

A Parent's Toolkit

School issues for students with disabilities



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Introduction

Disability advocates in recent years have witnessed an increasing number of students in the NSW education system who are being subjected to unfair treatment at school because they have a disability.

The vast majority of these referrals involve students who have in some way been excluded from fully participating in their school education, thus significantly reducing their learning outcomes. These students have either been suspended or expelled for behaviours associated with their disability or have been subject to 'partial attendance' limitations, again because of their disability. These children are also frequently targets for bullying and more often than not are suspended for retaliating when the bullying becomes unbearable.

In all of these cases without exception, these issues could be resolved by providing adequate, appropriate and timely support for the student at school. Underpinning this is the need for schools to increase their disability awareness and knowledge of the needs of students with disabilities, as well as the need for greater flexibility on the part of the NSW Department of Education in meeting those needs.

Many parents look to legal remedies as a solution to their problems but these are costly, take a long time and often have the effect of increase conflict, not resolving it.

Knowledge, however, is power – and it is hoped that the information and self-advocacy strategies contained in this tool kit will serve as a useful and empowering tool for parents and students with disabilities.

Part 1: The Basics

1. Enrolment

All students between the ages of six and 17 in NSW are required by law to be enrolled at a government or non-government school, and to attend on a regular basis or to be registered for home-schooling..

Students with disability are entitled to enrolment on the same basis as students without disability. The *Disability Discrimination Act 1992* states that enrolment cannot be refused on the grounds of disability.

Within the Act, the *Disability Standards for Education 2005* set out the rights of students with disability to participate in education courses programs on the same basis as students without disability.

Enrolment can be refused, however, on other grounds. The *Disability Standards for Education* state that schools do not have to accommodate a student with disability if doing so would cause “unjustifiable hardship” in terms of cost or safety to others.

For example, a principal may refuse enrolment of a student on the grounds of previously documented violent behaviour which is considered to pose an unacceptable risk to the safety or wellbeing of others at the school.

Where to Start?

The law is clear that every child with disability has the right to attend their local school in a mainstream or regular class. As a parent, it is your choice as to where you want your child to go to school. However, the issue here is that the school you choose may not be able to adequately meet your child’s needs.

Where to enrol you child is an extremely important decision but especially so when your child has special learning needs that require additional assistance. Before you decide, do your research. Visit the schools you are interested in and look around. Talk to the principal and teachers about your child’s needs and find out what they have to offer. Let them know what you want for your child and see how receptive they are.

It is also important to talk to other parents about their experiences at the school. They will fill in many of the gaps for you – for example, do they feel their child is a valued member of the school community? How well does the school communicate with them as parents? Is their input sought and valued? Are they consulted with regularly about their child’s needs and progress?

2. Your Options

The NSW government funds both government and non-government schools. This includes providing specific funding each year for additional services and provisions to support students with disability or additional learning needs.

In NSW there are three different education systems.

- I. **Independent schools** (Association of Independent Schools, NSW)
- II. **Catholic schools** (Catholic Education Commission NSW)
- III. **Government schools** (NSW Department of Education & Communities)

Each system differs in the way they provide support funding to students with disability.

In NSW, the vast majority (76.8%) of students with disability are enrolled in the government school sector.

I. Independent Schools

In independent (also known as private) schools, each school individually determines the resources that can be provided. The majority of children with special needs in independent schools are enrolled with their peers in mainstream classes.

The Association of Independent Schools (AIS) can provide information and advice on the government funding available to support students with special needs in independent schools.

Phone (02) 9299 2845 or visit www.aisnsw.edu.au

II. Catholic Schools

Within the Catholic Education system, resources for children with special needs are directed primarily to support children integrated into regular classes.

Support for the implementation of your child's individual planning is provided by specialist teachers and by itinerant specialist teachers, or School Learning Support Officers (formerly Teacher's Aides).

Each Catholic diocese has Education officers, Guidance Officers and/or itinerant support services. The State Coordinator of Special Learning needs at the Catholic Education Commission NSW can provide contacts for each diocese within NSW.

Phone (02) 9287 1555 or visit www.cecnsw.catholic.edu.au

III. Government Schools *(NSW Department of Education and Communities)*

NSW government schools have capacity to provide additional support for any student who is unable to "achieve the curriculum outcomes for students of equivalent stages of learning". This includes many students with disability or additional learning needs.

In NSW government schools, students with disability may be enrolled in:

- A. Regular (“mainstream”) classes**
- B. Support classes in regular schools**
- C. Special schools**

Enrolment procedures differ quite significantly for each of the above options. For example, parents seeking to enrol their child in a regular class at their local school can do this directly. Placement in support classes and special schools, however, is subject to eligibility criteria and families are unable to enrol directly. They must first approach their local primary school which will then forward’s the child’s information to a Regional Placement Panel to determine the school placement.

