



## Disabilities/Special Needs Policy

### PURPOSE OF THE POLICY

The purpose of this policy is to meet the educational needs of students with disabilities in a manner that complies with relevant anti-discrimination and accreditation legislation, and takes into account student learning needs while balancing the interests of all parties affected

#### **Scope**

This policy applies to employees, volunteers, parents/carers and students and outlines the procedures for identifying and enrolling students with disabilities and the process undertaken to develop individual education programs for students so identified.

#### **Definitions**

*Disability*, in relation to a person, means:

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; and includes a disability that:
  - presently exists; or
  - previously existed but no longer exists; or
  - may exist in the future (including because of a genetic predisposition to that disability); or
  - is imputed to a person.

To avoid doubt, a *disability* that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability (Disability Discrimination Act 1992, Cth).

#### **Responsibility**

Principal

#### **Point of Contact**

Learning Support Coordinator

### LEGISLATION

*Disability Discrimination Act 1992 (Cth)*

*Disability Standards for Education 2005 (Cth)*

*Anti-Discrimination Act 1991 (Qld)*

*Anti - Discrimination Regulation 2005 (Qld)*

*Education (Accreditation of Non-State Schools) Act 2001(Qld)*

*Education (Accreditation of Non-State Schools) Regulation 2001(Qld)*



POLICY

## Introduction

The Commonwealth *Disability Discrimination Act 1992* (DDA)<sup>1</sup> makes discrimination against people on the grounds of disability unlawful in a wide range of areas of public life, including education. Similar provisions also exist in the Queensland *Anti-Discrimination Act 1991*.

The Queensland *Education (Accreditation of Non-State Schools) Act 2001* prescribes 'the school's educational program and student welfare processes' as an accreditation criterion, and makes it mandatory for all schools to have written processes about students with disabilities.

In particular, schools must have written processes for identifying students with disabilities, and for devising an educational program, 'specific to the educational needs of those students with a disability, that complies with relevant anti-discrimination legislation'.

In addition, schools must comply with the Disability Discrimination Act Education Standards which took effect on 17 March, 2005.

The objects of these Standards are:

- (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the area of education and training; and
- (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law in the area of education and training as the rest of the community; and
- (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

To comply, an education provider must make 'reasonable adjustments' to accommodate a student with a disability. An adjustment is a measure or action taken to assist a student with a disability to participate in education and training on the same basis as other students. An adjustment is reasonable if it does this

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<sup>1</sup>

- (1) It is unlawful for an educational authority to discriminate against a person on the ground of the person's disability:
  - (a) by refusing or failing to accept the person's application for admission as a student; or
  - (b) in the terms or conditions on which it is prepared to admit the person as a student.
- (2) It is unlawful for an educational authority to discriminate against a student on the ground of the student's disability:
  - (a) by denying the student access, or limiting the student's access, to any benefit provided by the educational authority; or
  - (b) by expelling the student; or
  - (c) by subjecting the student to any other detriment.
- (2A) It is unlawful for an education provider to discriminate against a person on the ground of the person's disability:
  - (a) by developing curricula or training courses having a content that will either exclude the person from participation, or subject the person to any other detriment; or
  - (b) by accrediting curricula or training courses having such a content.
- (3) This section does not render it unlawful to discriminate against a person on the ground of the person's disability in respect of admission to an educational institution established wholly or primarily for students who have a particular disability where the person does not have that particular disability.



## Disabilities/Special Needs Policy

while taking into account the student's learning needs and balancing the interests of all parties affected, including those of the student with the disability, the education provider, staff and other students.

A provider is also required to comply in relation to its obligation to put in place strategies and programs to prevent harassment and victimisation. That is, it must ensure that staff and students know not to harass or victimise students with disability, or students who have associates with a disability, and must take reasonable steps to ensure that staff and students know what to do if harassment or victimisation occurs.

Consistent with the DDA, an education provider does not have to comply with a requirement of the Standards to the extent that compliance would cause 'unjustifiable hardship'. The provider may consider all costs and benefits, both direct and indirect, that are likely to result for the provider, the student and any associates of the student, and any other persons in the learning or wider community, including:

- costs associated with additional staffing, the provision of special resources or modification of the curriculum
- costs resulting from the student's participation in the learning environment, including any adverse impact on learning and social outcomes for the student, other students and teachers, and
- benefits deriving from the student's participation in the learning environment, including positive learning and social outcomes for the student, other students and teachers, and any financial incentives, such as subsidies or grants, available to the provider as a result of the student's participation.

In assessing whether an adjustment to the course or program in which the student is enrolled, or proposes to be enrolled, is reasonable, the provider is entitled to maintain the academic requirements of the course or program, and other requirements or components that are inherent in or essential to its nature.

There is no requirement to make **unreasonable** adjustments. The concept of unreasonable adjustment is different from the concept of unjustifiable hardship on the provider. In determining whether an adjustment is reasonable the school may consider any effect of the proposed adjustment on anyone else affected, including the education provider, staff and other students, and the costs and benefits of making the adjustment. The specific concept of unjustifiable hardship is not considered. It is only when it has been determined that the adjustment is reasonable that it is necessary to go on and consider, if relevant, whether this would nonetheless impose the specific concept of unjustifiable hardship on the provider.

