



The Association of Independent Schools of New South Wales Limited

Level 12, 99 York Street, Sydney NSW 2000
Phone (02) 9299 2845 Fax (02) 9290 2274
Web aisnsw.edu.au Email ais@aisnsw.edu.au
ABN 96 003 509 073

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Hon Niall Blair MLC
Chair, Standing Committee on Social Issues
NSW Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blair,

Inquiry into transition support for students with additional or complex needs and their families.

I write in response to your request dated 15th December 2011 to provide answers to supplementary questions from the committee.

1. Can you explain the enrolment process for children with additional or complex needs in your schools? Do staff resources have an effect on these enrolments?

Each independent school develops their own enrolment policy. To do this they have access to professional learning sessions run by the Association of Independent Schools of NSW for school leaders and registrars. These sessions include access (for those working in AIS member schools) to a booklet entitled *The Enrolment Process and the Enrolment Contract Advice for Member Schools*. Within this document is a section entitled *Guidelines for Dealing with Applications for Enrolment on behalf of Students with Disabilities* (**see attachment A**) which was developed following the procedures set out in the *Disability Education Standards 2005*.

As well as encouraging schools to follow these guidelines by providing them with the documentation, AISNSW special education consultants visit individual schools who request assistance in implementing the guidelines when enrolling a student with a disability. Consultants support the school staff through the process including the development of the Individual Plan which sets out the adjustments required for the student.

It should be noted that staff resources at the school are not part of the decision making process. Decisions are made as to whether or not an adjustment is reasonable and this is done by following the standards which state that an adjustment is reasonable if it balances the interests of all parties affected and in assessing that consideration is given to:

- the student's disability,
- the views of the student or associate,
- the effect of the adjustment on the student in terms of learning outcomes, ability to participate and the effect on independence,
- the effect of the proposed adjustment on others, and
- the costs and benefits of making the adjustment.

The decision to enrol may impact - and often does - on the staffing at the school. Many teachers will take on additional roles and many schools add staff at a cost to the school not covered by the funding the student attracts.

2. Have you heard of families having to re-tell their stories every time their child transitions?

This is not common as the Individual Planning Process facilitates the transfer of information at key transition points in the student's education. However, problems can arise when a student is removed from the school by the parent and the family is not forthcoming regarding the issues faced by the student when they present at another school for enrolment. This is where improved coordination across sectors and across schools would be of great benefit.

3. To what extent are Individual Education Plans utilised in your schools?

In courses run for school leaders it is made clear that the *Disability Standards for Education 2005* require school staff to collaboratively develop Individual Plans for students with disabilities. These courses are run at least annually. The advice given by AISNSW is that this plan is developed with parents, agency personnel involved with the student and their family and school personnel. AIS consultants provide support in the development of these plans the format of which are in line with requirements set out in the *Disability Standards for Education 2005*. These plans facilitate identification of issues faced by the student, adjustments that will allow access and participation in all aspects of school life, the action the school needs to take to put those adjustments into place in a timely manner, and a timeline for evaluation and review. It is important that these plans are developed focussing on the individual student on a case by case basis. The majority of schools who enrol students with a disability who receive targeted funding have accessed this service.

AISNSW accountability requirements for schools who receive funding for a student with a disability means that the student must have had an Individual Plan implemented.

4. **Submission No. 57 from the NSW Parents' Council states that funding varies for children with a disability in various school sectors. It says on page 7 that 'in the Catholic and Independent sector, there is limited funding in high school to cater for young people with additional needs.'**

a) Do you agree with this statement?

Funding does differ as students with disabilities attending a government school in NSW have access to a higher level of state government funding than those in the independent sector. This, however, occurs in all stages of education, not only in high school.

b) Do you receive the same funding as public schools for students with additional needs?

This question was comprehensively answered in the AISNSW Submission to the Standing Committee *The Provision of Education to Students with a Disability or Special Needs*. We refer specifically to the section 1 of that report, pp 6-15 (**see Attachment B**).

It is apparent that claims are regularly made by groups or individuals opposed to government funding of non-government schools that they receive more funding than government schools. Such claims are usually based on selective evidence or a lack of understanding of how Commonwealth and State grants for non-government schools are calculated and allocated.

