Student Disability Discrimination

Effective	July 2026
Review	July 2028 (every two years or with legislative changes)
Owner	Principal
Approver	The Sycamore School Governing Body

1 Purpose

The purpose of this policy is to protect students with a disability, and students who have an associate with a disability, from unlawful discrimination on the basis of that disability.

2 Applicability

This policy does not apply to the enrolment of students with a general or specific impairment (primary diagnosis of autism spectrum disorder), in a school that operates wholly or mainly for students who have that general or specific impairment.

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)
  Discrimination of school employees with disabilities is not addressed in this policy. The Anti-Discrimination Policy addresses school employees with disabilities and discrimination on other grounds.
- ☒ Directors
- ☒ Contractors
- ☒ Parents/Carers
- ☒ Students, including prospective 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: (a) in relation to an admission or enrolment — to apply for the admission or enrolment; and (b) in relation to a course or program — to participate in the course or program; and

	(c) in relation to facilities or services — to use the facilities or services; 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.[1]
ASD	Autism Spectrum Disorder
Associate	The Disability Discrimination Act 1992 (Cth) defines an associate in relation to a student to include: • A spouse of the student; or • Another person who is living with the student on a genuine domestic basis; or • A relative of the student; or • A carer of the student; or • another person who is in a business, sporting, or recreational relationship with the student.[2]
Board	Directors of The Sycamore School Governing Body.
Direct Disability Discrimination	A school directly discriminates against a student on the ground of their disability, if because of the disability, the student is treated, or is proposed to be treated, less favourably than they would be treated without the disability in circumstances that are not materially different. A school also directly discriminates against a student on the ground of their disability if: (a) reasonable adjustments are not made, or proposed to be made, for the student; and (b) the failure to make the reasonable adjustments has, or would have, the effect that the student, because of the disability, is treated less favourably than a person without the disability would be treated in circumstances that are not materially different.

[1] Disability Standards for Education (Cth), s3.3
[2] *Disability Discrimination Act 1992* (Cth), s4

Disability	The term 'disability' in this document includes physical, intellectual, psychiatric, sensory, neurological and learning disabilities and is used to encompass both of the legal meanings of 'disability' and 'impairment', being differently defined in State and Commonwealth legislation as follows - The Disability Discrimination Act 1992 (Cth) defines disability in relation to a person as: (a) total or partial loss of the person's bodily or mental functions; or (b) total or partial loss of a part of the body; or (c) the presence in the body of organisms causing disease or illness; or (d) the presence in the body of organisms capable of causing disease or illness; or (e) the malfunction, malformation or disfigurement of a part of the person's body; or (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour. A 'disability' includes past, present and future disabilities as well as imputed disabilities. A disability otherwise covered by the definition includes behaviour that is a symptom or manifestation of the disability.[3] ***Anti-discrimination Act 1991*** **(Qld)** - The term **'disability** is not used in this Act. The term **'impairment'** is used, being an attribute for which discrimination is prohibited. Under this Act, 'impairment' in relation to a person is defined to mean: (a) the total or partial loss of the person's bodily functions, including the loss of a part of the person's body; or (b) the malfunction, malformation or disfigurement of a part of the person's body; or (c) a condition or malfunction that results in the person learning more slowly than a person without the condition or malfunction; or (d) a condition, illness or disease that impairs a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; or (e) the presence in the body of organisms capable of causing illness or disease; or (f) reliance on a guide, hearing or assistance dog, wheelchair or other remedial device; (g) whether or not arising from an illness, disease or injury or from a condition subsisting at birth, and includes an **impairment** that (h) presently exists; or (i) previously existed but no longer exists.[4]

[3] *Disability Discrimination Act 1992* (Cth), s4
[4] *Anti-Discrimination Act 1991* (Qld), Schedule 1

Harassment	Under the *Disability Standards for Education 2005* (Cth), harassment means an action taken in relation to a student with disability that is reasonably likely to humiliate, offend, intimidate or distress the student. Harassment of students with disability by school employees is unlawful under the *Disability Discrimination Act (1992)* (Cth). The *Anti-Discrimination Act 1991* (Qld) only prescribes sexual harassment as unlawful.
Indirect Discrimination	A school indirectly discriminates against a student on the grounds of their disability if: (a) the school requires, or proposes to require, the student to comply with a requirement or condition; and (b) because of the disability, the student does not or would not comply, or is not able or would not be able to comply, with the requirement or condition; and (c) the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability. A school also indirectly discriminates against a student on the ground of their disability if: (a) the school requires, or proposes to require, the student to comply with a requirement or condition; and (b) because of the disability, the student would comply, or would be able to comply, with the requirement or condition only if the school made reasonable adjustments for the student, but the school does not do so or proposes not to do so; and (c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.
NCCD	Nationally Consistent Collection of Data on School Students with Disability
PLP	Personalised Learning Plan (also known as an Individual Education Plans)
Reasonable adjustment	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: • 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. 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. If an adjustment is unreasonable and would impose unjustifiable hardship on The Sycamore School, there is no requirement for the School to comply.