Your local DEC Disability Program Consultant (based at every DEC regional office) can provide you with information about the different specialist support and resources which are available to support your child’s enrolment. Your local school can help you make contact with the Disability Consultant for your area or you can phone 131 536 for contact details for regional office in your area.

The Department has a list of disability types that attract support funding. These are listed in the table below.

3. DEC Disability Criteria

Language	<p>Provides intensive educational and communication programs for students who have moderate to severe language disorders. Most classes cater for students from Kindergarten to Year 2, with some classes catering for students in Years 3 to 6.</p> <p>To meet this criteria, students must have a current speech pathologist’s report which indicates:</p> <ul style="list-style-type: none">○ an assessed receptive or expressive language disorder○ a standard score of 70 or less in at least one of the scales○ that difficulties in communication and academic achievement are a direct result of the disorder.○ <p>Documented evidence of the development and delivery of an intensive learning program assisted by a support teacher or relevant specialist in the prior-to-school setting in the case of a student entering kindergarten is also required.</p>
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<p>Physical Disability</p>	<p>Are provided for students with significant physical disability and/or significant health impairment that require support from allied health personnel, in particular, therapists such as speech pathologists and occupational therapists.</p> <p>To meet this criteria, students must have:</p> <ul style="list-style-type: none"> ○ a current physical condition involving the motor system that significantly limits the student's level of functioning and independence in mobility, personal care, and/or ability to physically undertake essential learning tasks. ○ evidence that the student is highly dependent on others for mobility and personal care and requires constant supervision to avert harm. ○ A report from a specialist medical practitioner which details the nature of the condition.
<p>Intellectual Disability</p>	<p>Provides intensive, individualised educational programs for students with mild, moderate and severe intellectual disability.</p> <p>To meet this criteria, students must have:</p> <ul style="list-style-type: none"> ○ Mild intellectual disability: - a full-scale IQ score of 75-56 on an approved individual test of intelligence. ○ Moderate intellectual disability –a full-scale IQ score of 55-41. ○ Severe intellectual disability –a full-scale IQ score of 40 or below on an approved individual test of intelligence. <p>Information is also required on the assessment of adaptive skills and school performance consistent with or below this range of scores.</p>
<p>Hearing Impairment</p>	<p>For students who are deaf or have a hearing impairment - provides a range of teaching approaches including total communication (combination of oral communication and the use of signs and finger spelling, including Auslan) or aural-local communication (does not use any sign component and promotes the acquisition of spoken language using residual hearing and appropriate amplification).</p> <p>To meet this criteria, students must have:</p> <ul style="list-style-type: none"> ○ a current audiogram and report from Australian Hearing which indicates a sensory-neural or permanent conductive hearing loss of 30 decibels or more in both ears. ○ a report from the AP/ET Hearing which outlines an assessment of the student's communication and auditory skills and describes the educational impact of the student's hearing impairment.

<p>Vision Impairment</p>	<p>To meet this criteria, students must have:</p> <ul style="list-style-type: none"> ○ a current diagnosed vision impairment which details a permanent vision loss that is 6/24 or less in the better eye corrected, or less than 20 degrees field of vision. ○ A report from the AP/ET Vision which indicates that the student requires additional support to access the curriculum in alternative formats or with significant modification of materials. ○ Documented evidence on the student’s ability to access the physical environment and daily living, orientation, mobility and social skills.
<p>Deaf/Blind</p>	<p>To meet this criteria, a student must:</p> <ul style="list-style-type: none"> ○ Have a vision and hearing impairment, both at levels that severely impact on their ability to learn, and which result in unique educational needs. ○ require alternative means of communication and/or highly specialised technology to facilitate their communication. ○ evidence that the combined impact of the dual sensory impairment requires an intensive educational provision beyond that provided for students solely with hearing or vision impairment or severe intellectual disability.
<p>Mental Health</p>	<p>Provides intensive, individualised educational and behaviour management programs for students who exhibit behaviours that are characteristic of mental health problems at a level of frequency, duration and intensity that seriously affects their educational functioning and emotional wellbeing.</p> <ul style="list-style-type: none"> ○ They must exhibit these behaviours in the home, school and community environments. ○ Have a current report from a specialist medical practitioner or registered psychologist with appropriate clinical experience detailing the nature of the behaviour is required. ○ Also have documented evidence of ongoing individual intervention by a mental health practitioner or school counsellor. <p>The school must also provide documentation and evaluation of strategies used to address the student’s needs within the school setting.</p>

<p>Autism</p>	<p>Provides intensive and structured support for students diagnosed with autism Spectrum disorder.</p> <p>To meet this criteria, a student must:</p> <ul style="list-style-type: none"> ○ have a current report from a specialist medical practitioner or registered psychologist with appropriate clinical experience which details the nature of the student’s disorder. ○ have functional assessment consistent with the student’s disorder ○ documented evidence indicating a developmental disability affecting verbal and non-verbal communication and social interaction that significantly affects the child’s ability to learn
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4. Government Schools: - support for students with disability in mainstream classes

DEC policy clearly states that every child with disability has the right to attend their local neighbourhood school in a mainstream or regular class and to access the same educational and social opportunities as all other students.

