

AUSTRALIAN COUNCIL OF JEWISH SCHOOLS



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SUBMISSION TO THE SENATE EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE – INQUIRY INTO THE AUSTRALIAN EDUCATION AMENDMENT BILL 2017

INTRODUCTION

General

1. The Australian Council of Jewish Schools (ACJS) expresses gratitude to the Review Committee for the opportunity of making this submission.
2. Each of the registered schools that are members of the ACJS are also members of their respective Association of Independent Schools (AIS).
3. These submissions deal with those matters of particular importance to Jewish schools together with those aspects that are peculiar to our Schools' interests.
4. The ACJS represents 17 Jewish schools in 4 States accommodating 10,000 students in the Foundation to year 12 school space and a further 5,000 students in the schools' early learning centres. ACJS also has, amongst its membership, an organisation that provides Hebrew language and Jewish studies to government schools.
5. Generally, the interests of the Jewish schools are represented by the respective AIS on matters that are common to the non-government sector. Most interests affecting the operation of schools are common to the sector.
6. Each school has a board of management, which includes members of the Jewish Community, including parents of students at the school, and operates under very strict governance principles, including the election (sometimes contested election) of officeholders. Each school operates on a not-for-profit basis and no officeholder is entitled to be employed by the school, or to contract with the school other than on a strictly transparent basis.

7. The ACJS Schools are academically non-selective and vary in average socioeconomic status considerably. Many ACJS Schools will enrol non-Jewish students, although preference is given to students of the Jewish faith (or persons converting to Judaism). Further, the ACJS Schools vary significantly in their approach to religion, culture and ethos.
8. For example, in both Sydney and Melbourne there are schools that cater for Progressive Judaism, modern Orthodox Judaism and “Torah True” Judaism. In Melbourne, there are also schools that cater for “cultural Judaism” (i.e. the teaching of Jewish culture but otherwise consistent with pluralism).
9. All of these schools are represented by the ACJS to both State and Federal Governments, within the AIS community and generally. Their interests are significantly different in some areas, and these interests are generally considered and catered for by Governments, other non-government and government schools, and the community generally.

Enrolment Policy and Internal Subsidies in Each School

10. As earlier stated, the ACJS Schools are non-selective. The Jewish community has a long history of support for education. Education is one of the key fundamentals of Jewish culture. This has been the case for at least 2000 years. The Jewish community considers that education, including education in its own culture, is one of the cornerstones of Jewish continuity.
11. Judaism (and Jewish culture, if that be different) has developed, or has always taught, policies which would, today, be classified as multiculturalism. The Jewish view is that members of the Jewish community should integrate into general life, while adhering to Jewish values: integration, but not assimilation.
12. As a consequence, the Jewish community has always expended a far greater proportion on education than is the norm. It also has continued to adhere to a policy that no Jewish child should be denied an education; nor denied a Jewish education for financial reasons.
13. Enrolment at our schools occurs at a young age (i.e. well before admission) and enrolment is accepted, generally, without regard to the capacity to afford fees. If, on admission of a child, a family is unable to afford education at the particular institution, a number of different methods are used to subsidise that education and to allow the child or children to continue at the school.
14. The methods used to cross subsidise poorer members of the community vary from school to school and from State to State. In New South Wales, for example, there is a general communal appeal from which the schools are allocated amounts to subsidise families that are unable to afford the ordinary level of school fees and each school effects further subsidies from its fees. That subsidy will vary depending upon the means of the family. In Victoria, Western Australia, South Australia and Queensland, each school takes its own steps in order to subsidise families, usually by way of cross-subsidisation from within the fees otherwise received.

