels, <i>time to organise in advance, estimate 4 hours of teacher time per term.</i></p>	<p>2. <i>Release Time for Classroom Teacher</i> : 11 hours per term. Total: 44 hours per year Rate: Assume mid range teacher salary Teacher's release time 3 half days per term</p>	2. No additional costs
3. Support during practical lessons and buddy support to assist with board work. Extra tuition in keyboard skills. Assistance to locate research assignments.	<p>3. Teacher's Aide support for practical class lessons, including Science, Sport, TAS. 6 periods per week average and depending on practical nature of the topic.</p> <ul style="list-style-type: none"> · Additional keyboard training by Teacher's Aide. 20 minutes per day. · Teacher's Aide to help with locating research materials for individual project work. 1 hour per week. 	<p>3. Teacher's Aide 6 periods per week (assuming 45 minutes per period) i.e. 4.5 hrs, 20 minutes per day or 1.67 hours per week, and 1 hour per week. Total time: 7.17 hours per week or 286.8 hours per year. Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Step 3: This level is the minimum required for the Teacher's Aide to work with a student alone.</p>	3. No additional costs.

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
4,997.60	4,997.60						
1,499.28	1,499.28						
166.34	166.34						

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
<p>4. Use of optical aides: visualette for close viewing, monocular for distance viewing. Training in the use of the optical aides.</p> <p>Access to computer with accessibility options. Training in the use.</p> <p>Technology to support study/research. Training in the use. See specialised equipment.</p>	<p>4. Itinerant Support Teacher, Vision (ISTV) for support in all subjects (3-4 visits per week of 1/2 hour duration, including supporting and training staff with technology and integration of technology into classroom lessons.</p> <p>Training in the use of technology by ISTV for student and teachers. 4 hours per term</p>	<p>4. <i>Itinerant Support Teacher, Vision (ISTV)</i>: Support in all subjects. 4 visits per week of 1/2 hour duration. <i>Total time: 2 hours per week</i></p> <p>Costs from RIDBC \$36000</p>	<p>4. Travel for 100km (return) for total 40 trips over the year.</p>
<p>5. Student Needs:</p> <ul style="list-style-type: none"> Extra time to read and produce written work (approximately 3 minutes every 15 minutes) Orientation to school environment, every school year or when ever there are changes to the school environment Research assignments: assistance to locate materials, and extra time to allow for this as materials may need to be enlarged. 	<p>5</p> <p>Orientation training: 4 hours per Term or whenever there are school changes in Timetable or physical layout of the school by Guide Dogs Association.</p>	<p>5</p> <p>No cost</p> <p>Orientation training: 4 hours per Term or whenever there are school changes in Timetable or physical layout of the school by Guide Dogs Association. (No charge for orientation training through Guide Dogs Assoc)</p> <p>No cost</p>	<p>5.</p> <p>Assume additional travel of 2 trips per term from nearest RBS @ 500kms per trip return plus sustenance.</p>
<p>6. Awareness training for whole school re obstacles etc.</p>	<p>6. Whole school staff development re implications in the classroom, playground and extra curricula activities (<i>1 day per year</i>)</p>	<p>6. Staff Training (All teachers = 14.2 for 246 students. Teacher number based on Year 2002 ABS Category #4221.0, Primary Teacher: Pupil Ratio 17.3). 1 day per year plus 4 hours per term on technology. Training for all teachers of 6 hours per year and 4 hours per term on technology for class teacher and teacher's aide Total time: 16 hours per year for teacher and Teacher's Aide. Lecturer: included in RIDBC costing Teacher release time: full day for all teachers plus 4 half days for teacher and teacher's aide.</p>	<p>6. Staff Training (All teachers = 7.2 for 124 students. Teacher number based on Year 2002 ABS Category #4221.0 , Primary Teacher: Pupil Ratio 17.3).</p> <p>Training for all teachers of 6 hours per year and 4 hours per term on technology for class teacher and teacher's aide</p> <p>Lecturer: included in RIDBC costing Teacher release time: full day for all teachers plus 4 half days for teacher and teacher's aide. Additional costs travel from Sydney (400km round trip) plus sustenance</p>

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
		Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
36,000.00	38,360.00						
0.00	846.00						
4,547.82	3,162.66						

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
7. Specialist equipment	7. Visualette and monocular; · Laptop Computer with large print accessibility options, Printer, Zoom text & typing tutor software, large screen monitor. · Scanner and Printer in Special Education room or library compatible with computer. · Training in the use of technology by ISTV for student and teachers. 4 hours per term, included in #4 above.	7. Visualette \$71, Monocular \$217, Laptop Computer \$3179, Printer \$135, Zoom Text software \$1155, TTAPS \$65, Scanner \$ 220, Sloping Desk \$170, FreeBeam \$2000	No additional costs
8. Additional Equipment Needs:	<ul style="list-style-type: none"> Audio novels and some audio written materials 	Borrow from library	No additional costs

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
		Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
7,212.00	7,212.00						
0.00	0.00						
54,423.04	56,243.88	8555.00	9409.54	45,868.04	45,013.50	47,688.88	46,834.34