Any valid analysis of schools funding, taking into account the relevant Commonwealth and State funding models and allocative processes, shows that students with disability and special needs in the non-government schools sector attract significantly lower levels of funding than similar students in the government schools sector.

As stated in the *Schools Assistance Act 2008 Administrative Guidelines: Commonwealth Schools Programs for Non-government Schools for 2009 to 2012*:

58. The Recurrent Grants Program assists non-government schools with the re-current cost of providing school education.

65. Recurrent Funding is to be used for meeting operating expenditure incurred by approved non- government system and school authorities. Recurrent Funding can be applied to:

- a. Teaching and ancillary staff salaries;*
- b. Professional development of teachers;*
- c. Curriculum development; and*
- d. Maintenance and general operation provisions.*

Further, with regard to NSW Government funding, the document *Non-Government Schools Existing Policies and Prevailing Practices July 2009* states:

The policy provides that all students enrolled in a registered non-government school attract a per capita grant which is determined by the category of the school.

This Funding does not take account of the additional costs of providing an education for a student with a disability or special needs. The claim, therefore, that general recurrent funds implicitly include a proportion of funds for these students is not correct.

Commonwealth and State governments provide some additional funding specifically targeted to students with a disability and special needs enrolled in independent schools. This funding is distributed to independent schools on the basis of the actual needs of the student/s enrolled and, for the majority of students, is usually in the order of several hundred dollars per year. As previously stated this funding is inadequate to properly address the educational needs of these students. These students are a discrete subset of students who meet the NSW DEC criteria for students with a disability. We do not refer to the significantly larger cohort of student who have special learning needs but are not funded under targeted programs.

I trust that the above information is sufficient to assist the Committee with its deliberations. If further information is required please don't hesitate to contact Margaret McKay, Acting Director: Professional Services on

Yours sincerely

Dr Geoff Newcombe
Executive Director

Attachment A

GUIDELINES FOR DEALING WITH APPLICATIONS FOR ENROLMENT ON BEHALF OF STUDENTS WITH DISABILITIES

Introduction

The *Disability Standards for Education 2005 (Standards)* apply to a school's dealings with all **students** with disabilities (i.e. those enrolled at the school even if they have not yet commenced) and also **prospective students** with disabilities (i.e. someone who has approached the school about seeking admission/enrolment).

These guidelines provide a structure to help schools comply with the *Standards* in the context of the enrolment process.

Some general comments:

- These guidelines are intended to be flexibly applied to suit the circumstances of each application
- The *Standards* and *DDA* have been developed to advocate for the student with the disability and a school may need to consider its approach accordingly. The school should seek advice on the appropriate interpretation of the *Standards*.
- When considering any application for enrolment, the school should consider whether the school is able to cater for the student's individual needs (including any special needs). This can be achieved by working through the individual planning process to identify the reasonable adjustments and think laterally about the school's ability to meet the student's needs.
- It is important to demonstrate to the family that the school is seriously considering relevant issues; is willing to listen to their views; will seek assistance in finding solutions; is willing to be flexible and think laterally about solutions; and is making genuine efforts to find ways to meet the student's needs.
- A collaborative approach where the school, family and relevant experts work together to identify where adjustments may be needed and jointly seeking solutions is most likely to produce positive results for all parties.
- When considering adjustments, prepare a detailed analysis for the initial years of the student's schooling and consider the student's potential needs in the years following enrolment.
- It is wise to seek special education support in analysing the student's needs and developing the potential range of adjustments.
- At all stages of the enrolment process, including if the school makes inquiries of a third party, care should be taken to protect the privacy of the applying student and family in accordance with the school's privacy policy and the *Privacy Act*. Seek the parent's permission to speak with preschools, other schools or specialists.
- Objective notes should be taken of all discussions and interviews with parents, and kept on file. Records should also be kept of any decisions made about adjustments for students with disabilities.

Requirements imposed by the *Standards*

Schools must treat students with disabilities **on the same basis** as students without disabilities. This generally means:

1. Providing comparable choices/options so that the student with a disability can access information in terms of enrolment as well as being able to access and participate in courses/programs, and use of facilities/services
2. Providing reasonable adjustments.