15. Generally, but not universally, the school will insist upon a commitment to some fees, albeit, in some cases, quite nominal. The number of families on subsidy fluctuates, and the proportion of families varies between the different schools. In some of our schools up to 83.2% of families are subsidised. The lowest proportion of subsidised families was, in one year, 7%, but generally would not be lower than 13%, at any school. The median proportion of students assisted at ACJS Schools is 29.6%, and the average 30.9%.
16. The means test by which an entitlement to subsidy is measured, and by which the level of subsidy is fixed, includes family income, family size, family assets and takes account of disposable income. If income alone were the criterion by which subsidy was measured, there would be significant anomalies and inequities in the application to different families.
17. Further, there is no academic selectivity in the enrolment process. Except to the extent that a young child may be classified as not yet ready for school (on the same basis that would occur in, say, government schools), all children are accepted, without regard to academic performance.
18. ACJS Schools also have a significant number of students who suffer intellectual and/or physical disabilities, for which additional funding is available from the government, but, unfortunately, at a minimal level. Three ACJS Schools have over 7% of such students, the highest being 15%. No school has less than 1%; the median being 2%, and the average 4%.
19. ACJS Schools are mostly co-educational and operate mostly at both primary and secondary levels. The “Torah True” religious Jewish schools are single gender schools (for at least all classes above Year 4) or operate single gender campuses, for reasons associated with a strict application of religious ethos. Some of the ACJS Schools operate only at a primary school level. Most of the schools conduct a preschool, and/or operate early childhood services, on a sessional or long day-care basis.

Jewish Communal Attitude to Education

20. The Jewish community prides itself on its attitude to education, amongst other things.
21. Education is seen as an essential element of Jewish life and an essential element of religious belief. That element is so pervasive that it extends beyond a religious requirement and is a predominant feature of Jewish culture.
22. As a consequence of the cultural and religious imperative for education, the Jewish community, on average, has a level of education that does not necessarily reflect the occupation of the individual, the individual's income, or the relative advantage or capacity of the person to afford private costs of education. The most obvious examples relate to particular members of the Rabbinate. A number of Rabbis will have a “secular” degree, which bears no relationship to that person's earning capacity or relative advantage over other members of the community.

23. The pre-eminence of education as a feature of the Jewish community is also the reason that Hebrew language and Jewish studies are provided to government schools with a sufficiently significant Jewish population prepared to undertake them. No current government funding is made available for the provision to government schools of these services. Nor does the Jewish community seek or obtain funding from government for the provision in the non-government education sector of Jewish studies subjects or activities. Nevertheless, the ethos of each of the ACJS schools relies on its “Jewishness”, however the particular school may measure that concept.
24. Lastly, in terms of an overall summary of the Jewish schools, it should be noted that, relative to most non-government schools, the Jewish schools have operated as they currently do over a relatively short period. While two of the Jewish schools (Mount Scopus in Melbourne and Moriah College in Sydney) were created shortly after the Second World War, they were extremely small schools at that time and for many decades thereafter. Enrolments in non-government Jewish education institutions increased dramatically in the 1970s and 1980s. In Sydney, for example, enrolments in non-government schools tripled between 1984 and 1996. In Melbourne, the increase was less dramatic and the major increase occurred a decade or more earlier than in Sydney.
25. The percentage of Jewish children that attend non-government Jewish schools is significant. In Melbourne, enrolments are at approximately 65% of the school-age population and in Sydney the percentage is approximately 58%. In Sydney, the availability of Hebrew language and Jewish studies courses in State Schools is greater. In Perth, estimates only are available of the school-age population in the Jewish community, but the generally utilised figure for attendance at Carmel College in Perth is over 70% of the available population.

FUNDING

The Principles for Funding

26. The first and most obvious principle is that recurrent ordinary funding should be funding per student. Further, each student (or each family in relation to such student) is entitled to a base level of funding that, bearing in mind other available means, will allow the provision of a reasonable and appropriate level of education. This is achieved generally in both the students first funding and in the proposal outlined in the Education Amendment Bill 2017. ACJS supports the objective.
27. All funding should be determined and calculated transparently and provided equally. The equal provision of funding should not be confused with the same level of funding. Students that are equal should be treated equally and students that are different should be treated differently in accordance with their difference.