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
Daniel is aged 17 years, in Grade 11 and is blind. He is at grade level with all his curriculum areas. Daniel has some light perception. He requires specialise equipment and resources to enable access to many school activities. (Note: Students using Braille in secondary schools have significantly higher costs due to the increased use of Braille.			
		<i>School Description:</i> Suburban High School, 482 students	<i>School description:</i> Country High School, 250 students, more than 200 kms from Sydney.
1. Curriculum needs: · Braille texts, handouts/worksheets, School newsletters, examinations	1. Use of Braille services and time to allow for this. Borrow, purchase or produce audio materials such as novels. Time to organise in advance, 1 hour per week of teacher time per term.	1. Release Time for Year Coordinator for curriculum needs: 1 hour per week for curriculum needs. Total: 40 hours per year (40 half day release periods) Rate: Assume mid range teacher salary Braille production \$37,000 (RIDBC)	No additional costs for teacher.
2. Buddy system for additional classroom and playground support. Additional support with audio materials and information from other personnel (e.g. ISTV and Guide Dogs Association).	2. Teacher time to organise and monitor Buddy system 3 hours per term · Time for year coordinator to liaise and co-ordinate with parents and outside agencies that provide support (ISTV, Guide Dogs Association). 4 hours per term	2. Release Time for Year Coordinator: 3 hours per term for Buddy system, 4 hours per term for liaison with ISTV. Rate: Assume mid range teacher salary for release time. Release time 2 half days per term	No additional costs for teacher.
3. Support during literacy, maths P.E., orientation and mobility, computer and practical lessons. Additional Keyboard training.	3. Teacher aide support for practical class lessons, including Science, Sport, TAS. <i>6 periods per week average and depending on practical nature of the topic.</i> <i>Additional keyboard training by teacher aide. 20 minutes per day.</i>	3. Teacher's Aide 6 periods per week (assuming 45 minutes per period), 20 minutes per day or 1.67 hours per week, 1 hour per week. Total time: 7.17 hours per week or 286.8 hours per year. Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Step 3: This level is the minimum required for the Teacher's Aide to work with a student alone.	No additional costs.
4. Support and training in the use of technology and assistance with academic subjects, orientation, mobility and computer Need limited support.	4. Itinerant Support Teacher, Vision (ISTV) for support particularly in English and maths and general support for all subjects (<i>4 visits per week of 1/2 hour duration</i>)	4. <i>Itinerant Support Teacher, Vision (ISTV):</i> Support in all subjects. 4 visits per week of 1/2 hour duration. <i>Total time: 2 hours per week</i> <i>RIDBC \$36,000</i>	4. Travel for 100km (return) for total 160 trips over the year.
5. Extra time to read and produce written work Research assignments: assistance to locate materials, and extra time to allow for materials to be brailled.	5. Extra assistance by library staff . Extra student time for assignments:	5. No additional costs	5. No additional costs.

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
41,997.60	41,997.60						
999.52	999.52						
6,653.76	6,653.76						
36,000.00	45,440.00						
0.00	0.00						

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
6. Awareness training for whole school re obstacles etc. and in the use of technology.	<p>6. Whole school staff development re implications in the classroom, playground and extra curricula activities (<i>1 day per year</i>)</p> <p>· Training in the use of technology by ISTV for student and teachers. 4 hours per term (<i>subject teachers, year coordinator and teacher's aide</i>)</p>	<p>6. Staff Training (All teachers = 39.2 for 482 students. Teacher number based on Year 2002 ABS Category #4221.0, Secondary Teacher: Pupil Ratio 12.3).</p> <p>1 day per year for whole staff Training for subject teachers (6), year coordinator and teacher's aide 4 hrs per term on technology. Total time: 23 hours per year per Lecturer: time included in RIDBC costs Teacher release time: 4 half days for 8 teachers 1 full day for all 39.2 staff</p>	<p>6. Staff Training (All teachers =20.3 for 250 students. Teacher number based on Year 2002 ABS Category #4221.0 , Secondary Teacher: Pupil Ratio 12.3).</p> <p>1 day per year for whole staff Training for subject teachers (6), year coordinator and teacher's aide 4 hrs per term on technology. Total time: 23 hours per year per Lecturer: time included in RIDBC costs Teacher release time: 4 half days for 8 teachers 1 full day for all 20.3 staff</p>
7. Specialised Equipment:	<ul style="list-style-type: none"> • Mountbatten Braille and translation software, Mimic. · Scanner in Special Education room or library compatible with computer and printer. · Basic D braille embosser · JAWS software & talking typing program · Computer & Printer 	7. <i>Training in the use of the specialised equipment:</i> included in #6 above.	No additional costs
8. Extra space in the classroom for Braille and braille materials and curriculum support materials	8. Additional dedicated accessible space.	no cost	

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
		Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
13,793.38	9,070.64						
16,691.00	16,691.00						
0.00	0.00						
116,135.26	120,852.52	18275	19416.6	116,135.26	116,135.26	102,577.52	101,435.92