Adjustments are measures/actions that identify the type and level of support required by the student with a disability to access and participate in all aspects of school life.

An adjustment is reasonable if it **balances the interests of all parties affected**. Issues which are relevant to the balancing exercise include:

- a. the impact of the disability itself on the student
- b. the views of the student or **associate** (this includes parents/guardians) of the student
- c. the effect of the proposed adjustment on the student
- d. the effect of the proposed adjustment on others including students and staff
- e. the costs and benefits of making the adjustment

Whilst this appears to enable schools to make judgements about what is reasonable, it is important to identify the adjustments necessary for the student to access and participate in the school before determining what is reasonable. This might necessitate advice from an independent expert.

Developing a reasonable adjustment requires an informed judgement using input from the student, parents, student's specialists, school staff and possibly special education advice to support the school.

As part of the planning process, it is possible to consider the options available to the student. This may include consideration of other institutions which have the adjustments required by the student. This discussion is likely to be sensitive and is probably best addressed through the planning processes being discussed by the collaborative team.

The process required by the *Standards* is to:

1. **Consult with the student/associate** about the disability, and about any adjustment identified, including whether the adjustment is reasonable, whether it will achieve the aims of allowing the student to be treated on the same basis as students without disabilities, and whether there are other options.
2. After assessing whether there are other appropriate options and whether the adjustment may need to be changed over the period of the student's education, **decide whether to make the adjustment**. A school does not have to make a reasonable adjustment if (despite the fact that it is **reasonable** as set out above) doing so would impose an **unjustifiable hardship** on the school. Determining whether there is an unjustifiable hardship involves a similar, but not identical, balancing process.
3. **Provide the adjustment within a reasonable time**. Students and their families are expected by the *Standards* to provide relevant information about the disability and how it affects the student, and about the issues on which the school consults with them, in a **timely way**. Schools are therefore entitled to ask for that information which is relevant to considering a reasonable adjustment. Not all medical or specialist reports are relevant to making an adjustment and therefore may not be provided by the family.

Note: The *Standards* provide an overview of the process required under the law. For effective implementation this process needs to be refined into smaller steps as outlined in the guidelines.

Guidelines

Schools should follow the guidelines listed below.

In their prospectus (or similar document) provide information about the school's:

- entry requirements
- educational and other offerings (including sport, camps, music)
- approach to progression through course and programs which is consistent with the object of the course
- to enable a person with a disability to make informed choices and supply relevant information. The enrolment application form should contain an acknowledgment that the family has received and read this information.
- Ensure that the enrolment process does not disadvantage a person with disabilities (eg. because information is not easily accessible).

- Ask all students/families (egg in enrolment application forms) to identify any specific needs they have which may impact on their education and/or participation in the programs provided by the school.
- Invite the student and parents to attend an interview/meeting at the school as part of the enrolment process before making any decision about the enrolment. At the interview discuss if the student requires any special services or facilities which the school might provide to assist the student. It may be of assistance to obtain information from a third party (such as AIS and/or the student's specialist support personnel) about the student's needs due to any identified disability. It is essential to obtain all relevant information as quickly as possible as schools are expected to process the application from a student with a disability in the same/ similar timeframe as would apply to any other student. Suggest recommending a collaborative team approach to planning to use the combined expertise of the family and their specialist/s with the school and their advisors.
- Document the people involved and the issues raised in a format which allows objective notes on possible adjustments, agreed actions and a timeline. This format can be used on an on-going basis to document the individual planning process and will be a protection for the school in the case of a complaint.
- Request the family to provide information about the student's needs as part of the individual planning process. Relevant information will assist in identifying any adjustments and could include:
 - previous school or preschool reports, noting current achievements and areas of need
 - psychologist's report documenting functional skills and recommended strategies for working with the student
 - speech pathologist's report documenting receptive and expressive language skills and any recommendations for programs or technology in the classroom
 - occupational and physiotherapy reports documenting self help skills and mobility, including assistive technology reports recommending equipment and access audits regarding access to premises
 - medical specialist reports identifying issues which need to be considered by the school
 - vision and hearing reports documenting level of functioning and recommended strategies
 - Where appropriate, invite the family to bring relevant specialists (for example special educators, preschool staff, therapists, psychologists and medical specialists) to visit the school to discuss specific needs or issues and participate in developing potential adjustments to address the specific needs or issues.
- Assess the school's physical environment, and the likely impact of any adjustment to the school's physical or teaching environment (including, but not necessarily limited to, the financial impact of the changes). Suggest providing a tour of the school with the student, parents and possibly the therapists to identify issues and potential solutions. If a student with a physical disability has difficulty with the physical environment suggest asking a specialist paediatric occupational therapist to do an access audit to have a comprehensive assessment of the difficulties with the site.
- Request feedback and suggestions from relevant staff within the school and external special educators about the possible impact of the student's enrolment on the school and possible adjustments.
- Seek information about possible levels of Australian Government funding and access to other support services. Contact the AIS to obtain a list of the documentation required for applications for funding and the range of available funding programs.
- Consult with the family and their choice of specialist, if appropriate, about possible adjustments.
- Keep the family informed about the progress of the application.
- If the decision is taken to enrol a student with a disability, any strategies which need to be put into