28. Any difference in funding between students must be rational and transparent. The fact, if it be the fact, that a student is Roman Catholic, Protestant, Muslim or Jewish (or of no religion or any other religion) is neither a basis upon which funding should be calculated, nor a basis upon which funding should be determined. The fact, if it be the fact, that a student attends a Roman Catholic school, any other non-government school or a government school should not, of itself, be the basis upon which funding is determined or calculated. This too is a concept within the Education Amendment Bill 2017. ACJS supports the objective and the changes proposed in regard to the equalization of the application of the funding model.
29. The foregoing does not mean, and is not intended to mean, that State Governments should not provide free education. Education is a social right and a necessity in a democratic society. The future of Australia, as a flourishing democracy, with a prosperous economy, depends upon the education of the population and it is in the public interest that the Federal Government ensures the availability and provision of high quality education to all. Furthermore, education is an export earner, but overseas students are generally not funded.

Application of Principles

30. The foregoing philosophical approach requires a funding policy that encourages all students in non-government schools to achieve appropriate goals. Further, no students (and no school) should be penalised for achieving those goals or achieving education standards beyond appropriate standards.
31. All governments should ensure that all school-aged students have available free education, with appropriate resources, to achieve the national goals set by those governments. But parents should be able to choose school options which reflect their needs, their values and their educational philosophy. In that regard, governments should ensure that there remains an ability to choose diversity in schooling.
32. Governments are entitled, if not required, to ensure minimum standards of education in core educational areas and to allow education in other areas or beyond those levels as part of the diversity and autonomy associated with a free and democratic society with an appropriate school system. This includes the capacity of parents to choose faith-based schools or schools with value systems that are different from the norm, but not so different as to be inconsistent with the values that are seen to be fundamental to Australian society and the continuation of its democratic principles.
33. In determining an appropriate funding model or changes to a funding model governments should, therefore, provide adequate funding for all government schools and require them to provide best quality educational product. Governments should also provide sufficient funding, on a needs basis, to non-government schools to allow the choice of values and diversity to which we have earlier referred. That funding for non-government schools must be conditioned on appropriate accountability as to expenditure and appropriate accountability on educational standards.

34. In that regard the non-government sector must be seen as a partnership between the local communities and the government in the provision of education. Personal or private contributions to education should not have any bearing on the level of government funding that schools receive. Such contributions reflect the priority of the parent body to education of their choice, not capacity to fund.
35. The dilemma for any government in determining bases for funding and appropriate levels of funding is the reconciliation of equity and affordability. A perfect system is not one in which all schooling is government run, but one in which all schooling runs to standards set by government. The desirability of non-government schools is that these schools, while complying with government standards, impart values, ethos and approaches that are different and which the local community desires.

Overall Fundamentals of the Funding System

36. The ACJS schools support the continuation of the student first funding model with some qualification. The funding model particularly as proposed in the amendment accommodates the non-government sector, guarantees a basic funding level for all school students and additional funding based upon the capacity of the student or student's family addressing within budget limitations the need when that need is generally identified. There are difficulties with the model. Some of those difficulties are overcome, even on the current system, by the existence of a robust appeal mechanism. That mechanism however needs to be strengthened and expanded to address unique situations.
37. Five of the ACJS member schools (together with a number of other Australian schools) have taken advantage of the current appeal mechanism in relation to their SES scores. Amongst other things, strict observance to Jewish teaching, to some extent, causes the anomalies created for these schools. It is necessary for a strictly observant member of the Jewish community not to drive nor ride on the Sabbath and therefore to be within walking distance (and these distances themselves have limits) of a synagogue that reflects their religious observance. Synagogue services have a mandated minimum number of attendees before commencement. As a consequence strictly observant Jewish families will live in close proximity to each other and often in areas that are, in average terms, beyond their income levels. For example, in areas such as Bondi and Caulfield, many religious Jews will live in apartments the sizes of which do not reflect the size of their family or their income levels. In addition, the orthodox community tend to have families that are significantly larger than the average sized Australian family. In turn, the SES scores of these individual families are well below the score for the collection district in which they are living. This anomaly became manifest when one compared the SES scores with the level of health card benefits, and other like measures, of the parents at the schools. The appeal mechanism allowed the school to derive the actual income levels for each set of parents, adjusted for family size, and determine SES scores on that individual basis, rather than utilise the average SES score for the collection district in which they live. This appeal mechanism introduced to address these and other uniquely identified anomalies is a robust and appropriate mechanism.