More information about the DDA, including **the Measures for Compliance with Standards** can be accessed at: [http://www.dest.gov.au/NR/rdonlyres/FC997C1A-EC40-4B51-8CB4-B58E498034D0/4591/Disability\\_Standards\\_for\\_Education\\_2005.rtf](http://www.dest.gov.au/NR/rdonlyres/FC997C1A-EC40-4B51-8CB4-B58E498034D0/4591/Disability_Standards_for_Education_2005.rtf)

### Policy Statement

St James Lutheran College values the diversity of all students including those with special educational needs, recognises the right of all students to equitable access to the curriculum, and offers education programs specific to the educational needs of students with disabilities.

The College will assist the full participation of students with disabilities by:

- valuing all students as individuals and identifying and responding to their needs;
- consulting with the student and parents to make well-informed decisions about the education program to be developed for each student with a disability/ies;
- identifying and addressing barriers that limit students' opportunities, participation and benefits from schooling;
- providing an appropriate level of resources within available funds in order to reasonably accommodate the needs of students with disabilities;



## **Disabilities/Special Needs Policy**

- making reasonable adjustments in modifying, substituting or supplementing curricula, course work requirements, timetables, teaching methods and materials, and assessment procedures to meet the needs of students with disabilities;
- facilitating options and pathways for students with disabilities;
- providing physical environments that are accessible, stimulating, safe and welcoming;
- devising fair and transparent enrolment procedures for all students, including those with disabilities;
- respecting the rights of people with disabilities to privacy and confidentiality;
- fostering and encouraging among staff and students, positive, informed and unprejudiced attitudes towards people with disabilities; and
- supporting and assisting students to make alternative satisfactory educational arrangements when the school is unable to meet their needs.

## **Implementing the Policy**

### **Enrolment<sup>2</sup>**

StJames Lutheran College enrolment policy is inclusive of **all** students. The criteria for enrolment are clearly set out in the application for enrolment form, including how decisions are made with regard to priority in the enrolment process.

It is important to us that we, as a school, can meet the educational needs of each child. For this reason, all parents 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.

If a child has special education needs, parents/caregivers are asked to sign a permission form which allows the school to collect information from specialist personnel who may have information to assist in meeting the needs of their child. Specialist personnel may include the child's previous school, disability agencies, medical and allied health professionals.

The collection, use and disclosure of information about a child is protected by the provisions of the School's Privacy Policy, a copy of which can be obtained from our website or from school reception

### **Identification**

The level of specialist educational support required by students with disabilities is identified through the Student Support Plan process (SSP) and the Individual Educational Plan (IEP). This includes the collection

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Measures that the education provider may implement to enable the prospective student to seek admission to, or apply for enrolment in, the institution on the same basis as a prospective student without a disability include measures ensuring that:

- I. information about the enrolment process addresses the needs of students with disabilities; and is accessible to the student and his or her associates; and; is made available in a range of formats depending on the resources and purposes of the provider and within a reasonable timeframe; and
- II. enrolment procedures are designed so that the student, or an associate of the student, can complete them without undue difficulty; and
- III. information about entry requirements, the choice of courses or programs, progression through those courses or programs and the educational settings for those courses or programs is accessible to the student and his or her associates in a way that enables the student, or associates, to make informed choices.



## **Diabilities/Special Needs Policy**

of information from parents or caregivers at interview, possibly completion of a parent-student questionnaire and consultation with specialist personnel, including the School's support teacher.

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

- Physical access- equipment, building modification
- Personal care
- Health care management – medication, emergency procedures
- Communication
- Specific teaching strategies.

Based on the information gathered, the Principal or delegated staff member will make a preliminary assessment of the student's curriculum support needs, and the school's ability to meet these needs.

At this time the Principal, or delegated staff member, will meet with parents/caregivers to discuss the outcomes of the information-gathering process and to present the educational program the School can offer. This discussion may involve:

- the student, if appropriate
- special education advisers from Independent Schools Queensland
- agency representatives
- therapists, counsellors, other professionals
- an advocate
- an interpreter.

It is possible at this time that the enrolment will not proceed because parents form the view that the school cannot meet their child's needs, or the school can demonstrate that the enrolment will cause unjustifiable hardship.

### **Education Program**

On confirmation of enrolment, parents will receive in writing an outline of the support the school can offer the student in order for them to access the curriculum successfully.

The SSP/IEP will include such matters as:

- the basis for the comprehensive collection of the information about the needs of students with disabilities.
- the documentation of modifications required for curriculum and behaviour management. Liaison with parents and outside agencies, as appropriate. Resource requirements and additional staff support may be included.

The SSP/IEP will be reviewed at the end of each semester and at this time parents/caregivers will be requested to meet with the Principal, or delegated representative, in order to discuss the progress of their child.



**POLICY RELEASE DETAILS**

***Date of Policy***

October 2014

***Approved by Board***

***Review Date***

Biennially

**RELATED POLICIES AND DOCUMENTS**

Enrolment Policy  
Anti-Discrimination Policy  
Privacy Policy  
Anti-Bullying Policy  
Code of Conduct

Disability Discrimination Act 1992

<http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/C3380D1AC643D437CA25768E0011A400?OpenDocument>

Disability Standards for Education 2005

<http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/4B28EE956766891FCA256FC0004EF81?OpenDocument>