place to accommodate the student's special needs - including ongoing needs - should be identified before communicating/announcing the enrolment decision.

- If the school considers that it may have to decline the enrolment, involve the principal or other senior manager before the decision is communicated to the family.
- If the school considers that it may have to decline an enrolment, seek advice from the AIS or a specialist in the area before informing the parent of the preliminary decision.
- Any preliminary decision regarding the school's ability to meet the child's special needs must be able to be justified. For example, where the school declines to enrol a student with a disability, it must be able to demonstrate that it is unable to meet that student's needs without unjustifiable hardship, having regard to the student's current condition and prognosis.
- Before making a final decision about adjustments to be made, or declining an application for enrolment, communicate the preliminary decision to the family and invite their input to the school before a final decision is made.
- Discuss the process the school will use to manage ongoing issues or emerging issues which might require further adjustments with the family. Based on the process for determining reasonable adjustments, the ongoing use of a collaborative team approach involving school, home and relevant experts is likely to deliver mutually agreed outcomes.
- Provide a review mechanism for dealing with any disputes between family and school about decisions made.

Schools should also provide professional development to assist staff to deal with these issues – for example, using appropriate language and ensuring all staff are informed that the school will consider the enrolment applications from students with or without a disability. Professional development should also include information on the school's policy on the prevention of harassment and victimisation of students with disabilities and their associates.

Where adjustments are to be implemented to support individual students with disabilities, recommend the professional development of staff to ensure appropriate adjustments are provided in a consistent, appropriate and timely manner.

The *Standards* also have implications for participation in all school activities, curriculum implementation and access to support services. Again, there are consultation and adjustment requirements on schools.

Accordingly, the enrolment process must be closely aligned with the school's management of these areas (for example through a special needs department or coordinator). It is critical to consider the adjustments in these areas before deciding whether to enrol a student. The AIS can help with this.

Finally, the *Standards* require schools to have strategies and programs to prevent harassment or victimisation of students with disabilities, and students who have an associate with a disability. The AIS will provide a draft statement on this issue.

Attachment B

In answering Supplementary Question 4b, we refer specifically to section 1 pp 6-15 of the AISNSW Submission to the Standing Committee *The Provision of Education to Students with a Disability or Special Needs*. A copy of the relevant section is provided below.

AISNSW Submission to the Inquiry into the Provision of Education to Students with a Disability or Special Needs.

