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How schools avoid enrolling children with disabilities

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Abstract
Children with disabilities are frequently discriminated against in Australian schools. It’s an issue that has been ongoing for years, with reports showing that little has improved since 2002. Exclusion practices - dubbed as "gatekeeping" - include advising parents to send their child to another school that could better support them; only allowing a child to attend a school on the days that funding is available; and asking parents to pay extra money so the school can employ support staff or purchase equipment. Although this happens across all school types, it tends to be more prominent in, and easier for, non-government or private schools. As these schools compete for enrolments and top exam results, there is a disincentive for them to take any risk that might dilute those results. Unlike public schools, private schools are not required to run open enrolment processes. Their charter is to provide schooling of ‘choice’, not to provide for everyone. Because of this, the exact size of the gatekeeping problem is unknown. While government schools receive some extra funding from the state to support children with learning difficulties and disabilities, private schools aren’t entitled to this. This has led to the over-representation of students with a disability in government schools, particularly those in disadvantaged areas where parents have fewer options. Over time this leads to a significant burden within some schools, adding to teacher stress and negatively affecting their wellbeing. The concentration of students with additional support needs also impacts other students. The less diversity there is within schools, the less opportunity there is for students to learn from one another. This is the case for abled and disabled students alike.

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How schools avoid enrolling children with disabilities

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Exclusion practices – dubbed as “gatekeeping” - include advising parents to send their child to another school that could better support them; only allowing a child to attend a school on the days that funding is available; and asking parents to pay extra money so the school can employ support staff or purchase equipment.

Although this happens across all school types, it tends to be more prominent in, and easier for, non-government or private schools. As these schools compete for enrolments and top exam results, there is a disincentive for them to take any risk that might dilute those results.

Unlike public schools, private schools are not required to run open enrolment processes. Their charter is to provide schooling of “choice”, not to provide for everyone. Because of this, the
exact size of the gatekeeping problem is unknown.

While government schools receive some extra funding from the state to support children with learning difficulties and disabilities, private schools aren’t entitled to this. This has led to the over-representation of students with a disability in government schools, particularly those in disadvantaged areas where parents have fewer options.

Over time this leads to a significant burden within some schools, adding to teacher stress and negatively affecting their wellbeing.

The concentration of students with additional support needs also impacts other students. The less diversity there is within schools, the less opportunity there is for students to learn from one another. This is the case for abled and disabled students alike.

**Which children are most affected?**

Parents with a child who has learning difficulties or a disability find it hardest to enrol their child in a suitable school.

Research shows that children with severe social/emotional/behavioural disorders are the least welcome of any student disability group. This is usually due to a lack of resources, impact on other students and parental disapproval. They are also over-represented in government schools.

Some schools are more open to enrolling extremely high-functioning students with Autism Spectrum Disorders because of their strong academic abilities. However, their difficulties in social communication are often ignored. This increases their exposure to punitive responses such as expulsion.

**How do schools get away with “gatekeeping”?**

Australian discrimination law – which includes the 1992 Disability Discrimination Act (DDA) and the 2005 Disability Standards for Education – is designed to ensure that children can’t be denied enrolment in any public or private school on the basis of their disability.

While all schools must adhere to these standards, due to a lack of knowledge about their responsibilities under the legislation, some schools have developed ways to get around this.

As part of their enrolment application process, some private schools request copies of prospective students’ NAPLAN (literacy and numeracy) results. The reason given is often innocuous, such as using the results to determine class placements and support availability, but there is also a high likelihood that a child with a poor NAPLAN record will not be offered a place.

Since there is no transparency or oversight of private school admission processes, parents have little recourse. This is unconscionable given that parents are required to pay considerable application fees and may have done so at a number of schools.

Private schools may also employ a student interview process and some require children to sit academic entrance tests. In the government school sector, catchment boundaries are used (sometimes selectively) to deny enrolment to children with additional support needs.

These are all formal processes, advertised on websites and school prospectuses. But there are many more informal practices designed to present barriers to the enrolment of particular students.

**The practices used**
These informal practices are more insidious and involve school personnel quietly advising parents that their children would be better supported and happier in another school.

Another common practice is limiting the time that the child spends in school, either through partial enrolment (only allowing the child to attend school on the days that funding is available) or informal suspension (regularly calling the parents to pick up the child during the day).

Other practices include pressuring parents to accept a place in a separate support class or special school, or requesting parents to pay an additional “contribution” to enable the school to employ support staff or purchase equipment.

What can be done?

The ongoing plight of many disabled students highlights the need for more support for classroom teachers and better resourcing of the school sector more broadly.

This is what the Gonski disability funding, which was meant to begin in 2016 but has recently been delayed again, was designed to achieve.

Allocating government funding to both private and public schools to support students with a disability will help to address gatekeeping, so these students receive a fair go regardless of which school they attend.

An overhaul of the disability discrimination complaints process to protect children’s and parent’s rights is also well overdue.

Gatekeeping can only occur in a system where schools and systems are relatively confident that they will get away with it.

Despite multiple inquiries, all saying the same thing, gatekeeping against students with additional support needs continues unabated, which suggests that current protections are inadequate.

• This piece is part of a three-part series on Disability Discrimination