

Disability Discrimination - Students

Effective	Aug 2023
Review	Aug 2025
Owner	Principal
Approver	The Sycamore School Governing Body

1 Purpose

This policy outlines how The Sycamore School will adhere to the Anti-Discrimination Act 1991 (Qld), Disability Discrimination Act 1992 (Cth) and the Disability Standards for Education 2005 (Cth) for current and prospective students.

2 Applicability

This policy and procedure is to be followed by a person who fills the role with a .

- Staff (all employees (full-time, part-time, permanent, fixed term, casual or relief), apprentices/trainees, host employees, people doing work experience or vocational placement)
- Directors
- Contractors
- Parents/Carers
- Students
- Visitors
- Volunteers
- Others

3 Definitions/Acronyms

Adjustment	Adjustments are a measure or action (or a group of measures or actions) taken by an education provider that has the effect of assisting a student with a disability to participate in education on the same basis as a student without a disability, and includes an aid, a facility, or a service that the student requires because of his or her disability.
ASD	Autism Spectrum Disorder
Associate	The <i>Disability Discrimination Act 1992</i> (Cth) defines an associate of a person as: <ul style="list-style-type: none"> • A spouse of the person. • Another person who is living with the person on a genuine domestic basis. • A relative of the person.

	<ul style="list-style-type: none"> • A carer of the person; and another person who is in a business, sporting, or recreational relationship with the person.
Board	Directors of The Sycamore School Governing Body
Direct Disability Discrimination	Direct disability discrimination happens when a person with a disability is treated less favourably than a person without that disability in the same or similar circumstances.
Disability	<p>The <i>Disability Discrimination Act 1992</i> (Cth) defines disability as:</p> <ul style="list-style-type: none"> • total or partial loss of the person's bodily or mental functions • total or partial loss of a part of the body • the presence in the body of organisms causing disease or illness • the presence in the body of organisms capable of causing disease or illness • the malfunction, malformation or disfigurement of a part of the person's body • a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction • a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour. <p>The <i>Disability Discrimination Act 1992</i> (Cth) includes disability that:</p> <ul style="list-style-type: none"> • presently exists; or • previously existed but no longer exists; or • may exist in the future (a genetic predisposition to that disability); or • is imputed to a person.
EAP	Educational Adjustment Program
Indirect Disability Discrimination	<p>Indirect discrimination happens when conditions, requirements or practices appear to treat everyone the same, but which disadvantages some people because of their disability.</p> <p>It is discriminatory if a requirement or condition:</p> <ul style="list-style-type: none"> • Applies to everyone, but because of their disability the person is not able to comply or, although able to comply, would suffer serious disadvantage by doing so. • The requirement or condition disadvantages a person because of their disability. • It is unreasonable in all the circumstances.
NCCD	Nationally Consistent Collection of Data on School Students with Disability
PLP	Personalised Learning Plan (also known as an Individual Education Plans)
School	The Sycamore School

Reasonable adjustment	<p>An adjustment is reasonable in relation to a student with a disability if it balances the interests of all parties affected. When making adjustments regard should be had to all the relevant circumstances and interests, including the following:</p> <ul style="list-style-type: none"> • the student’s disability • the views of the student • the effect the adjustment will have on the student’s participation, learning outcomes and independence. • the effect the adjustment will have on others. <p>A reasonable adjustment might be changing seating arrangements in a classroom so that a student with a wheelchair can move around independently. Or it might be using videos with captions for deaf students.</p> <p>If an adjustment is unreasonable and would impose unjustifiable hardship on The Sycamore School, there is no requirement for the School to comply.</p>
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4 Policy

The Sycamore School is an independent school for students with a primary diagnosis of Autism Spectrum Disorder (ASD). ASD is a recognised disability. The Sycamore School makes an important contribution in addressing the educational needs of students who have a primary diagnosis of ASD by adjusting curriculum and teaching methods to respond to their needs.

Because The Sycamore School operates wholly for students with a primary ASD diagnosis, the School has an exemption under the *Anti-Discrimination Act 1991* (Qld) not to consider enrolment of students who do not have a primary diagnosis of ASD.

The Sycamore School will take reasonable steps to prevent harassment or victimisation of students with a disability, or a student who has an associate with a disability, in relation to the disability.

4.1 The Sycamore School Commitment

The Sycamore School supports the rights of students with a disability to education in an environment that is free from discrimination caused by harassment or victimisation because of a disability.

The Sycamore School is committed whilst students are engaging in their education, to protecting students with a disability, and students associated with a person who has a disability, from direct and indirect discrimination and harassment and victimisation.