Support for students in mainstream schools is provided through:

- **Learning Assistance Program**
- **Integration Funding Support Program**
- **Specialist Itinerant Support Teachers**

I. Learning Assistance Program

This program assists students enrolled in mainstream classes from Kindergarten to year 12 who have learning difficulties in literacy, numeracy or language. This includes students who have learning disabilities, mild intellectual disabilities, mild levels of autism, behaviour disorders, language and communication disorders or mental health.

The aim of the Learning Assistance Program is to increase access to the curriculum and to enhance participation for these students in the regular class program. Support is based on a student's specific learning needs.

Students accessing support through this program:

- do not have to have a diagnosed disability
- attract funding under \$6,400 per annum
- are not funded individually
- are considered by DEC to have lower level support needs.

II. Integration Funding Support Program

This program supports students with confirmed disabilities enrolled in a regular class as well as those students with placements in support classes in regular schools and special schools.

To be eligible for this program, students must have a disability confirmed by specific assessment processes.

This includes students with:

- sensory impairment
- physical disability
- moderate to severe intellectual disability
- more complex high support needs *with* autism or diagnosed mental health disorders .

The student must have essential educational needs that are directly related to their identified disability that cannot be met from within the resources available in their school.

Funds through this program may be used in a range of ways to meet the learning outcomes identified for the student, for example, for additional teacher time, teacher training or employment of a Teacher's Aide.

III. Specialist Itinerant Support Teachers

Itinerant Support Teacher services provide support for students with hearing and/or vision impairment or behaviour disorders, and their teachers.

Other support is also provided for students with conduct or behaviour disorders who do not have an identified or classifiable disability or mental health diagnosis. This includes specialist support programs which provide intensive support for these students in regular classes.

5. Government Schools: Support Classes in Mainstream Schools

Many schools have a support unit located in the grounds of a mainstream school. These support classes have a smaller number of children in each class and aim to provide students with both educational and social integration opportunities in regular school activities. Many support classes offer the opportunity for children to integrate with the whole school at different times of the day.

Individualised learning programs for students in support classes are modified to meet each child's particular needs and are developed collaboratively by the class teacher, parents, therapists and any other professionals who may be involved. Parents can work with the school to access therapy support services as needed.

Support Classes in Mainstream Schools

The different support classes are:

<p>IM: Mild Intellectual Disability</p>	<ul style="list-style-type: none"> ○ Maximum of 18 per class. ○ Provides an individualised learning program for children diagnosed with mild intellectual disability (IQ score less than 75) focusing on communication, social skills, personal care, safety & mobility. ○ Classes are available from year 3 (8 years of age) onwards
<p>IO: Moderate Intellectual Disability</p>	<ul style="list-style-type: none"> ○ Maximum of 10 per class. ○ Provides an individualised learning program for children diagnosed with moderate intellectual disability (IQ core less than 55) focusing on communication, social skills, personal care, safety & mobility. ○ Enrolment from 4 years of age available for students not able to access an early intervention program
<p>IS: Moderate/Severe Intellectual Disability</p>	<ul style="list-style-type: none"> ○ Maximum of 6 per class. ○ Provides an individualised learning program for children diagnosed with moderate to severe intellectual disability (IQ score less than 40) focusing on communication, social skills, personal care, safety & mobility. ○ Enrolment from 4 years of age available for students not able to access an early intervention program
<p>L: Language</p>	<ul style="list-style-type: none"> ○ Maximum of 8 per class. ○ For children in kindergarten to Year 2 with moderate to severe language disorders. ○ Must be within the average range of intelligence or are above average & have significant impairment in the understanding & use of language (speech pathologist assessment required). ○ Primary cause of the language disorder should not be sensory or behaviour difficulties.
<p>P: Physical Disability</p>	<ul style="list-style-type: none"> ○ Maximum of 8 per class. ○ Must have a significant physical disability &/or significant health impairment that requires regular support from allied health personnel. ○ Placement recommendation is based on medical reports detailing the disability & assessment of living & social skills. ○ Enrolment from 4 years of age available for students not able to access an early intervention program

<p>ED/BD: Emotional Disturbance/Behavioural Disorder</p>	<ul style="list-style-type: none"> ○ Maximum of 7 per class. ○ Intensive individualised educational & behaviour management programs within a regular school or special school setting for students who exhibit behaviour characteristic of mental health problems at a level of frequency, duration & intensity that seriously affects their educational functioning & emotional wellbeing. ○ A current assessment describing the student's behavioural difficulties from a specialist medical practitioner or a registered psychologist with appropriate expertise is required. ○ Must be documented evidence of individual intervention strategies addressing educational needs which have been implemented & evaluated by the school.
<p>A: Autism</p>	<ul style="list-style-type: none"> ○ Maximum of 7 per class. ○ Specifically for children diagnosed with Autism Spectrum Disorder - focus is on visual learning. ○ Not available in every school district.
<p>H: Hearing Impairment</p>	<ul style="list-style-type: none"> ○ Maximum of 6 per class. ○ For students with severe/profound hearing impairment requiring intervention to communicate & intensive support to access the regular curriculum. ○ Enrolment from 4 years of age to Year 12.
<p>Multi-categorical</p>	<ul style="list-style-type: none"> ○ For students with confirmed disabilities who have similar moderate to high support needs.