Unjustifiable hardship	The term unjustifiable hardship is defined differently in the Commonwealth and State legislation as follows – Anti-Discrimination Act 1991 (Qld) - It can be lawful to discriminate on the basis of impairment where special services or facilities are needed for a student with an impairment, and supplying these would impose an unjustifiable hardship on the school. Factors that are relevant include the nature of the special service or facility, cost of supplying it, the number of people to benefit, the financial circumstances of the organisation, the disruption that the supplying of those services or facilities might cause and the nature of any benefit or detriment to all people concerned. Disability Discrimination Act 1992 (Cth) - In determining whether a hardship that would be imposed on a school would be an unjustifiable hardship, all relevant circumstances of the particular case must be taken into account, including the following: (a) the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned, including the community; and (b) the effect of the disability of any person concerned; and (c) the financial circumstances, and the estimated amount of expenditure required to be made, by the school; and (d) the availability of financial and other assistance to the school.
Victimisation	Under the *Disability Discrimination Act (1992)* (Cth), it is unlawful for a person to commit an act of victimisation against another person. The offence is made out in various circumstances where a person subjects, or threatens to subject, another person to detriment on the ground of various matters, for example, that they have made an allegation, raised a complaint or brought proceedings for disability discrimination. The offence differs under the *Anti-Discrimination Act (1991)* (Qld).

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.

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.

In Queensland, both the *Anti-Discrimination Act 1991* (Qld) and the *Disability Discrimination Act 1992* (Cth) regulate disability discrimination in schools.

This policy outlines written processes for how The Sycamore School will identify students with a disability, and how the school devises educational programs specific to the educational needs of students with a disability. These processes comply with the *Anti-Discrimination Act 1991* (Qld) and the *Disability Standards for Education 2005* (Cth) (the Disability Standards) under the *Disability Discrimination Act 1992* (Cth)[5].

Discrimination of students and school employees on the grounds of disability and on certain other specific grounds is also addressed in the School's *Anti-Discrimination Policy.*

All students at The Sycamore School have the right to learn in an environment free from unlawful discrimination. The Sycamore School will provide a fair, supportive and safe learning environment where all students are treated with dignity and are educated in an environment that values and encourages participation by all students. In particular, The Sycamore School will ensure that students with a disability are provided with opportunities to realise their potential through participating in education and training on the same basis as other students.

The discrimination laws also protect the rights of students who have an associate with a disability. Where this policy refers to discrimination of students, it should also be read to include discrimination of a student who has an associate with a disability.

Provided that adjustments do not cause unjustifiable hardship for the school, The Sycamore School will make reasonable adjustments to ensure equality of access and participation by students with a disability.

In accordance with relevant law, The Sycamore School is committed to protecting students with a disability from both direct and indirect discrimination on the basis of disability while engaging in their education, including but not limited to the areas of:

- enrolment
- participation in curricular and co-curricular activities and use of facilities and services
- curriculum development, accreditation and delivery
- student support services
- elimination of harassment and victimisation[6]

The Sycamore School may at times still be required to directly comply with other specific laws which may mean that the school is exempt from having contravened a discrimination law in some circumstances. In limited circumstances, there are also certain public health requirements which schools must comply with which may require a school to isolate, or discriminate against, a student with a disability to protect the health and welfare of the student with the disability or others.

The Sycamore School is committed to responding appropriately to allegations of discrimination, including promptly investigating and bringing disciplinary action when warranted against individual employees. The Sycamore School is committed to eliminating the harassment or victimisation of

[5] *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld), s11
[6] *Disability Standards for Education 2005* (Cth)

students with a disability, or a student who has an associate with a disability, in relation to the disability.

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.

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 has responsibilities under the Disability Standards for Education for:

- Making Reasonable Adjustments
- Curriculum Developmet, Accreditation and Delivery Standards
- Student Support Services Standards
- Harassment and Victimisation Standards

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 students and 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.

School Leadership Responsibilities:

School leaders of The Sycamore School are responsible for overseeing:

- the development, ongoing monitoring and review of Personal Learning Plans (PLP)
- the enrolment process and that it adequately identifies and support students with disability
- the collection of records of reasonable adjustments being made by teachers for individual students
- ensuring staff have appropriate professional development during induction and on an ongoing basis
- the process followed during the enrolment process and throughout enrolment, before any adjustment is made for a student, including:
    - Consultation with the student (and/or their associates)
    - Consultation with other relevant specialists
    - Consideration of whether an adjustment is necessary
    - Consideration of whether the adjustment may need to be changed over the period of a student's enrolment

- Consideration of the need to ensure that the School maintains the academic requirements of the course or program, and other requirements or components that are inherent in or essential to its nature;
- If an adjustment is necessary, identification of the particular, reasonable adjustment
- Consideration of whether there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the student
- Identification of situations where an adjustment may impose an unjustifiable hardship on the school and referral to the School leadership, and possibly governing body, for consideration.