Aligned with the Alice Springs (Mparntwe) Education Declaration (December 2019), which sets out a vision for a world class education system that encourages and supports every student to be the very best they can be, not matter where they live or what kind of learning challenged the may face, The Sycamore School promotes excellence and equity by recognising the individual needs of young people on the autism spectrum and committing to students being able to access and participate in

learning. The Sycamore School will make reasonable adjustments for students with a disability. Reasonable adjustments will balance everyone's needs including the student with a disability, other students, staff, and the School. Reasonable adjustments will be regularly evaluated and modified to meet the changing needs of students.

The Sycamore School is guided by the following interconnected goals as per the Alice Springs (Mparntwe) Education Declaration (December 2019)

Goal 1: The Australian education system promotes excellence and equity.

Goal 2: All young Australians become:

- confident and creative individuals
- successful lifelong learners
- active and informed members of the community.

4.2 The Sycamore School Responsibilities

The Sycamore School will take reasonable steps to ensure not to unlawfully discriminate, harass or victimise a student on the grounds of the student's disability or disability of any associate of a student.

The School acknowledges that its responsibilities are as follows:

- Enrolment - the School will take reasonable steps to ensure that a student with a disability (in addition to a primary diagnosis of ASD) is able to seek admission to or apply for enrolment without experiencing discrimination.
- Identification - the School will take reasonable steps to identify educational adjustments for a student with a disability and consult with parent/carers to develop a support plan.
- Participation - the School will take reasonable steps to ensure that a student with a disability is able to participate in the courses or programs provided by the School, and use the facilities and services provided by it, on the same basis as a student without a disability, and without experiencing discrimination.
- Curriculum development, accreditation, and delivery - the School will take reasonable steps to ensure that courses and programs are designed in such a way that a student with a disability is able to participate in the learning experiences of the courses and programs on the same basis as a student without a disability, and without experiencing discrimination.
- Support services - the School will take reasonable steps to ensure that a student with a disability is able to use support services used by other students in general on the same basis as a student without a disability, and without experiencing discrimination.
- Harassment and victimisation - the School will as far as reasonably practical, develop and implement strategies and programs to prevent harassment or victimisation of a student with a disability, or a student who has an associate with a disability.

Reasonable steps will depend upon the specific circumstances at the time but may include reasonable adjustments that do not impose an unjustifiable hardship. When considering an adjustment for a student with a disability, any confidential information provided to the School, will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with The Sycamore School's Privacy Policy.

4.3 Staff, Directors, Contractors, Parents/Carers, Students and Volunteers Responsibilities

Staff, directors, contractors, parents/carers, students and volunteers have a responsibility not to engage in discriminatory conduct, including harassment and victimisation, and to uphold the School's policies on these issues.

If you have a concern about discriminatory conduct at The Sycamore School, you are encouraged to follow the outlined procedure under The Sycamore School's Complaints Handling Policy.

If a staff member or volunteer believes another staff member or volunteer is engaging in discriminatory conduct, they are encouraged to follow the outlined procedure under The Sycamore School Staff Complaint and Resolution Policy.

4.4 Consequences of Breaching this Policy

Any person who makes a complaint will not suffer any victimisation by the School for making a complaint. This also applies to witnesses in a complaint or to the persons who has had a complaint made against them.

Breaches of this policy, however, may lead to breaches of anti-discrimination legislation.

Where a person is alleged to have breached anti-discrimination legislation, it is possible that legal action could be taken against them personally.

5 Related Legislation

- *Anti-Discrimination Act 1991 (Qld)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Disability Standards for Education 2005 (Cth)*
- *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)*

6 Related Documents

- *Complaint Handling Policy*
- *Enrolment Policy*
- *Privacy Policy*
- *Staff Code of Conduct*
- *Staff Complaints and Resolution Policy*

7 Procedures

7.1 Enrolment

It is important to us that we, as a School, can meet the educational needs of each student. For this reason, all parents/carers are required to complete the questions attached to the School enrolment form which facilitate the enrolment process and enable us to determine the resources required to meet each individual student's needs.

To enable the School to meet the educational needs of each student, parents/carers are required to complete all questions truthfully on the School enrolment form and provide all relevant information. In addition, parents/carers will be asked to consent to the School to collect information from external practitioners and the prospective student's current education setting. This information supports determination of what adjustments are necessary in order for the prospective student to achieve learning outcomes. The initial and ongoing enrolment of a student at The Sycamore School is conditional on providing honest disclosure of information. Parents/carers lack of disclosure may result in a loss of placement at the School.