6. Government School: special schools

Special Schools (also known as schools for specific purposes or SSPs) provide a specialised educational setting for students with intellectual disability, physical disability, vision impairment, behaviour difficulties and multiple disabilities.

These schools provide students with individualised programs similar to that offered by support classes in regular schools. Special schools generally have smaller class sizes, support staff, and access to a range of external support services such as therapists, as needed. Unlike in regular schools, students can be enrolled in special schools from 4 years of age to Year 12.

Students considered for programs offered in a special school will generally have more than one disability and require intensive levels of support available in a specialised setting.

To be eligible to attend one of these schools, an application (known as an “access request”) needs to be submitted to your local DET office, supported by a current assessment (within the last two years).

7. Enrolment Procedures in Government Schools

Step 1:

The Learning Support Team

Before your child can be enrolled at a school, an appraisal of your child's support needs must be conducted by the school. For some children, this assessment will have occurred as part of a planned transition process – for example, if they have attended early intervention. For others, the assessment takes place at the time the enrolment is sought in the form of a Learning Support team meeting.

The **School Learning Support Team** is a team of people at the school who work together to address the educational needs of student with disability, learning difficulty or behaviour disorders. Their role is to plan, coordinate and review your child's support needs.

Members of the Learning Support Team generally include parents, school principal (or sometimes the assistant-principal), class teacher, school counsellor and any other specialist teachers.

Depending on the circumstances, the Learning Support Teams might also include Teacher's Aides, a Disability Programs Consultant or itinerant teachers from the Department of Education, or other specialists from outside the Department such as physiotherapists, speech therapists, occupational therapist, psychologists and so on.

Parents know their child better than anyone else and this makes them a fundamental part of their child's Learning Support Team. Parents can provide vital information about their child's support needs which the school might not otherwise know about and also play a very valuable role in monitoring their child's progress.

Step 2:

The Support Funding Application

The Learning Support Team meets for the first time upon your child's enrolment. The purpose of this meeting is to put together a **'profile'** of your child's support needs in areas such as curriculum, mobility, social skills, personal care and communication. This will often involve consideration of supporting documentation from medical practitioners (usually specialists such as paediatricians, psychologists, etc) and other health and education professionals.

The information in this profile will show how your child's additional support needs can be met. It may consider, for example, that placement in a regular class with some additional support from a Teacher's Aide (special) or an Itinerant Support Teacher would work best for your child.

This profile is then forwarded to the Regional Placement Panel for approval and if approved, funding is provided to the school. The school principal, in consultation with the Learning Support Team, decides how the funding is to be used to support your child.

Alternatively, the profile might recommend placement in a support class or a special school. The profile is forwarded to the Regional Placement Panel for approval. This panel is responsible for considering all applications for enrolment in special schools and support classes in regular schools within the region. The principal will inform you of the decision of the Regional placement panel.

If the Regional Placement Panel determines that a place cannot be offered at that time, it is the role of your local DEC Disability Programs Consultant to assist you to find an alternative enrolment option.

Step 3:

Allocation of Funding

In 2012, the Department introduced changes to the way students with disabilities are funded and this has affected the way in which students with lower support needs (i.e. students assessed as receiving less than \$6400 per year) are funded.

Funding for students considered to have lower level support needs is now “whole of school” funding. A disability confirmation or diagnosis is not required because there is no longer an individual funding application process for these students.

Instead, it is the *School Learning Support Team* and the *School Learning Support Teacher* who decide what the support needs of an individual student are and how much specialist teacher time is to be allocated to them.

Ultimately, however, it is the School Principal who now has the responsibility for determining how the total annual funding will be used.

Things for parents to keep in mind:

- Although DEC states that parents are an integral part of the *School Learning Support Team*, many schools do not actively seek the involvement of parents when identifying a student’s support needs, deciding what support that student will require and then monitoring their progress. Many parents in fact have reported that their involvement in this process has often been discouraged by their child’s school.
- Under the previous funding regime, funding decisions were made at the departmental level and not by the school itself. Should a parent not agree with a funding decision, they could formally appeal this at the regional office level. Under the new funding system, it is the principal who makes the final decision. The appeal process is not clear and even if an appeal is made, it is still the principal who reviews the decision. This would be in breach of procedural fairness which requires that a decision maker should not participate in decision making at appeal levels.

Part 2: Common Issues

8. Bullying

Bullying is a huge social problem in our schools and it is an unfortunate reality that most children will probably experience it at some stage, either as a witness, a victim or by being a bully themselves.