38. The appeal mechanism in place to address anomalies in the averaged SES categorisation is not extended to appealing anomalies recognised or identified in the determination of the loadings. The appeal process in place to address anomalies within the identification of the loadings restricts the appeal to the accuracy of the data provided only. The appeal criteria does not permit the addressing of unique characteristics that may exist at a school, (and can be demonstrated by the provision of empirical evidence) to show an anomaly and thus address the situation.
39. The Low SES loading determination as outlined above is an example of an anomaly existing at some of our schools, for which there is empirical evidence to demonstrate its impact, yet, our schools because of the restriction on the appeal to the accuracy of data provided (educational attainment and occupation categorisation alone) we cannot address through departmental means. We seek the expansion of appeal criteria to a wide ranging appeal where the core criteria can be assessed, and unique circumstances identified where empirical evidence exists to demonstrate the need and the anomaly. ACJS has presented a paper to the Minister entitled the case for review of the Low SES loading. We await a response. This paper is available for the Senate Committee if requested.

The Education Amendment Bill 2017

40. ACJS commends and supports the mechanism proposed to address Students with a disability (SWD). The Students first funding model in respect of SWD loading disadvantaged a number of schools. Schools that were “above” SRS did not receive additional funding for the enrolment or identification of additional SWD. The transition arrangements and the use of NCCDS (National Consistent Collection of Data for SWD) addresses the disadvantage students at those schools faced.
41. ACJS commends the proposal to the extent that it intends to provide a level playing field with equal determination of funding between States and Sectors. Students that are equal are treated equally and students that are different are treated equally different.
42. ACJS notes that individual transition arrangements impact differently on different schools. ACJS also notes that some schools are adversely impacted by the transition arrangements which may result in a reduction in absolute terms over a 10 year period. This impact coupled with the zero indexation over a 10-year period may result in a decline in educational offering at some of those schools and may even see schools cease operating.
43. The circumstances that arose which placed schools in that position can vary significantly from school to school. There is not necessarily a common thread to those schools and the demographic profile of the parent body, and the level of need at those schools can vary significantly. Schools in transition proposed on receiving absolute negative growth, or indexation well below that of the SRS movement are not all what is incorrectly but commonly referred to as “wealthy private schools”. Some of those schools may have been placed in that position, or the position compounded largely by the legislative requirements of the Students First Funding model. Schools may not have had a choice to avoid that situation.

44. ACJS acknowledges the value and supports the concept of an equal playing field. ACJS as noted also supports the recognition of unique circumstances and situations that may result in the identification of a situation that does not follow the norm or whose circumstances are not adequately presented by data alone. ACJS further (as noted above) recognises that schools accommodate disadvantaged students from various need backgrounds, not of all of which are identified or captured in the loadings. Schools that are adversely impacted by the transition arrangement and can demonstrate unique circumstances or specific characteristics which were not anticipated should have their circumstances on a one on one situation reviewed with allowances to accommodate specific acknowledged circumstances. The mechanism to do this could be by the development of an appeal or by structured criteria in the Emergency transition fund or perhaps both.
45. ACJS acknowledges the creation of an Emergency Transition Fund that is available to support unique, unexpected and adverse outcomes. The criteria for accessing funds and the circumstances have not been made available. ACJS supports a wide ranging criteria that considers a range of aspects with consideration to the educational impact and viability of the school which a transition involving absolute decline in funding or no or close to no indexation may bring
46. ACJS representatives offer and are available to elaborate, present or respond to any queries the Committee may have.