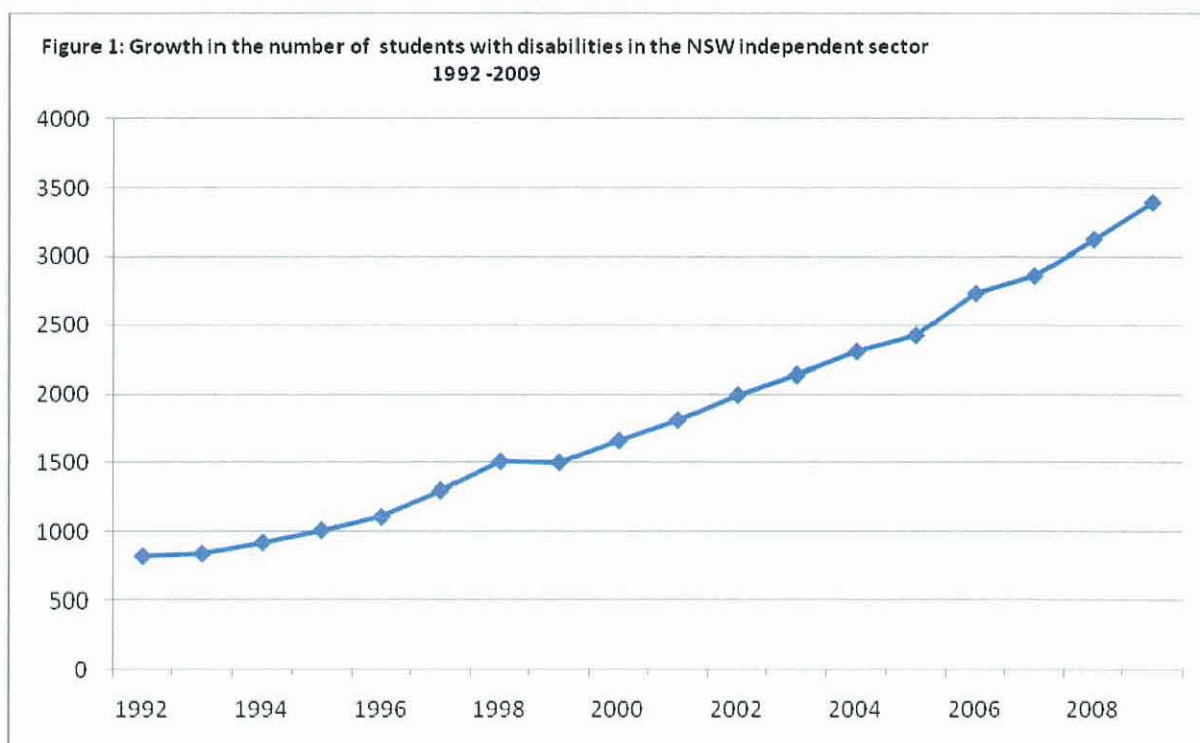
The role of the independent school sector in providing for students with disability has increased considerably in recent years.

The following data provides a snapshot of the education of students with disabilities in the independent sector of NSW since 1992, the year coinciding with the introduction of the *Disability Discrimination Act*. The data is limited to information held on students for the administration of the Australian Government Targeted Programs and is, therefore, based on the NSW Department of Education and Training's definition of disability. It should be noted that the data does not include the majority of AIS member independent Catholic schools which receive their Australian Government funding through the Catholic Education Commission of NSW. It also does not include schools which have not applied for funding for their students with disabilities.

The number of students with disabilities in regular (mainstream) and special schools in the NSW independent sector supported through the Australian Government Targeted Programs continues to grow at a steady rate. In 1992, the number of students with disabilities was 820.

By 2009 the number of eligible students had grown to 3,391, an increase of 672%, or an average compound rate of 8.21% per annum (see *Figure 1 below*).