Knowing this is distressing enough for any parent. But then add into the mix the fact that your child has a disability, that they may be not be able to understand what is happening to them or be able to tell anyone about it, and then a school that doesn't seem to be doing anything about it - and this can quickly become a devastating situation for child and parent alike.

Sadly this is a common experience for many parents of children with disability. So many times at Disability Advocacy our advocates have listened to parents talk about the immense frustration they feel because they just don't know what to do. What are your child's rights in this situation? Who at school do you talk to about it? What do you do when you are not being listened to? And most importantly, *where* do you find this information?

This section is a step by step guide for parents dealing with this situation. It explains what bullying is and aims to equip parents with the information and knowledge they need in order to advocate for their child.

What is bullying?

Bullying is when one or more people intentionally and repeatedly target an individual and treat them in an offensive, intimidating, demeaning or hurtful way. In a school setting, this involves situations where a student is deliberately targeted by others with behaviour that is physically, psychologically or emotionally harmful. These acts are neither provoked nor welcomed by the victim and reflect a clear imbalance of power between the bully and the victim.

The three critical elements of bullying are:

1. **Repetition** – repeated hurtful behaviour
2. **Intent to harm** – intentionally hurts another person either physically or emotionally
3. **Power imbalance** - a bully chooses victims they perceive as vulnerable, through differences such as physical size, strength, age or status within a peer group.

Bullying is not *just* conflict

It is important to point out here that bullying is NOT the same thing as conflict. Conflict involves a mutual disagreement, argument or dispute between people of equal physical or psychological strength where there is no significant power advantage to one party.

Any two people can have a conflict (or a disagreement or a fight) but bullying only occurs where there is a power imbalance.

Forms of Bullying

Bullying can take many forms including:

- Name-calling, teasing and taunting
- Making hurtful or humiliating comments or gestures
- Insults or threats
- Hitting, punching, spitting, kicking or pushing
- Making threats verbally or with gestures
- Stealing, hiding or damaging belongings
- Engaging in malicious gossip or spreading rumours
- Writing hurtful notes, graffiti, text messages, emails or internet posts
- Deliberately excluding someone from a group or activity (such as not being allowed to sit with a group at lunchtime; having questions ignored; being deliberately being chosen last in a game or for a team)
- Forcing someone to handover money or food or other belongings
- Manipulating someone to do things they don't want to do

When is bullying a criminal offence?

Bullying in itself is not a specific criminal offence. However, bullying that appears to involve criminal behaviour such as physical violence, intimidation, inciting violence, or even threats to harm a child, *can* amount to a criminal offence.

If there has been a serious attack where, for example, another student has been physically or sexually violent towards your child, or threatened to be physically or sexually violent towards your child, schools must inform the police. These behaviours are against the law and if the bully is over 10 years of age, they could be charged or given a warning by the police.

Cyber bullying

Cyber bullying involves the use of information and communication technologies to deliberately and repeatedly hurt or embarrass someone. It is often used as an extension of other forms of bullying.

Cyberbullying can involve:

- posting messages on social networking sites such as Facebook and Twitter that are hurtful, abusive, threatening or involve intimidation, vilification or defamation
- sending repeated unwanted messages either by SMS, email or other forms of electronic messaging
- excluding someone from an online group or chat
- unauthorised publication of private information or images
- identity theft, unauthorised access and impersonation.

Cyber bullying differs from other forms of bullying in that it creates a sense of anonymity - the bully's identity is hidden. Because of this, it is more difficult for adults to detect or track than traditional bullying and almost half of those victimised do not know the identity of the person or people who are targeting them.

Is cyberbullying a school responsibility?

In terms of dealing with cyberbullying at a school level, the NSW Department of Education states that “*the school discipline policy may apply outside of school hours and off school premises where there is a clear and close connection between the school and the conduct of students*”.

The Department’s discipline policy (*Suspension and Expulsion of School Students – Procedures*) also states that this behaviour that may warrant suspension.

Cyberbullying and Young People with Disabilities

While the internet is an important social outlet for young people in general, for many young people with disabilities it is their only social outlet. Many see it as a great equaliser because unlike in real life, their disability is not an issue and they can socialise on the internet without revealing their disability if they don’t want to. This can be viewed as both an exciting opportunity for young people with disabilities and a threat to their safety.

Cyberbullying poses a particular risk for young people with disabilities who may not be able to handle offensive messages, rumours or images that may be circulated about them. Schools need to take this into account in their anti-bullying policies.