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
<p>Giles is 8 years old (Grade 3) and is currently spending more time out of the classroom than in it due to “his lack of concentration and his disruptive behaviour.” Although he is in Grade3, he is academically performing in reading and maths about 1 year behind his expected grade level. He has been variously labeled as "behaviour disordered, or as having ADHD". Giles has been assessed by a psychologist and has “high average intelligence”. He is currently taking medication to improve his concentration but there has not been any significant change in his behaviour at school.</p>			
1. Skill development in reading/spelling and maths	<p>1. Resource teacher to team teach instructional program. <i>20 minutes every day in classroom.</i></p> <ul style="list-style-type: none"> Time for teacher to co-ordinate with all teachers and specialists. <i>1 hour per fortnight Term 1 and 1/2 hour per fortnight Terms 2,3,4.</i> 	<p><i>School Description: Suburban Primary School, 246 students</i></p> <p>1. Special Education Teacher: 20 minutes per day, plus 1 hour per fortnight in Term 1 and 1/2 hour per fortnight in Terms 2,3,4.Total: say 80 hours per annum Minimum Qualifications: Graduate Diploma (Special Education) or equivalent. Range: Step 5 to Senior Teacher, Level 1, \$42,045 - \$61,256 p.a.. Mid Range:</p>	<p>School description: Country Primary School, 124 students, more than 200 kms from Sydney.</p> <p>No additional costs for teacher.</p>
2. Assistance in class with subjects requiring reading and math beyond Grade 2 level and to assist with attention to content.	2. Aide to assist in class and as support whilst class teacher implements some educational programmes. <i>1 hour per day.</i>	<p>2. Teacher's Aide 5 hours per week (1 hour per day) Total: 200 hours per annum Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Rate: Step 3, \$38,298 p.a. This level is the minimum required for the Teacher's Aide to work with a student alone.</p>	2. No additional costs.
3. Behavioural Support - assess behavioural support needs; training for all staff; write program and supervise the implementation of the program across all aspects of the school day. (including sport, recess, lunch etc).	3. Behavioural support specialist providing training, consultation, monitoring and supervision to all staff. <i>2 hours per week for Term 1, then 1 hour per week Terms 2 &3, 1 hour per fortnight Term 4.</i>	<p>3. <i>Behavioural Support Specialist</i> : 2 hours per week for Term 1, then 1 hour per week Terms 2 &3, 1 hour per fortnight Term 4. Total: 45 hours per year Qualifications: Special Educator or Psychologist, minimum 5 years experience with Behaviour Support. Rate: Consultant rate of \$120 per hour.</p>	3. Additional costs for travel not included in consultancy rate. Travel for 100km return for total 35 trips over the year.
4. Social skills training and supervision including anger management and communication skills	4. School Counselor or Special Educator to provide individual training in anger management, social skills and communication. <i>1 hour per week in Term 1, 1 hour per fortnight Term 2 and 3, 1 hour per month in Term 4.</i>	<p>4. <i>School Counselor/Psychologist/Special Educator</i> : 1 hour per week in Term 1, 1 hour per fortnight in Terms 2 &3, 1 hour per month in Term 4. Total: 22.5 hours per year Qualifications: Counsellor/Psychologist/Special Education Post Graduate Diploma minimum, all with 8 years minimum experience in Anger Management, Positive Behaviour Programming, Social Skills and Communication. Rate: Consultant mid range \$120 per hour.</p>	4. Additional costs for travel not included in consultancy rate. Travel for 100km return for total 23 trips over the year.
5. Professional development for whole staff.	5. Professional development for whole staff. 1 day initially for all staff	<p>5. Staff Training (All teachers) = 14.2 for 246 students. Teacher number based on Year 2002 ABS Category #4221.0 , Primary Teacher: Pupil Ratio 17.3).</p> <p>Training for all teachers of 1 day Lecturer: total 7 hours @ \$150 per hour, Teacher release time:1 day for 14.2 teachers.</p>	<p>5. Staff Training (All teachers) = 7.2 for 124 students. Teacher number based on Year 2002 ABS Category #4221.0 , Primary Teacher: Pupil Ratio 17.3).</p> <p>Training for all teachers of 1 day Lecturer: total 7 hours @ \$150 per hour, plus travel from nearest local centre 100 km round trip Teacher release time:1 day for 7.2 teachers.</p>

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
		Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
Urban schools	Country Schools						
2,641.49	2,641.49						
4,640.00	4,640.00						
5,400.00	7,465.00						
2,700.00	4,057.00						
4,598.30	2,908.14						
19,979.78	21,711.62	0.00	0.00	19,979.78	19,979.78	21,711.62	21,711.62

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
Doreen is a parent of 3 children aged 8, 12 and 14 years. Doreen was severely injured in a car accident when her youngest child was 6 years old and as a result Doreen has an acquired brain injury, visual impairment and a physical disability. The two oldest children attend a High School and the youngest attends a local primary school. Both schools knew Doreen before her accident, as she had been an active volunteer and participant in school life such as canteen duties and Parent and Friend Meetings. Both schools would need to consider Doreen's access to the school and information.			
1. All written material in Large Print. If sent by email then Doreen can adjust the print size on her computer.	1. Teacher's Aide or Support Liaison person to ensure all written material is on appropriate software and emailed in time to parent. 1 hour per week.	<i>School Description: Suburban Primary School, 246 students</i> 1. Teacher's Aide 1 hour per week Total: 40 hours per annum Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Rate: Step 3, \$38,298 p.a.	<i>School description: Country Primary School, 124 students, more than 200 kms from Sydney.</i> 1. No additional costs
2. All notes to parents in Plain English.	2. Staff to write all relevant material in Plain English text to ensure understanding by parent	2. No cost	2. No additional costs.
3. Accessible Office and a place to meet with each child's teacher.	3. Classrooms and Office accessible to wheelchair.	3. Accessible classrooms and School Office and meeting areas Not costed. Costs vary dramatically depending on school layout and terrain. No government funding is available to assist school building renovation programs to provide access to parents.	3. No additional costs.
4. All school documents (including the complaints policy) and procedures should be available in Large Print and translated to Plain English text. Information re what is required by Doreen should be obtained at an annual audit for parents with disabilities at each child's school.	4. Teacher's Aide to translate all documents into Plain English and Large Print or on disk so they can be enlarged by parent at home. This should be a 'one off' event or until any policies are reviewed and changed. 40 hours for initial translation.	4. Teacher's Aide 40 hours per year. Total: 40 hours per annum Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Rate: Step 3, \$38,298 p.a.	4. No additional costs.
5. For all school functions, such as Parent and Friends Meetings, Parent Interviews, Sports Days, excursions etc. materials such as agendas or handouts should be available in Plain English text and Large Print. Doreen needs verbal reminding one day prior to the event because of memory problems.	5. Teacher's Aide to call with relevant information and to remind Doreen of important school commitments. Teacher's Aide to translate and enlarge material handed out at school functions. This is an ongoing need. Allow 2 hours per term.	5. Teacher's Aide 2 hour per term. Total: 8 hours per annum Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Rate: Step 3, \$38,298 p.a.	5. No additional costs.