Teacher Responsibilities

Teachers at The Sycamore School are responsible for:

- Identifying students who may need adjustments to access the educational program
- Recording differentiation for students in the class for which they are responsible
- Develop and implement Personal Learning Plans (PLPs)
- Planning for the effective use of Education Support Officers, Behavior Specialists, and Social Worker to support the implementation of reasonable adjustments
- Participating in a practice of review, reflection and evaluation of the success of adjustments in achieving individualised educational goals.

Education Support Officers, Behavior Specialists, and Social Worker Responsibilities

These staff at The Sycamore School are responsible for:

- Implementing adjustments by assisting teachers
- Providing timely feedback to the teacher on the implementation of adjustments.

Parent/Carer Responsibilities

Parents/carers (or other associates) of students enrolled at The Sycamore School should:

- Provide the school with all relevant information about their child's learning needs during the enrolment process
- Provide the student's classroom teacher with up-to-date relevant information about their students learning needs including current reports and assessments from medical and other allied health professionals
- Raise any concerns about their students learning or behaviour with the classroom teacher in a timely manner
- Participate in consultation with staff around the development and review of PLPs or other support plans.

Student and Employee Responsibilities

All students and employees at The Sycamore School have a responsibility not to engage in unlawful discriminatory conduct and to uphold the school's policies.

If students, parents/carers or employees consider that discriminatory conduct is occurring in the school, they are able to make a complaint under The Sycamore School's C*omplaints Handling Policy.*

Compliance and Monitoring

The Sycamore School is committed to monitoring compliance with this policy and ensuring that any concerns relating to disability discrimination are identified, addressed and used to inform continuous improvement.

The Principal is responsible for overseeing compliance with this policy. Reports or complaints relating to disability discrimination will be recorded through the School's Complaints Handling Policy and reviewed to identify trends, recurring issues and opportunities to strengthen inclusive practices. Where appropriate, corrective actions will be implemented, and outcomes monitored to ensure compliance with the *Disability Discrimination Act 1992 (Cth)*, the *Disability Standards for Education 2005 (Cth)* and the *Anti-Discrimination Act 1991 (Qld)*.

The School will monitor compliance through:

- maintaining records of complaints, concerns and resolutions relating to disability discrimination;
- regular review of Personal Learning Plans (PLPs), reasonable adjustments and Nationally Consistent Collection of Data (NCCD) documentation;
- monitoring staff compliance with mandatory training and policy acknowledgements;
- periodic review of this policy and associated procedures to ensure legislative compliance and alignment with best practice.
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The Sycamore School will report to its community through the publication of relevant policies on the School website, communication with parents and carers where appropriate, and annual reporting to the Governing Body on significant compliance matters, trends and any actions taken to improve inclusive educational practices while maintaining the privacy and confidentiality of individuals.

Consequences of Breaching this Policy

The Principal is available to discuss this policy and its interpretation.

Complaints concerning a breach of this policy should be raised under the school's Complaints Handling Policy in the first instance. Breaches of this policy may lead to an investigation and potentially disciplinary action against both students and individual employees.

A disability discrimination claim can be made by a student or their parent/carer against the school and/or

the individual employee who is alleged to have unlawfully discriminated the student. The claim can be made to an external entity such as the Queensland Human Rights Commission (QHRC) (www.qhrc.qld.gov.au) in the State jurisdiction or the Australian Human Rights Commission (AHRC) (www.humanrights.gov.au) in the Commonwealth jurisdiction.

5 Related Legislation

- *Australian Education Act 2013* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Disability Services Act 2006* (Qld)
- *Education (Accreditation of Non-State Schools) Act 2017* (Qld)
- *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld)
- *Education (General Provisions) Act 2006* (Qld)
- *Privacy Act 1988* (Cth)

6 Related Documents

- *Complaints Handling Policies and Procedures*
- *Staff Code of Conduct*
- *Privacy Policy*
- *Reporting Concerns of Harm and Abuse Policy*
- *Student Bullying Policy*
- *Student Code of Conduct*
- *Student Safety and Wellbeing Policy*

7 Procedure

It is important to us that theSchool, 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 the School 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 School's 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.

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:

4.1.1 the completion of the School enrolment form providing background information from the parents/carers,

4.1.2 provision and review of diagnosis and assessment information from allied health professionals and specialist reports,

4.1.3 provision and review of previous educational setting reports, curriculum plans, behaviour support plans and Individual Education Plans or Personal Learning Plans,

4.1.4 attendance at a parent/carer Suitability and Support meeting,

4.1.5 interview and/or observation of the student and

4.1.6 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:

4.1.7 Curriculum

4.1.8 Communication

4.1.9 Social Participation / Emotional Wellbeing

4.1.10 Health and Personal Care

4.1.11 Safety

4.1.12 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.

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.

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'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:

- professional or medical letter for students diagnosed with a disability;
- current Personal Learning Plans;
- curriculum planning documents 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.

7 Document History

Version	Description of modification	Modified by	Date
4	Update and alignment with ISQ policy template (May 2026). Removal of reference to Education Adjustment Program.	Toni Banfield	07/07/2026
3	Update and alignment with ISQ policy template (revised October 2024)	Ronwyn Collier	24/07/2025
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