What is not bullying:

While the following behaviours are often upsetting to those involved, it is important to understand that they are not bullying:

- Mutual disagreements or fights between students where there is no power imbalance (conflict)
- Mutual teasing, joking and social banter
- People looking at you
- Not liking someone or a single act of social rejection
- One-off acts of meanness or spite
- Unintentional or accidental behaviour
- Single or random incidents of aggression, intimidation or violence

Bullying of School Students with Disabilities:

Children and young people with disabilities are more vulnerable to bullying than their peers. The groups who are reported to be vulnerable to bullying include young people with:

- Severe, mild and moderate learning disabilities;
- speech and language difficulties (including stammering, cleft lip and palate)
- physical disabilities and impairments
- sensory impairments (including vision and hearing impairments)
- autism and autism spectrum disorders
- ADD and ADHD
- specific learning difficulties (dyslexia)
- social, behavioural and emotional difficulties

Prevalence of Bullying: students with disabilities

Unfortunately the NSW Department of Education and Communities does not appear to record statistics in relation of the numbers of students with disabilities who have been bullied.

The best we can do here is look to the 2009 ABS Survey of Disability, Ageing and Carers. This states that 37% of children with disability were reported to have difficulty fitting in socially at school.

Overseas Studies

Unfortunately Australian research to date on the rates of vulnerability to bullying for children with special needs and disabilities is quite limited. However overseas studies have found that children with disabilities and special needs in mainstream schools are significantly more likely to be bullied or victimised than their peers.

Various reports suggest that bullying may have been experienced by up to:

- 83% of children with learning difficulties
- 39% of children with speech and language difficulties
- 70% of children with autistic spectrum disorders

HOW are Students with Disabilities Bullied?

For some young people with disabilities, they find it very difficult to understand that they are being bullied because they can't identify bullying behaviour – and even if they can, they may not be able to report it.

These children are often less skilled at many social activities that are important to developing peer relationships, including knowing how to join peer groups, negotiating with peers and resolving conflicts, and taking part in group learning activities.

They may misread social cues or have difficulties judging what is socially acceptable behaviour and so may be 'led' by other students into behaviour which is unacceptable according to the school's behaviour policy. Children and young people with certain disabilities such as Asperger's syndrome are particularly susceptible to this kind of bullying because they are often socially naïve, trusting and eager to be part of a group - and so are easy targets for being 'set up' by other children.

Other students with disabilities may be aware that they are being 'set up' or that they are the constant butt of jokes and teasing at school - but are so keen to have friends that they willingly put up with this ongoing bullying and harassment just so that they can feel part of a group. This can happen so often that students (both with and without a disability) consider this 'normal' behaviour.

WHERE are students with disabilities bullied?

Students with disabilities are more likely to be bullied at school during the unstructured parts of the school day – i.e. during times and in places that are less supervised than the classroom environment.

These include:

- Playground
- areas where students take brief breaks
- when they are moving from one class to the next
- in hallways, stairwells and between buildings
- in lunch queues
- in the toilets
- on school transport on the way to and from school

The difficulties that students with disabilities experience are particularly significant in these unstructured situations.

This may be because, aside from the obvious issue of there being less adult supervision at these times, students with disabilities are more easily able to decode the social context of the classroom where roles are clearly defined, rules are explicit, and codes of behaviour are reinforced by teachers.

The socially unstructured environments outside the classroom can be incredibly confusing, intimidating and over-stimulating for many students with special needs and disabilities.

WHY are children and young people with disabilities bullied?

Bullies tend target their victims based on real or perceived differences differences in appearance, behaviour or ability. Many children and young people with disabilities exhibit such characteristics and are therefore at increased risk of bullying.

Different appearance

Young people with disabilities may be potential targets because their appearance is different. This may be because they have medical conditions which affect their appearance (such as cerebral palsy and spina bifida) or simple because they are not conventional.

One of the reason some adolescent boys or girl with Asperger's are bullied is because they do not conform to current fashions or to conventional signs of masculinity or femininity in terms of the mannerisms or interests expected of their gender and age group.

Different behaviour

Young people with disabilities sometimes behave differently or in ways that others may not understand. For example, some young people with autism spectrum disorders engage in repetitive behaviours and tend to be hypersensitive to environmental stimuli. Others may at times display unusual behaviours such as pacing, head banging, rocking, clapping, making unusual noises, shadowing or talking aloud to themselves.

Young people with disabilities may not know how to read a social situation and so may display behaviours or say things which are considered strange or annoying (by their peers) or disrespectful or provocative (by their teachers).

For example, the social skills of many students with Asperger's are not at an age-appropriate level and this is often illustrated by their tendency to speak honestly and bluntly, something which can be perceived by a teacher as annoying, disrespectful or purposely misbehaving.

Some young people with disabilities just may not understand the rules of whatever activity they are trying to participate. For example, a young person with a disability may not know how to join in to play with a group of children, and so relies on inappropriate behaviour such as wrestling, being attention seeking or dominating, and then fails to respond to signals to stop. Often when these kids are bullied, the response of their peers, and sometimes even from teachers, is that 'he deserved it'.

Speech and communication difficulties

Many young people with disabilities have communication difficulties, particularly in stressful situations.

Some may have trouble understanding and using non-literal language such as jokes, riddles and sarcasm. For young people with disabilities, all of these things can impact negatively on their peer relationships.