Figure 1: Growth in total number of students with disabilities, 1992 – 2009

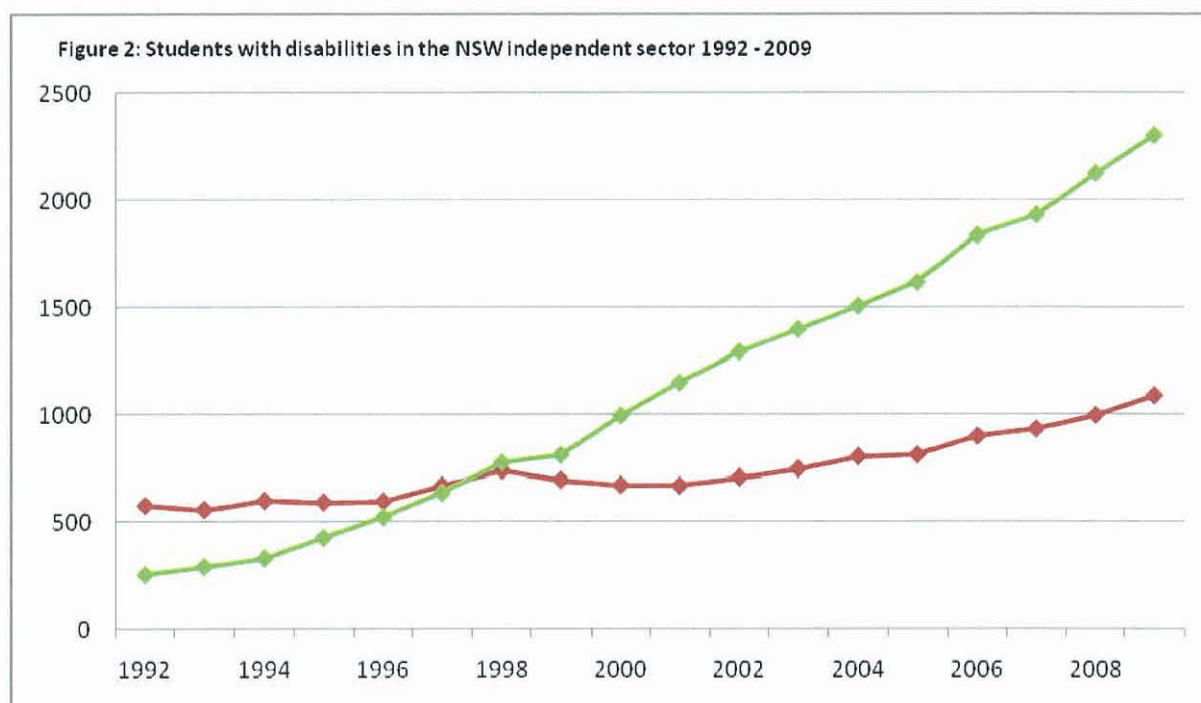


The growth in enrolments of students with disabilities has been greatest in mainstream schools, which now account for some 68 per cent of students with disabilities, including those with moderate to severe disabilities. In 1992, the number of students with disabilities in special schools outnumbered those in mainstream classes at regular schools by 2:1. By 2009, this situation had been reversed with 2,305 of these students in regular schools compared to 1,086 in special schools (see Figure 2 below).

Despite the significant change in the enrolment pattern between special schools and students included in the mainstream, there are still at least one third of the students with disabilities across the sector having high support needs. Within the NSW independent sector there is a disproportionately large and increasing number of students with disabilities who have high support needs. While many of these students with high support needs are educated in independent special schools, there is an increasing number now attending mainstream schools. This accounts for approximately one third of the sector's enrolments of students with disabilities across special and mainstream schools.

In a direct comparison across the period from 1992 to 2009, the number of students with disabilities included in mainstream schools has increased by over 922% while in special schools the increase has been about 190%.

Figure 2: Students with disabilities in the NSW independent sector 1992 – 2009



A range of factors account for the increased enrolments of students with disabilities in the sector, including the overall increase in the number of students attending independent schools, and the shift in all sectors to more students with disabilities being educated in mainstream school settings. In addition to this, the *Disability Discrimination Act 1992* had a significant impact in enabling students with disabilities to be offered the same educational opportunities as other students.

In this context, the NSW independent sector provides parents with a wide choice of special schools or inclusion within a mainstream class at a regular school. Only a few schools offer classes specifically for students with disability. This choice is fundamental in providing parents with the opportunity to exercise their rights in choosing the most appropriate educational setting for their child.

AISNSW acknowledges the financial support to non-government schools provided by the NSW and Commonwealth Governments. This funding is acknowledged and appreciated as the costs

of providing educational services to these students are many times greater than for other students and the funding is an essential contribution to the education of students with disabilities. However, it is widely acknowledged that the level of funding from governments to schools does not adequately support the education of students with a disability.

The following information summarises the government funding to support schools educating students with disabilities in the independent sector in NSW:

The NSW Government provides two types of funding for students with disabilities in independent schools. They are:

1. State government recurrent grants: this is a per capita payment paid directly to the school by the NSW Department of Education. For each student with a disability recorded on the school census, the school is funded at a level that is the difference between the Category of the school they attend and Category 12. There are twelve levels of funding, with Category 12 providing the highest rate of funding. This is the only NSW Government contribution to mainstream independent schools enrolling student with disabilities.

