



Peak body for independent disability advocacy in Victoria

Submission to the Victorian Legislative Council Legal and Social Issues Committee

Inquiry into Public School Funding

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About Disability Advocacy Victoria

Disability Advocacy Victoria is the peak body for independent disability advocacy agencies in Victoria.

Disability advocacy agencies assist the disability community with a range of advocacy issues, including access to education. In a recent survey, a number of our members report over 80% of their advocacy is allocated to access to education.

While there are many attitudinal and cultural barriers to the inclusion of children with disabilities in Victorian schools, it is apparent that school funding, despite the Victorian government's recent change of funding model, continues to be insufficient to allow schools to make decisions that support the inclusion of children with disabilities.

75% of our members say that advocacy in the education area has increased in the last five years. The most common issue for disability advocacy agency clients is the failure by schools to provide reasonable adjustments. This is reported to have a major impact on students with disabilities ability to get an education.

Our members suggest that from their work in the education sector, funding is the major reason as to why students with disabilities are not being supported in schools.

NDIS

One member organisation noted that since the changes to the NDIA Act and the reduction in financial packages available to children/young people, this is also impacting on access to education.

Recent changes to the NDIA Act have reinforced the parents may not use NDIS funds to support their children in school. While this was never an intention of the NDIS, we know that many parents have had to use NDIS funds in the absence of schools having the funding to provide speech therapy, occupational therapy, or physiotherapy to assist their child to access their education.

Now that money is less available, if available at all, this is further negatively affecting access to education for students with disabilities.

In addition, parents have been using their NDIS funded Behaviour Support Practitioners to address behaviours of concern that are symptoms of disabilities in the school environment. Given behaviours are environmental, this is another area where NDIS funding in the past has been used "flexibly" in schools.

It is important to note that not all students receive NDIS funding, and therefore the responsibility is on the school, and the school only, to provide access (as per their obligations under discrimination legislation).

Sufficiency of Funding

Some supports for students with disabilities automatically cost more than the allocated amount of individual funding a school may receive on the basis of the needs of one student with a disability. For example, a deaf student who uses Auslan may need a full-time Auslan interpreter. That may cost \$60,000 per annum. If that student was doing their VCE, they may also need a note taker which may be \$50,000 per annum. The individual disability funding system in Victoria (“Disability Inclusion”) does not provide amounts like this to schools for deaf students. Schools are expected to find the extra money they need from the general budget. The reality is they do not have it. This particularly applies to rural and regional schools.

False Economy

The lack of appropriate funding to schools can result not only in people with disabilities not getting an education, but in much more serious consequences, and greater government spending than the cost of simply supporting the student with a disability would have been.

Case Study

Joe was a student with multiple neurodivergent disabilities and began prep displaying behaviours of concern that could have, (and was later) been addressed by proactive sports. Two weeks into his enrolment, school staff felt the need to physically restrain him. Given restraint can cause injury, trauma and death, the appropriate next step would have been to engage a qualified Behaviour Analyst.

Instead, Joe was physically restrained for the next four years until he was pulled out due to trauma and for his own mental and physical safety. An improvement notice was placed on the school by Work Safe. A discrimination complaint was lodged. The Department of Education, in addition to using its own in-house lawyers, engaged a large Melbourne law firm.

If a Behaviour Analyst had been engaged with an initial outlay of funds, it is highly likely that the behaviours would have been mitigated after a behavioural assessment and the school and student would have been supported without putting anyone at risk.

Ultimately, the Department of Education has spent tens of thousands more on this student's enrolment, but with the money going to law firms.

Imputing good will on individual teachers, and assuming they want to do the best for all their students, it is reasonable to infer that the reason for continuing high levels of discrimination against students with disabilities is financial, rather than punitive.

Summary

Schools are currently not adequately funded to support students with disabilities. Further funding is required to address student inequity, equal access to education for students with disabilities, and to support teachers appropriately.