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
928.00	928.00						
0.00	0.00						
0.00	0.00						
928.00	928.00						
185.60	185.60						

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
6. Staff awareness of the issues of impacts and implications of different disabilities, including brain injury, visual impairment and physical disability.	6. Professional development for whole staff. 6 hours per year, lecturer and release time for whole staff. Note: the training may be held in small sessions but would total 6 hours per year.	6. Staff Training (All teachers = 14.2 for 246 students Teacher number based on Year 2002 ABS Category #4221.0 , Primary Teacher: Pupil Ratio 17.3).. Training for all staff of 6 hours per year per staff member. This should include all support staff. Lecturer: total 6 hours @ \$150 per hour, Teacher release time: 1 day for 14.2 teachers plus Teacher's Aide and administration staff.	6. Staff Training (All teachers) = 7.2 for 124 students. Teacher number based on Year 2002 ABS Category #4221.0 , Primary Teacher: Pupil Ratio 17.3). Assume training could be on one day (6 hours) Lecturer time: 6 hours per year @ \$150 per hour. Travel and sustenance for 100kms Teacher release time: 6 hours for 7.2 teachers plus any additional Teacher's Aide employed to carry out the tasks listed above.
7. On going support for classroom teacher.	7. Time for teacher to co-ordinate with all teachers and parent.	Use teacher's 1 hour per week release time	

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
		Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
4,948.06	3,257.90						
0	0			Plus building mod	Plus building modification costs		
6,989.66	5,299.50	0.00	0.00	6,989.66	6,989.66	5,299.50	5,299.50

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
Rowena is 6 years old and about to enter Kindergarten. She has a hearing impairment and has not been able to participate in an Early Intervention program. She uses speech to communicate but she does not use her residual hearing effectively. Her language is delayed by about 2 years at the time of entry to school into kindergarten at age 6. Rowena is often able to communicate her needs to others, including her parents and siblings. However, Rowena often doesn't respond to requests and has considerable difficulty participating in typical social interactions with other children, like playing games. Rowena needs to learn how to respond at appropriate times and to take turns during games and activities. Support in these critical social skills at this early stage will enable Rowena to participate in an increased number of classroom activities.			
		School Description: Suburban Primary School, 246 students	School Description: Country Primary School, 124 students, more than 200kms from Sydney
1. Intense Oral Language development 2. Academic subjects (initially early reading and maths) will need specialist development because of the language concepts involved	Speech Therapist and Itinerant Support Teacher (Hearing) to develop and implement intensive language and social skills program. Development and implementation of intense oral language program that will support Rowena to interact as fully as possible with her peers and others in the school. Specialist Teacher of Hearing Impaired Children to provide consultancy to classroom teacher/s and teacher's aide, assistance in small groups in the classroom and possible withdrawal for intense instruction Awareness training of students Training for Assistive Technology	Speech Therapist and Itinerant Support Teacher, Hearing (ISTH) Support for all subjects, especially early reading, language and math, 4 visits per week of 1/2 hour duration Total time: 2 hours per week for both Itinerant Support Teacher, Hearing (ISTH) RIDBC \$21000+\$4000 for language support.	Travel (100 km return visit - assume travel together - 4 visits per week)
3. Need to support language across all subjects	• Teacher's aide support during lessons when ISTH support not available	3. Teacher's Aide (minimum during reading, math and one language lesson per day for the year, assume 30 minute lessons), Total time: 7.5 hours per week. Range: Step 1 to Step 4 (\$34,004 - \$40,240) Step 3: This is the minimum level required to work with a student alone.	No additional cost
4. Awareness of whole staff	Whole School Staff Development re implications for classroom, playground and extra-curricular activities	4. Staff Training (All Teachers = 14.2 for 246 students) Teacher number based on Year 2002 ABS Category #4221.0, Primary Teacher: Pupil Ratio 17.3) Training from RIDBC for all teachers of 6 hours per teacher per year and Teacher's Aide Lecturer: Total 6 hours included in RIDBC costs Teacher Release time: 6 hours for 14.2 teachers plus Teacher's Aide.	4. Staff Training (All teachers) = 7.2 for 124 students. Teacher number based on Year 2002 ABS Category #4221.0, Primary Teacher: Pupil Ratio 17.3). Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 1 trip over the year

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
25,000.00	25,000.00						
174.00	174.00						
3,798.18	2,108.02						