In 2009, Category 12 funding was approximately \$2,092 for each primary student; and approximately \$2,677 for each secondary student. A school in a low socio economic community classified at category 11 would only receive an additional \$266 for each primary student or \$226 for each secondary student with a disability. A special school would receive the difference between Category 8 and 12, that is \$504 for a primary student and \$546 for a secondary student.

2. Supervisor subsidy: this subsidy is paid to some Special Schools; it is towards the cost of providing full-time supervisors or teachers to care for children between the ages of 3 to 18 years, with autism or a moderate to severe intellectual disability. This funding is critical for the eligible schools and without this funding these schools are likely to close. Those special schools which are not specifically for students with autism and/or moderate to severe intellectual disability are not eligible for the Supervisor Subsidy. In fact, mainstream schools that have students with autism and moderate to severe intellectual disability do not receive this funding even though if these students attended a special school the school would receive the funding.

The Commonwealth Government provides support for schools educating students with disabilities through the Literacy, Numeracy and Special Learning Needs (LNSLN) Program.

This Program assists schools to improve learning outcomes of educationally disadvantaged students, including students with disabilities, particularly in literacy and numeracy, by contributing funding for additional teaching and learning. Educational disadvantage may be associated with a range of factors such as disability, learning difficulty, a language background other than English, Aboriginal or Torres Strait Islander background, low socioeconomic background or geographical isolation.²

² *Schools Assistance Act 2008*, Administrative Guidelines: Commonwealth Schools Programs for Non-government Schools for 2009 to 2012, p.43

The LNSLN Program consists of two components, i.e. the students with disabilities component and the school grants component.

The Students With Disability component is the only specific payment by the Commonwealth to support schools enrolling students with disabilities. This component is a per capita payment based on the number of students with a disability recorded on the previous year's census for each school. For 2009, the allocation was \$894 per eligible student.

The AIS administers the Commonwealth's LNSLN school grants component on behalf of the independent sector. Within this component the AIS, on the advice of its LNSLN Advisory

Committee, provides targeted grants specifically for special schools and schools enrolling students with disabilities, with a small amount of funds being set aside for equipment and minor capital needs and a small team of special education consultants to support the schools. These funds are supplementary and are intended as a contribution only. Government funding for students with disabilities in independent schools is a small contribution to the real costs of their education.

Between October 2006 and June 2007 the Commonwealth Government Department of Education, Science and Training (DEST) commissioned a project that was undertaken by the Faculty of Education, Monash University, to investigate Australian Government funding for school students with disabilities (SWD) regarding complementary funding from state and territory governments and funds from other sources.

Findings from the resultant Monash University report *Investigating the Feasibility of Portable Funding for Students with Disabilities*,³ states:

- a) SWD attending non-government regular schools receive substantially less government disability funding than SWD with similar needs attending government regular schools.
- b) SWD attending non-government special schools also receive substantially less government disability funding than SWD with similar needs attending government regular schools. The substantially higher costs of special schools are met by higher other private income (including from charitable trusts) and higher Australian Government and state and territory payments.

Further, the nature and level of student needs together with the increasing number of students with disabilities enrolled in the independent sector results in the available resources having to be distributed across a wider range and increasing number of students.

Insufficient funds are available to meet the needs of all students with disabilities but especially those with higher level disabilities.

³ *Investigating the Feasibility of Portable Funding for Students with Disabilities*, Final Report June 2007, Monash University, p. viii.

The lack of adequate funding is becoming more critical as the number of students identified as having a disability grows. This growth means that inadequate resources are being spread more thinly.

For students with a disability in government schools the cost of their education provision is met by the Australian community as a whole. Students with disabilities in independent schools generally receive significantly less government funding for their educational support needs than if they were educated in a government school. For students with disabilities in independent schools the NSW and Commonwealth Governments provide some additional funding support but there remains an often significant gap in funding to meet the needs of these students. The funding differential is usually greater for students with high-level support needs who may require, for example, a full-time aide. The gap in funding for these students can be in excess of \$40,000 per student per year. This gap will likely be documented in other submissions, for example, RIDBC where it is recognised that cost of providing a support service to a blind student is in excess of \$100,000. The independent school at which the student is enrolled would also need to provide additional staffing and resources.