Motor difficulties

Many children and young people with disabilities have motor difficulties causing significant difficulty with self-care tasks (such as dressing, tying shoes or using utensils) or with academic tasks (such as handwriting, printing or copying).

Or they just may appear clumsy, awkward or physically weak when they move and struggle with simple motor-based tasks that other kids their age can do easily, such as sports or playground activities.

Socially isolated

For young people at school, being different can be a source of humiliation, rejection and social isolation. As a result, students with disabilities tend to have lower social status at school, and consequently, fewer friends.

Relationships act as a buffer and protection - so without friends they can trust and who will stand by them, these students are particularly vulnerable to bullying.

Other factors which can contribute to the social isolation of school students with disabilities:

- they are absent from school more often than students without disabilities as this negatively impacts on their friendships.
- They spend a lot of time with staff (also negatively impacting upon their friendships);
- They are often excluded from the mainstream fabric of the school, a situation which limits other students from engaging with and acquiring familiarity with these students.

Less able to defend themselves

Having a disability in itself and of itself can create an imbalance of power so that students with disabilities have difficulty defending themselves from bullying, both verbally or physically.

There are many young people with disabilities who are unable to understand when they are being bullied which makes it virtually impossible for them to defend themselves, let alone report the bullying.

Of those young people with disabilities who *can* understand that they are in a bullying situation, many may not be able to remember the details of bullying incident for long, or if they have a language disorder, will struggle to explain what has happened.

In some situations, they may have histories of over-protection by adults, meaning they have little experience of standing up for themselves or defending themselves within the peer group.

Misperception and Lack of Adult Intervention

Misperceptions arise when adults don't recognise that a child with disability is being bullied. Bullying is often a covert activity so it is not uncommon for supervising teachers to be unaware that a bullying incident has even taken place - or they may mistake it for horseplay or 'mucking around'.

A common situation is when teachers fail to distinguish between behaviours that are bullying-related and disability-related. A child's behaviour will often change in response to bullying and this can vary considerably depending on the individual.

Some children may show their anxiety by becoming quiet and withdrawn, while others may show a lower tolerance for frustration than usual, becoming aggressive or having meltdowns – especially if they have been provoked into retaliation.

School staff may mistakenly believe that these behaviours are just part of the student's disability) or worse, that the student (i.e. the victim) is actually the instigating bully.

Lack of Disability Awareness

Despite efforts to encourage inclusion, social acceptance of students with disabilities remains low overall.

One factor that leads to this exclusion and derision is fear. There are many generations in our society who have no personal experience with people with special needs and disabilities, and they fear them. It is an unfortunate reality that many of these people pass that ignorance on to their children.

What if your child bullies as well as being bullied?

The “Bully Victim”

Some children and young people with disabilities may be seen as ‘bully victims’ – i.e. they are involved bullying others as well as being bullied themselves.

This seems most common in students with conditions such as ADHD and autism spectrum disorders which are characterised by poor impulse control and low social competence.

These students often experience difficulty monitoring and controlling their behaviour in social situations, particularly when under stress and are often unaware that they are causing harm and upset. These types of outbursts are situation-specific rather than true bullying - because they do not involve deliberate and repeated harm and a power imbalance.

Strike First Behaviour:

Other young people with disabilities who are being bullied may use aggression as a form of countering their own victimisation but then adopt bullying behaviour as an ongoing anticipatory/preventative strategy.

They may feel driven to this violent response out of fear and anxiety out of the belief that if school staff cannot or will not protect them, then they have no choice but to take matters into their own hands to protect themselves.

Retaliation

Bullying is usually a covert activity so it is not uncommon for supervising teachers to be unaware that a bullying incident has even taken place. Name calling, pushing, or spreading rumours can seem mild or even invisible to an outsider.

Parents of students with disabilities often describe situations in which their child had experienced persistent and sustained bullying for long periods of time, until the escalating frequency and nature of the bullying had become intolerable for the child – and they eventually ‘snapped’ - in some cases, responding with violence.

In these situations, the victim responds with violence in an attempt to deter the bullying. This can include an unexpectedly ferocious physical and it is not uncommon in these kinds of scenarios for the bully to appear to be the innocent party, and subsequently receive support from the supervising adult. The victim, on the other hand, is viewed as the perpetrator and punished - more often than not the child with disabilities is suspended from school for violent behaviour.

How to know if your child is being bullied

Children and young people with disabilities are less likely than their peers to report being a target for bullying or teasing because they often do not intuitively know that the acts of others children are in fact examples of bullying. When this is the case, adults may only become aware that a child is being bullied from other evidence.

Signs of bullying may include:

- Physical evidence – such as lost or damaged possessions, torn clothing
- Visible injuries - such as abrasions, cuts and bruising
- Psychological evidence - such as depression and social anxiety
- Physical symptoms - such as headaches, stomach pains, bed wetting, constipation or diarrhoea
- Stress-related conditions - such as sleep disturbance
- A reluctance to go to school, increased absenteeism, truancy
- Avoidance of certain areas at school
- Noticeable drop in academic performance.