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
5. Counseling support and mentoring by a consistent adult.	5. Mentor/Counselor (Psychologist) for fortnightly meeting. 1 hour per week in Term 1, reducing to average 1 hour per fortnight for Terms 2,3,4.	5. School Counselor/Psychologist: 1 hour per week in Term 1, reducing to an average of 1 hour per fortnight for Terms 2,3,4. Total: 10 hrs Term 1 plus 15 hrs terms 2,3 & 4 Qualifications: Counsellor/Psychologist with 8-10 years minimum experience including some with people with disabilities. Rate: Assume \$120 ph	5. Additional costs for travel not included in consultancy rate. Travel for 100km (return) for total 25 trips over the year
6. Specialised Equipment	Assistive Technology to support hearing, hearing aids, batteries and battery charger, FM receiver and microphone system, teacher training and support	Soundfield FM System. To be provided free by Australian Hearing Service	No additional costs

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
		Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
3,000.00	4,475.00						
0.00	0.00						
31,972.18	31,757.02	1102	1956.54	31,972.18	31,972.18	30,655.02	29,800.48

		Costs in NSW	
Educational Needs	Resource Needs	Cost Assumptions	Additional Costs if in the Country
Elle is 14 years old in Grade 8. She is deaf. Elle communicates using sign language and some speech. She is working at grade level although she needs support with concepts. Elle needs assistance with safety issues in practical subjects. Elle has difficulty in participating in social interactions with her peers and adults.			
1. Academic subjects will need specialist development because of the language concepts involved	Specialist Teacher of Hearing Impaired Children to provide consultancy to classroom teacher/s, 1:1 assistance in the classroom and possible withdrawal for intense instruction	<i>School Description:</i> Suburban High School, 482 students RIDBC \$21000 +\$4000 language support	<i>School description:</i> Country High School, 250 students, more than 200 kms from Sydney.
2. Need to clarify concepts in all subject areas.	Teacher's aide trained in signed English.	Teacher's Aide Full time. Range: Step 1 to Step 4, (\$34,004 - \$40,240 p.a.) Step 3: \$38,298 p.a. This level is the minimum required for the Assistant to work with a student alone. Note: relief time for the Teacher's Aide could occur during class time rather than recess or lunch Included in service of ISTH	No additional costs
3. Interpreting written material for texts, worksheets, notes etc.	Linguistic analysis of written materials		
4. Specialised Equipment	Hearing aids, batteries and battery charger, Loop System for School Hall	Hearing aids, batteries and battery charger to be provided free by Australian Hearing Service. Loop System \$3000 (source RIDBC)	No additional costs
5. Peer Note taking	Elle's friends trained to take notes in class by ISTH	No cost	No cost
6. Awareness of staff and students	Whole School Community Development re implications for classroom, playground and extra-curricular activities	4. Staff Training (All teachers = 39.2 for 482 students. Teacher number based on Year 2002 ABS Category #4221.0, Secondary Teacher: Pupil Ratio 12.3). Training from RIDBC for all teachers of 6 hours per teacher per year and Teacher's Aide. Lecturer: Total 6 hours @ \$150 per hour, Teacher Release time: 6 hours for 39.2 teachers plus Teacher's Aide.	4. Staff Training (All teachers =20.3 for 250 students. Teacher number based on Year 2002 ABS Category #4221.0 , Secondary Teacher: Pupil Ratio 12.3). Additional costs for travel and sustenance not included in consultancy rate. Travel for 400km (return) for total 1 trin over the year
7. Maximising sound quality in practical subjects	Install carpet and sound baffles, remove fans and replace with quiet air-conditioners	Not costed. Costs vary dramatically depending on school layout and terrain.	No additional costs

NSW Costs for Urban Schools p.a. (\$'s)	NSW Costs for Country Schools p.a. (\$'s)	Govt Contrib for Students With Disabilities		Additional NSW Costs borne by the school community (Urban)		Additional NSW Costs borne by the school community (Country)	
Urban schools	Country Schools	Category 12 School	Category 1 School	Maximum	Minimum	Maximum	Minimum
25,000.00	25,000.00						
38,298.00	38,298.00						
3,000.00	3,000.00						
0.00	0.00						
10,945.18	6,586.44						
n/a	n/a						
77,243.18	72,884.44	4584.00	5725.60	72,659.18	71,517.58	68,300.44	67,158.84

Calculations for Government Funding Contribution

2003 Commonwealth Funding

2003 each point

241 Integration Points for each individual student

SWD 2003

620 Standard rate for all students

2003 State Funding: Category 1 to Category 12 Schools Range

Primary Students

Primary per year

Upper Limit	Category 1	(690.19 - 262.92) for 6 mths	854.54
Lower Limit	Category 12	zero	0

Secondary Students

Secondary per year

Upper Limit	Category 1	(952.7 - 381.90) for 6 mths	1,141.60
Lower Limit	Category 12	zero	0

Case Studies of Students

Name	Grade	Integ. Points	CWSD	Capital Equipment	Govt Contrib. for SWD (Category 12)	Govt Contrib. for SWD (Category 1)
Rhys	6	0			\$0.00	\$0.00
Alex	1	7	\$4,750	\$2,123.00	\$9,180.00	\$10,034.54
Chloe	9	3			\$1,343.00	\$2,484.60
David	7	3			\$1,343.00	\$2,484.60
John	4	3			\$1,343.00	\$2,197.54
Georgina	5	3		\$7,212.00	\$8,555.00	\$9,409.54
Daniel	11	4		\$16,691.00	\$18,275.00	\$19,416.60
Giles	3	0			\$0.00	\$0.00
Doreen	Parent	0			\$0.00	\$0.00
Rowena	K	2		\$0.00	\$1,102.00	\$1,956.54
Elle	8	4		\$3,000.00	\$4,584.00	\$5,725.60

