



**PROCEDURE:** Disability

**UPDATED:** 2018

**REVIEWED BY:** Senior Executive

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**STATEMENT OF INTENT:**

Every student, regardless of ability and need for additional support, is entitled to an education.

Students with disability and special needs are supported through a wide range of programs and services that operate in regular and special schools across the state.

The Learning and Support Team in each school assists classroom teachers to address the educational needs of students with a disability, learning difficulty or behaviour disorder. Parents or caregivers have a vital role to play in the work of the Learning and Support Team through discussing and planning for their child's needs.

Students who experience difficulties in basic areas of learning and behaviour are supported through Learning and Support in their local school. Students in primary, secondary and central schools may receive additional assistance in literacy, numeracy, language and behaviour. Students do not need a formal diagnosis of disability to access support through these resources.

Additional support for eligible students with disability is provided through specialist disability programs that operate in regular and special schools.

**APPLICABILITY:**

- This policy applies to all staff employed in Public Schools NSW in both school and non-school based positions. It also applies to students who attend public schools and has implications for each school community.
- Every Student, Every School is an initiative providing better learning and support for the 90,000 students with a disability, learning difficulties or behaviour support needs in our public schools through a strong focus on professional learning and support for teachers and support staff.

**DoE POLICY/PROCEDURE REFERENCE:**

- *Every Student, Every School*
- *Assisting Students with Learning Difficulties DEC Policy*
- *People With Disabilities - Statement of Commitment*
- *Disability Discrimination Act (DDA, 1992)*
- *The Disability Standards for Education 2005.*
- *The NSW Department of Education and Communities Disability Action Plan.*

**DEFINITION:** The NSW Department of Education will assist people with disabilities to gain the knowledge, skills and understanding they need to successfully participate as citizens by working with its staff and students to achieve the following goals:

- Students, staff and customers with disabilities will be provided with the same opportunities as other people to take advantage of the range of education, training and employment opportunities provided by the Department.
- The Department will report on its progress in developing and implementing policies and practices to improve access, participation and outcomes for people with disabilities.
- The Department will strengthen strategic alliances and have a coordinated approach to the delivery of services for people with disabilities.

### **RATIONALE:**

This Policy is intended to:

- Support students with disabilities to access and participate in education on the same basis as other students
- Raise awareness and eliminate discrimination against people with disability in education and training.

**PROCEDURES:** *All schools have three main obligations to students with disabilities.*

They must:

- consult
- make reasonable adjustments
- eliminate harassment and victimisation

### **Consultation**

Education providers must consult in order to understand the impact of a student's disability and to determine whether any adjustments or changes are needed to assist the student.

- Talking with the student and their family members or carers, to get ideas about the type of assistance that is needed
- Discussing ways to overcome the barriers and the adjustments that could be made by the education provider and whether these adjustments are reasonable
- Providing any relevant medical and therapist reports that help to explain the disability and the needs and supports that can help
- Providing written advice about the issues discussed during the consultation and the decisions made; including specifying a date for notifying the student about what adjustments will or will not be made
- Meeting regularly to make sure all is going well and change supports if needed and keeping records of these meetings

The obligation to consult continues for the whole time that the student is involved with the education provider.

### **Reasonable adjustments**

Education providers must meet the obligation to make reasonable adjustments where necessary.

- An adjustment is a measure or action taken to assist a student with disability to participate in education and training on the same basis as other students.
- An adjustment is reasonable if it achieves this purpose while taking into account the student's learning needs and balancing the interests of all parties

affected, including those of the student with disability, the education provider, staff and other students.

- The process of consultation outlined is an integral part of ensuring that providers are meeting their obligations in relation to reasonable adjustments.
- Education providers are required only to make reasonable adjustments. Schools can draw upon a broad range of resources to provide reasonable adjustments – including resources, materials and programs that may be in the form of targeted funding through a disability program, ongoing school funding or a redirection of general school resources to address the needs of students with disability. Other options include support through student services and allied health staff, specialist and targeted curriculum material and use of expertise within the school or network.

### **Eliminating discrimination**

Educational providers need to develop and implement strategies to prevent harassment and victimisation of people with disability. Harassment in this case means an action taken in relation to people with disability that is reasonably likely to humiliate, offend, intimidate or distress the person. Harassment and victimisation of students with disability is unlawful and education providers must take all reasonable steps to prevent this from happening.

An education provider must take reasonable steps to ensure that staff and students are informed about:

- The obligation not to harass or victimise students with disability, or their associates
- The appropriate action to be taken if harassment or victimisation occurs
- Complaint mechanisms available to a student who is harassed or victimised in relation to a disability of the student or of an associate of the student.