In the case of independent schools, it is the school community which must meet this additional financial burden rather than the broader Australian community through taxation. The school must either adjust the quality of provision to other students, increase school fees or fund raise. Either way, the school's parent community meet the additional financial burden.

The impact of the *Disability Discrimination Act 1992* and associated *Disability Standards for Education 2005* requires schools to accept enrolments of all students irrespective of the nature of their disability, without commensurate funding to support them. There is no argument about the willingness of independent schools to meet their social and legal obligations to enrol students with disabilities. The growth of enrolments of these students in the sector attests to this. This legislation, however, obliges independent schools to accept students with disabilities without adequate knowledge by governments of the compliance costs to the individual independent school community. It is unreasonable that these often significant costs be arbitrarily borne by the group of families making up an individual school community.

The independent sector believes that school choice should be available for the parents of students with disabilities just as it is for other parents. It is highly inequitable, and possibly discriminatory, that parents of students with disabilities should have access to the school of their choice constrained by differential application of government financial support. Students with disabilities should receive additional funding support because of their disability, not because of the type of school they attend.

Findings from the Monash University Report reveal that:

- *Parents of SWD who choose to send their child with a disability to a non-government mainstream school forego substantial levels of government support and face greater financial barriers in this choice than do other parents. (Monash University, 2007, p. 53)*
- *The level of funding for SWD in non-government mainstream schools means that individual schools are subsidising these costs from other sources. (Monash University, 2007, p. xiv)*

The independent sector is seeking an injection of government funds to specifically address the needs of students with disabilities in all sectors, and in particular in independent schools to ensure that these students are adequately funded regardless of the type of school they attend.

It must also be recognised that in NSW the students who meet the criteria to be eligible for funding are merely a subset of those whose needs must be addressed by definition under the *Disability Discrimination Act 1992*. Students with learning disabilities, behaviour disorders and medical conditions are not funded as students with a disability in NSW. It should be noted that whilst widening the eligibility criteria for funding of students with disabilities would be the preferred position for schools, the current levels of funding are totally inadequate for those eligible under the existing criteria.

Many submissions to Shut Out⁴ identified the lack of equitable funding across sectors has narrowed their choice of schools. The lower level of funding available to non-government schools was perceived as lower levels of support. Parents who make the choice to move their children from one school sector to another, and in particular from the government school sector to the non-government school sector, lose access to substantial benefits, financial and other, that are available to students with disabilities in the government school sector.

It is the actual quantum of funding which often impacts on a parent's decision regarding choice of educational setting for their child with a disability. This funding presents a mere fraction of the costs in meeting the education needs of students with disabilities. As noted earlier, independent schools and the school community are required to meet the shortfall.

AI NSW is not arguing that any school or sector should receive less support, rather that the needs of all students with disabilities be appropriately funded by the community through government expenditure, regardless of the type of school in which they are educated. The amount of funding available across all schooling sectors is too small; significant additional funds need to be injected.

The NSW independent schools sector believes that it has a responsibility to continue expanding its role in the education of students with disabilities, and to improve access and the capacity of schools to provide these students with a high quality education appropriate to their needs. Parental choice in the type of school and educational setting must also be maintained; this can only be achieved through equitable funding arrangements for students with disabilities

regardless of where they attend school. Critically, all education sectors require substantially more government funding to provide an education that allows equality of access and participation for all students with disabilities.

⁴ SHUT OUT: The Experience of People with Disabilities and their Families in Australia. National Disability Strategy Consultation Report prepared by National People with Disabilities and Carer Council. Commonwealth of Australia, 2009.

Recommendations – Term of Reference 1:

1. New, substantial and additional government funding support must be made available to provide an education that allows equality of access and participation for all students with disabilities, regardless of sector.

2. The establishment of funding arrangements which provide the same level of support to schools for students with a disability regardless of sector, setting or school they attend.

3. Parental choice of schools for students with disability should be available, just as it is for other students.