Government Capital equipment funding to support students with disabilities

	Item	Cost
Alex, age 7	Digital Camera (Sony Mavica VGA)	\$764.00
	Ibico IL-BTQ Laminator	\$1,359.00
Georgina, age 10	Visualette	\$71.00
	Monocular	\$217.00
	Laptop Computer	\$3,179.00
	Printer	\$135.00
	Zoom Text software	\$1,155.00
	TTAPS	\$65.00
	Scanner	\$220.00
	Sloping Desk	\$170.00
	FreeBeam	\$2,000.00
Daniel, age 17	Mountbatten Brailier	\$4,325.00
	Mimic	\$455.00
	Basic-D braille embosser	\$5,975.00
	Scanner	\$220.00
	JAWS Pro	\$2,540.00
	Screenreader \$2148 plus \$392 (software maintenance agreement)	
	Duxbury translation software	\$1,287.00
	Talking Typer	\$150.00
	Desktop computer	\$1,500.00
	Printer	\$239.00
Rowena, age 6	Soundfield FM System	\$0.00
		(no charge)
Elle, age 14	Loop System	\$3,000.00

Costs

Description Pay Scales	Cost						
	Total p.a.	1/2 day Release	1 day Release	p.h.	Per Week (30hrs)	Travel to nearest centre per km	Sustenance p.d.
TEACHER Senior Teacher, Level 1 Step 8 Special Education Teacher Step 5 Special Education Teacher (pay scale) Teacher (weeks per year)	\$61,256.00 \$42,045.00 52.142857	\$124.94	\$249.88				
TEACHER'S AIDE Level 4 Special Education Teacher' Aide (pay scale) Level 3 Special Education Teacher' Aide (pay scale) Level 1 Special Education Teacher' Aide (pay scale)	\$40,240.00 \$38,298.00 \$34,004.00			\$23.20	\$734.52		
Hours Teaching Hours (p.a). 52.142857 weeks for 30 hrs pw Teacher Assistant/Teachers Aide (hours p.w)	1564.2857 30						
Specialists <i>Speech Therapist</i> (mid range consultant rate and assuming 10 years relevant experience, including Autism) <i>Occupational Therapist</i> (mid range consultant rate and assuming 10 years relevant experience, including Autism) <i>Behavioural Support Specialist</i> (Special Educator or Psychologist, minimum 10 years experience with Behaviour Support including Autism) <i>Lecturer</i> <i>School Counsellor/Psychologist</i> (Counsellor/Pshychologist with 8-10 years minimum experience including some with people with disabilities.) <i>Itinerant Support Teacher, Vision (ISTV) RIDBC</i> <i>ItinerantSupport Teacher, Hearing (ISTH) RIDBC</i> <i>Speech Pathology</i> <i>Braille production (RIDBC)</i>	 \$36,000.00 \$21,000.00 \$4,000.00 \$37,000.00			\$120.00 \$120.00 \$120.00 \$150.00 \$120.00		0.59 0.59 0.59 0.59 0.59	\$128.00 includes \$48 meal allowance and \$80 accomm \$128.00 \$128.00 \$128.00 \$128.00

Asset Cost	Total Cost
Alex, age 7	
Digital Camera (Sony Mavica VGA)	\$764.00
Ibico IL-BTQ Laminator	\$1,359.00
Georgina, age 10	
Visualette	\$71.00
Monocular	\$217.00
Laptop Computer	\$3,179.00
Printer	\$135.00
Zoom Text software	\$1,155.00
TTAPS	\$65.00
Scanner	\$220.00
Sloping Desk	\$170.00
FreeBeam	\$2,000.00
Daniel, age 17	
Mountbatten Braille	\$4,325.00
Mimic	\$455.00
Basic-D braille embosser	\$5,975.00
Scanner	\$220.00
JAWS Pro Screenreader \$2148 plus \$392 (software maintenance agreement)	\$2,540.00
Duxbury translation software	\$1,287.00
Talking Typer	\$150.00
Desktop computer	\$1,500.00
Printer	\$239.00
Rowena, age 6	
Soundfield FM System	(no charge)
Elle, age 14	
Loop System	\$3,000.00

Assumptions

1. Staff Training: Where possible, a full day session for all staff could be held on a pupil free day to assist in minimising the cost of employing relief staff. Planning for pupil free days needs to be done well in advance, so realistically, it may not be possible to utilise pupil-free days for whole school training.

2. Size of school: ABS statistics on average sizes of primary and secondary schools (4221.0 2002) for urban schools. Country schools from census analysis downloaded from internet.

3. % special education students: Figures refer to 10-16% of students exhibiting problems with developmental and academic skills and 2-4% exhibiting these problems to a degree significantly below expectation for their age and general ability.(NHMRC 1990). Therefore, assume at least a part-time special education teacher already employed.

4. Distance from Sydney: Approximately 80% of independent schools lie within a 200km radius of Sydney

5. Nearest centre: The bulk of independent schools situated in close proximity (ie within 50 km) to a regional centre (eg Tamworth, Bathurst, Albury) ie round trip of 100km. Costings based on support services such as Speech Therapist, Occupational Therapist and Itinerants etc being available locally for these schools. In reality these services are extremely limited. Some specialty services will need to come from Sydney (eg RIDBC, Autism Assoc)

6. Teacher release time: Industrial regulations stipulate a minimum block of 4 hours (ie half day) employment for relief teachers

7. Teacher's Aide: Costed assuming teacher's aide already employed part-time at the school. Extra hours then at hourly rate.