The collection, use and disclosure of information about a student is protected by the provisions of The Sycamore Schools Privacy Policy, a copy of which can be obtained from the School website (www.sycamore.qld.edu.au). The enrolment application includes a privacy statement for parents/carers to sign.

7.2 Identification Process

The initial identification of the level of specialist educational support required by students with disabilities is completed through the enrolment process. This includes information gathering involving:

- the completion of the School enrolment form providing background information from the parents/carers,
- provision and review of diagnosis and assessment information from allied health professionals and specialist reports,
- provision and review of previous educational setting reports, curriculum plans, behaviour support plans and Individual Education Plans or Personal Learning Plans,
- attendance at a parent/carer Suitability and Support meeting,
- interview and/or observation of the student and
- an observation of the student in their current educational setting may be scheduled.

The collation of this information will help ascertain the student's need for adjustments to:

- Curriculum
- Communication
- Social Participation / Emotional Wellbeing
- Health and Personal Care
- Safety
- Learning Environment / Access

Based on the information gathered, the Principal or delegated staff member will make a preliminary assessment of the student's support needs, and the School's ability to meet these needs. At this time the Principal, or delegated staff member, will inform parents/carers of the outcome and if a place is offered, advise the next steps in the enrolment process.

If enrolment cannot proceed because parents/carers form the view that the School cannot meet the student's needs, or the School can demonstrate that the enrolment will cause unjustifiable hardship, the School will as far as reasonably practical assist in providing advice on alternative options.

7.3 Education Program

The School provides an educational program which caters for the individual learning needs of students with a disability. The School will take into account the individual support needs of the applicant and the capacity of the School to provide an appropriate educational program for the student.

Once enrolment is confirmed and after a short period of attendance the process of developing and implementing a Personal Learning Plan (PLP) for all students with a disability will be completed. This process involves staff collaborating with parents and key stakeholders, to gather additional information in order to develop a PLP, authentic to the needs of the student, to ensure the student has the opportunity to achieve learning outcomes. The Personal Learning Plan will include:

- A profile of the student including diagnosis/diagnoses, current therapies accessed, young person's voice, aspirations, strengths, interests and triggers as well as parent/carer aspirations.
- SMART goals developed in collaboration with the parents/carers with recommended strategies and links to the Australian Curriculum for each goal.

The Education Adjustment Program (EAP) process verifies the educational needs of students with a disability who require significant or extensive education adjustments. The EAP process outlines the adjustments made by teachers to enable a student with a disability to access the curriculum, achieve curriculum outcomes and participate in an educational setting. The EAP supports schools to:

- identify students who meet criteria for the EAP disability categories; and
- report the education adjustments they are providing to meet the teaching and learning needs of students with disabilities.

7.4 Post Enrolment

The School team will document a student's learning needs and educational adjustments in a Personal Learning Plan (PLP). The PLP will be reviewed at the end of each semester and at this time parents/carers will be requested to meet with the Collaborative Education Team and/or delegated staff members, to discuss the progress of their child towards meeting the SMART goals established in the PLP.

The annual Nationally Consistent Collection of Data on School Students with Disability (NCCD) collects information about Australian school students who receive an adjustment to support disability. The NCCD reinforces the existing obligations that schools have towards students under the Disability Discrimination Act (1992) and the Disability Standards for Education (2005). The School follows guidelines provided by the Department of Education, Skills and Employment which assists the School's team and Principal to determine the level of adjustments provided to students with a disability to access and participate in education on the same basis as other students.

It requires teachers and schools to make evidence-based decisions about:

- students with a disability who are receiving reasonable adjustments to access education;
- the level of adjustment being provided; and
- the broad category of disability that underlines the need for adjustments.

The School maintains documentation which adequately reflects the level and types of adjustment recorded for students with disabilities, including:

- confirmation of verification letter for students diagnosed with a disability;
- current Personal Learning Plans;
- curriculum planning documents, such as weekly plans and unit plans, that identify specific adjustments;
- support timetables for students and staff;
- behaviour notes, plans and data including Duty of Care reports;
- health plans;
- facilitation of collaboration in supporting a student with a disability including meeting notes, records of contact; and
- evidence of assessed individual needs such as information from any medical practitioner, service provider, outside organisation, or professional body involved in supporting a student.

8 Document History

Version	Description of modification	Modified by	Date
2.1	Complete rewrite	Sandra Stuckey	09/08/2023
1.2	Policy review date	Sonya Marshall	Sep-2020
1.1	New policy	Nigal De Maria	6/4/2017