

The BUSY School Ltd

Policy: Students with a Disability

Purpose:	The purpose of this policy is to identify students with disabilities and meet their educational needs 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.		
Status:	Approved	Supersedes:	Nil
Authorised by:	Board Chair	Date of Authorisation:	28/10/2020
References:	Disability Discrimination Act 1992 (Cth) Disability Standards for Education 2005 (Cth) Anti-Discrimination Act 1991 (Qld) Education (Accreditation of Non-State Schools) Act 2017 (Qld) Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)		
Review Date:	Annually	Next Review Date:	28/10/2021
Policy owner:	The BUSY School Ltd		

1. Definitions

- **Disability:** in relation to a person, means:
 - a) total or partial loss of the person's bodily or mental functions
 - b) total or partial loss of a part of the body
 - c) the presence in the body of organisms causing disease or illness
 - d) the presence in the body of organisms capable of causing disease or illness
 - e) the malfunction, malformation or disfigurement of a part of the person's body
 - f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
 - 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

and includes a disability that:

- h) presently exists
- i) previously existed but no longer exists
- j) may exist in the future (including because of a genetic predisposition to that disability)
- k) 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.

- **Associate, in relation to a person:** includes:
 - a) a spouse of the person
 - b) another person who is living with the person on a genuine domestic basis

- c) a relative of the person
 - d) a carer of the person
 - e) another person who is in a business, sporting or recreational relationship with the person.
- **Direct disability discrimination:** a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if, because of the disability, the discriminator treats, or proposes to treat, the aggrieved person less favourably than the discriminator would treat a person without the disability in circumstances that are not materially different.

A person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

- a) the discriminator does not make, or proposes not to make, reasonable adjustments for the person
- b) the failure to make the reasonable adjustments has, or would have, the effect that the aggrieved person is, because of the disability, treated less favourably than a person without the disability would be treated in circumstances that are not materially different.

For the purposes of this section, circumstances are not materially different because of the fact that, because of the disability, the aggrieved person requires adjustments.

- **Indirect disability discrimination:** a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:
 - a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition
 - b) because of the disability, the aggrieved person does not or would not comply, or is not able or would not be able to comply, with the requirement or condition
 - c) the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.

A person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

- a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition
- b) because of the disability, the aggrieved person would comply, or would be able to comply, with the requirement or condition only if the discriminator made reasonable adjustments for the person, but the discriminator does not do so or proposes not to do so
- c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.

2. Policy Statement

All students at The BUSY School have the right to learn in an environment free from unlawful discrimination. The BUSY School will provide a fair and safe learning environment where all students have equal opportunities. In particular, The BUSY 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.

In accordance with relevant law, The BUSY School is committed, whilst students are engaging in their education, to protecting students with a disability, and students associated with a person where that person has a disability, from both direct and indirect:

- discrimination on the basis of disability
- harassment and victimisation on the basis of disability.

In accordance with the relevant law, The BUSY School will take reasonable steps to prevent unlawful discrimination, including harassment and victimisation, against students on the basis of disability in all facets of education at The BUSY School, including:

- enrolment
- participation
- curriculum development, accreditation and delivery
- student support services.

The BUSY School will make reasonable adjustments that do not cause unjustifiable hardship to ensure this equality of access and participation.

The BUSY School is committed to responding appropriately should such discrimination, harassment or victimisation occur, including possible disciplinary action. Any instances of disability discrimination, harassment or victimisation should be reported under the The BUSY School Complaints Handling Policy and Procedure.

3. Responsibilities

3.1. The BUSY School Responsibilities

The BUSY School will not unlawfully discriminate, harass or victimise a student on the ground of the student's disability or a disability of any associate of a student. The school acknowledges that its responsibilities are as follows:

- **Enrolment** - The BUSY School will take reasonable steps to ensure that a student with a disability is able to seek admission to, or apply for enrolment in, the school on the same basis as a prospective student without a disability, and without experiencing discrimination.
- **Participation** - The BUSY 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 BUSY 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 (including the assessment and certification requirements) of the course and program on the same basis as a student without a disability, and without experiencing discrimination.
- **Support services** - The BUSY School will take reasonable steps to ensure that a student with a disability is able to use support services used by other students of the school in general on the same basis as a student without a disability, and without experiencing discrimination.
- **Harassment and victimisation** - The BUSY School will 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, in relation to the 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 BUSY School will not be disclosed except for the purposes of the adjustment or in accordance with a lawful requirement, in compliance with the The BUSY School Privacy Policy.

3.2. Student and Employee Responsibilities

All students and employees at The BUSY School have a responsibility not to engage in discriminatory conduct, including harassment and victimisation, and to uphold the school's policies on these issues.

If students, parents or employees believe that this type of behaviour is occurring in the school, they are able to make a complaint under the The BUSY School Complaints Handling Policy and Procedure.

4. Implementation

The BUSY School provides educational programs which cater for the individual learning needs of students. Where enrolment applications are received from students with disabilities, the following processes will apply.

4.1. Education Adjustment Program

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. In particular, the school will assess the level of special services or facilities and the learning support required under the Commonwealth Government's Disability Standards for Education 2005 and the Queensland Government's cross-sectoral Education Adjustment Program.

The Education Adjustment Program (EAP) is the process for identifying and responding to the educational needs of a student with a disability. Adjustments are made by teachers to enable a student with a disability to access the curriculum, achieve curriculum outcomes and participate in school life.

The EAP Process has three elements: Verification; Profile; Validation.

Verification is the process of confirming that a student's identified impairment and the associated activity limitations and participation restrictions require significant education adjustments. Disabilities are considered under the categories of: hearing impairment, physical impairment, vision impairment, autism spectrum disorder, intellectual impairment, speech-language impairment and social emotional disorder.

The **profile** records the frequency of education adjustments made for students with disabilities to access curriculum, achieve outcomes and participate in the life of the school.

Validation is part of the quality assurance process for EAP and is completed by verifiers during the review process. It ensures the reliability of profiles by requiring schools to provide evidence of relevant curriculum adjustment.

Upon the student's admission to enrolment, the school:

1. uses Independent Schools Queensland's processes for verifying disability and determining individual support requirements according to the Education Adjustment Program;
2. makes application for funding support;
3. seeks support from district learning support personnel, where available;
4. undertakes to involve the parents/carers in developing appropriate support mechanisms;
5. devises and implements an Individual Education Program as appropriate;
6. reviews on an annual basis the student's achievement in the Individual Education Program or other programs and the degree to which support services continue to be appropriate.

Educational support staff at the school will liaise with all teachers of students with disabilities to ensure that they are as fully integrated as possible into mainstream classes and to ensure support is delivered in a non-discriminatory manner compliant with relevant anti-discrimination legislation.

Should a student appear to develop signs of a disability subsequent to enrolment, the matter is referred to the school's educational support staff who then work with parents and relevant specialists to determine the student's needs, level of inclusion in the Education Adjustment Program and additional support that may be required.

4.2. Education Support Plans

The BUSY School values the diversity of all students including those with special educational needs and recognises the right of all students to equitable access to the curriculum.

The BUSY School 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 students and parents to make well-informed decisions about the education program to be developed for each student with a disability(ies) – the Educational Support Plan;
- 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;
- 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.

The Educational Support Plan will be reviewed at the end of each semester and at this time parents/guardians will be requested to meet with the Principal to discuss the progress of their child.

5. Compliance and Monitoring

The BUSY School Principal will report regularly to the Chief Executive Officer regarding any Disability Discrimination complaints received and their outcome.

Periodically, the Chief Executive Officer will report to the Board regarding Complaints including Disability Discrimination complaints.