8. Lecturer Rates: Costed at \$150 ph as minimum rate. Autism Assoc have advised that training costed at \$1100 pd (6hrs). Martin & Assoc usually charge \$150ph

NATIONAL COUNCIL OF INDEPENDENT SCHOOLS' ASSOCIATIONS

SUBMISSION TO

THE SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION COMMITTEE

IN RELATION TO

THE INQUIRY INTO THE EDUCATION OF STUDENTS WITH DISABILITIES

EXECUTIVE SUMMARY

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

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

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

NATIONAL COUNCIL OF INDEPENDENT SCHOOLS' ASSOCIATIONS

SUBMISSION TO

THE SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION COMMITTEE

IN RELATION TO

THE INQUIRY INTO THE EDUCATION OF STUDENTS WITH DISABILITIES

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

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

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

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

KEY PERSPECTIVES AND RECOMMENDATIONS

2. Improving government funding for students with disabilities is a priority for NCISA. The role of the independent school sector in providing school education to students with disabilities has increased dramatically in recent years. In 2001 there were some 6,000¹ students with disabilities attending independent schools, with enrolments having increased by some 89 per cent since 1995 compared to a 26 per cent increase in total full time enrolments.
3. The independent school sector believes that it has a responsibility to seek to continue to expand its role in the education of students with disabilities, improving access and the capacity for independent schools to provide these students with an education appropriate to their needs. NCISA believes that it is desirable that students with disabilities have the same access to independent schools as all other students. This is consistent with community expectations and with the independent schools sector's commitment to choice. In addition, the *Commonwealth Disabilities Discrimination Act 1992* also imposes a legal obligation on independent schools.
4. Currently in Australia, there is generally a significant differential in the government funding students with disabilities receive for their educational support needs in independent schools compared to students with equivalent disabilities being educated in government schools. In making this assessment NCISA is not forming a judgement on the adequacy of funding students with disabilities in the government school sector, and recognises that students with disabilities in the government school sector may not be receiving levels of assistance that allow them to access the curriculum and fully participate in school life.
5. Students with disabilities represent a special case and this should be recognised in government policy for funding their education. They are among the most vulnerable members in society, and society as a whole - not just their families or individual school communities - have an obligation to meet their needs. The costs of meeting their educational needs to enable them to access and participate in the curriculum and school life generally can be very high, both in terms of a school's day-to-day operating costs and in adapting and providing suitable facilities. It is unreasonable that these costs be borne by either the student's family or that particular group of families served by a given school.
6. NCISA believes that the cost of educating students with disabilities should be met by society through government expenditure. Students with disabilities should receive the same government funding for their school education irrespective of the school sector in which they are educated. As with the general provision of schooling, the level of government funding might vary between states and territories, reflecting, for example, cost differentials. The full government funding of the education of students with disabilities in all school sectors will require a very substantial injection of government resources.

¹ From the Commonwealth School Census, Data supplied by DEST.

7. NCISA recommends that:

- (i) Students with disabilities receive the same government expenditure for their school education irrespective of the school sector in which they are educated. This requires:**

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

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

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

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

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

³ For statistical purposes Catholic independent schools are included within the definition of Catholic schools.

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

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

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

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

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

17. **Generally students with disabilities in independent schools receive significantly less government funding for their educational support needs than if they were educated in a government school, and in some instances this differential is substantial.** The differential varies between states and territories depending on:

- the size of the targeted funding pool under the Commonwealth Strategic Assistance for Improving Student Outcomes Programme,
- the approach taken to allocating this funding, and
- the nature of the funding provided by the relevant state or territory government.

18. In some instances students are receiving less than 20 per cent of the funding that they would receive in a government school for their specific education support needs. Generally the differential is greatest for students with high education support needs.⁴

19. This funding differential combined with the high cost of meeting the specific educational support needs of students with disabilities, especially those with moderate to high needs has a number of important implications:

- **It severely limits the capacity of independent schools to provide adequate resources for students with disabilities.**
- **Individual school communities are required to fund the shortfall if they are to provide adequately for the educational needs of students with disabilities in independent schools. In some cases the shortfall is very large, placing an unjustifiable strain on particular school communities and/or diverting much needed resources from the general educational provision.**
- **Concerns about the quality of provision in independent schools, in particular the level of additional educational support provided relative to a government school, are likely to have acted to limit effective parental choice in schooling for students with disabilities.**
- **The funding differential is likely to result in more students with disabilities attending the better-funded government schools because of the adverse effect on parental choice.**

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

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

Government School Sector

20. Indicative information on the average recurrent⁵ cost of provision for some groups of students with disabilities is available from the Budget Estimates of some state and territory governments.^{6 7} Individual students, depending on their disability, could be expected to receive funding levels greater or less than this average. It is likely that some of the estimates understate the cost of provision as some costs, such as those for assessment, therapy and transport services, may be included in other Budget output classes. The data, nonetheless, highlights the high cost of meeting the specific educational support needs of students with disabilities.
- In Western Australia the estimated actual average per full time equivalent recurrent cost for students in education support schools and centres was \$26,344 for the 2000-01 financial year.⁸
 - In Queensland the estimated average per student recurrent cost for students in special education facilities is \$21,901 in the 2001-02 financial year.⁹
 - In the ACT the estimated average per student recurrent cost of special education provision delivered by government special schools is \$37,695 in 2001-02 financial year. The estimated average per student recurrent cost of special education delivered in mainstream settings is \$19,307.¹⁰
21. More disaggregated information is available for Victoria and South Australia. In Victoria students with disabilities in government schools receive additional funding on top of funding for standard school provision under a Disabilities and Impairments Index (D&I Index). In 2002 students with disabilities in regular schools receive additional funding under this index ranging from \$3,928 for students at level one to \$29,979 for students at level six. In South Australia students with disabilities in P21 schools (which are funded under global budgets) receive additional funding on top of the standard provision ranging from \$1,283 to \$23,945, depending on the nature of the disability, the specific level of disability and the level of schooling. In South Australia, students with certain disabilities also receive services from organisations funded via the Commonwealth Non-Government Centre Support Programme and from services

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

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

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

⁸ Western Australia Budget Papers 2001/02.

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

¹⁰ ACT Budget 2001/02, Budget Paper 4.

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

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

Independent School Sector

23. The Commonwealth and state and territory governments have a joint role in funding students in independent schools, including the specific educational support needs of students with disabilities. Government funding for the specific educational support needs of students with disabilities is currently in addition to the general recurrent funding provided to independent schools.
24. The role of general recurrent grants is defined in the Administration guidelines: to help schools in their pursuit of the National Goals. It does not address the issue of the cost of the specific educational support needs of particular groups of students, including students with disabilities. An attempt to do this is made through targeted funding programmes, but while they provide some benefits, the funding level is inadequate in the case of students with disabilities.
25. Average Government School Recurrent Cost (AGSRC) which is used in determining the level of general recurrent funding for non-government schools is inclusive to some extent of the cost of special education provision in government schools. AGSRC is not, however, a precise measure of actual average cost of provision for government schools. It is a measure of certain costs of government provision and there are “swings and roundabouts”, with AGSRC not including superannuation, financing costs¹² and depreciation.
26. **Currently, general recurrent funding does not meet the specific educational support needs of students with disabilities. The funding is unrelated to the number of students with disabilities in a given school or the students’ educational needs.** Some independent schools have attracted the choice of more parents of students with disabilities than other schools. This has resulted in some small community groups having to find significantly more resources with inadequate help from governments.

Commonwealth Funding of Students with Disabilities in Independent Schools

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

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

¹² Including the user cost of capital.

school. In addition all students with eligible disabilities attract additional funding of \$589¹³ under the *Strategic Assistance Per Capita (Students with Disabilities) Funding*. At present some students may also attract *Special Education Compensation Funding*. This is a transition arrangement due to terminate at the end of 2004. The level of assistance from this transitional funding varies with a maximum of some \$2,600 for eligible secondary students.

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

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

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

31. Funding is also provided to various non-government organisations specialising in providing services to students with disabilities, for example the Autism Association under the *Non Government Support Centre Programme*. In turn these organisations provide services to schools. This funding, however, appears only to be an important source of funding for some students with disabilities in independent schools in South Australia¹⁴.

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

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

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

State/Territory	
New South Wales	<p>Special schools and students with disabilities at regular schools are funded at the maximum State Government general recurrent per capita rate of \$1,294 for primary students and \$1,795 for secondary students..</p> <p>Some special schools are eligible for a supervisor subsidy</p>
Queensland	<p>Additional per capita funding of \$3,000 for students ascertained at support levels 4 and \$5,000 for students at support levels 5 and 6.¹⁵</p> <p>The number of students with disabilities is a factor in the formula determining a school's general recurrent funding per capita rate.</p> <p>The provision of in-kind advisory teacher support to students with visual, hearing and physical impairments.</p>

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

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

South Australia	<p>Students in special schools receive total additional per capita funding of \$6,872.</p> <p>Students in regular schools receive additional funding</p> <table> <tr> <td>Mild</td><td>\$342</td></tr> <tr> <td>Moderate</td><td>\$683</td></tr> <tr> <td>Severe Profound Multiple</td><td>\$1,367</td></tr> </table> <p>In kind provision of visiting teacher services for students with vision impairment.</p> <p>Eligible students participate in the Access Assistant Program.</p>	Mild	\$342	Moderate	\$683	Severe Profound Multiple	\$1,367
Mild	\$342						
Moderate	\$683						
Severe Profound Multiple	\$1,367						
Tasmania	<p>1.922 per cent of a school's State Government general recurrent grant is designated as supporting students with disabilities.</p>						
Victoria	<p>Special schools are funded at the maximum State Government general recurrent per capita rate.</p> <p>Funding to assist with therapy services, with average funding of \$800 per student receiving this assistance.</p>						
Western Australia	<p>Majority of students receive, depending on their level of disability, additional funding of 0.3, 0.5 or 0.7 of the standard State Government general recurrent per capita rate. Funding ranges between \$271 and \$1,324¹⁶.</p> <p>Students with severe disabilities who are eligible for enrolment in government special schools receive a special per capita rate of \$19,200.</p>						
Australian Capital Territory	<p>Targeted funding for students with moderate to severe disabilities, with an average funding level of \$4,491.</p>						
Northern Territory	<p>Additional funding of \$3,708 for students ascertained at support levels 5,6 or 6+.</p> <p>Provision of in-kind services.</p>						

DEFINITION OF STUDENTS WITH DISABILITIES

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

¹⁶ Funding range for 2002 is \$271 to \$1,324.

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

Students with Learning Disabilities

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

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

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

The Lack of a Nationally Consistent Definition

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

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

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

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

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

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

THE EFFECTIVENESS OF EARLY INTERVENTION PROGRAMMES

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

TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT

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

Bill Daniels
Executive Director
Canberra
7 May 2002

Appendix A: Definition of Vision Impairment by State and Territory

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