My child is being bullied. What do I do?

i. Talk to your child

Talk to your child to find out exactly what is happening. Gather as much information as you can about the bullying .

Ask your child:

- Who is doing the bullying?
- What happened? – e.g. what does the bully do? Do they tease, physically hurt, exclude your child, send mean text messages or post mean messages in social media such as Facebook?
- When does it happen? – e.g. what days and times were they bullied?
- How often does the bullying happen?
- where did the bullying take place.
- How did they respond to the bullying – what does your child say and do when being bullied?
- Were there other children or adults might have witnessed the bullying. Who are they and what do they do?
- What leads up to the bullying – what does your child do?
- Did they report the bullying to teachers or other school staff? If yes, what happened?
- Is anybody else being bullied by these people?

Make sure you keep a written record of this information.

ii. Get a copy of your school's anti-bullying policy:

Get a copy of the school's **Anti-Bullying Plan** either from your school's website or ask for a copy at the school office.

This will tell you who you can talk to at the school as well as what action you can expect the school to take to manage the bullying.

Every school must have an Anti-Bullying Plan. This plan needs to be reviewed every year and schools are required to include parents and students in this process.

It should provide information about:

- Reporting of bullying - who to report to, how to report, when to report
- Responsibilities – of the principal, staff and parents
- Definitions of bullying
- Signs of bullying
- Other considerations – for example, considering the needs of students with disability
- Actions the school will take in responding to incidents of bullying, following up and reporting to parents
- prevention and intervention strategies
- how students can access help and support

However, just having an anti-bullying plan alone will not prevent bullying. Steps must be taken to ensure that it is made known to and understood by students; and that it is vigilantly enforced by staff so that reports of bullying are investigated and dealt with appropriately.

Schools also need to ensure that the anti-bullying plan specifically addresses issues of bullying of school students with disabilities. This is important because these students are common targets of bullying and also because they may sometimes exhibit bullying-related behaviours themselves and this can make it hard to know how to apply more general school rules regarding bullying.

iii. Talk to your child's teacher:

A face-to-face discussion is usually the best way of reporting an incident. Make an appointment to see your child's teacher as soon as possible to discuss your concerns about what is happening with your child.

Make an appointment with the teacher to make sure that you are given enough time to discuss the situation properly.

Tell them about the bullying

Give factual information about your child's experience of being bullied – i.e. how, when who, for how long, etc.

Also explain how the bullying is affecting your child. For example, he or she has become withdrawn; or does not want to come to school; or complains of stomach aches or headaches; or has other new behaviour as a result of the bullying such as not being able to sleep, nightmares, clingy, violent, etc.

Ask for the teacher's views

Parents are not able to observe their children during the day and, depending on the circumstances, sometimes may not be able to get adequate information from their children because of their disabilities. The teacher however may be able to provide vital information to you about what is happening to your child.

Work together

Explain to the teacher that you want to work with them to resolve the problem and ask how you can help. Try to get a commitment from the teacher that he or she is willing to work cooperatively with you. You can do this by asking to meet again to obtain in writing a plan of the actions to deal with the bullying.

Get a concrete plan of action

Ask for a short term and a long term plan. The short term is used to ensure your child feels safe at school immediately. The long term plan includes strategies to ensure that the bullying does not continue. Stay involved by setting up a regular review with the teacher to talk about how your child is coping.

iv. Take it further

If by this stage the bullying remains unresolved or you feel the teacher is not listening to you, don't just leave it there

Go to the Principal

Put your concerns in writing, either in an email or a letter to the principal and ask for a meeting to talk about this further.

Involve the school counsellor:

In addition to meeting with the principal, another important option is to make contact with your zone school counsellor. Your school office can give you the contact details for your zone school counsellor or you can call your local DET regional office.

This is important if:

- the bullying is severe; or
- the strategies that have been put into place so far to address the bullying don't seem to be working, or;
- even if the bullying has been resolved, your child still needs support and assistance from the school to deal with continued anxiety.

The school counsellor may be able to provide you with specialised information and strategies for addressing the bullying that take into account your child's disability and special needs.

v. Request a Learning Support Team meeting:

If you are still worried after this , ask for a Learning Support Team meeting to be held. You can ask the school counsellor or the principal to arrange this or you can contact your local DET regional office about it.

What can this meeting achieve?

The purpose of calling this meeting is to discuss your concerns about the bullying with the other members of the Learning Support Team and develop an individualised plan for your child to address the bullying.

The role of a Learning Support Team should be preventative as well as responsive. It can consider whether a student is vulnerable to bullying and if so, address this by deciding as a team, on appropriate interventions to support your child.

This might be as simple as arranging increased support by school staff during identified times of the day when bullying is likely to occur – or it might include social skills programs, formal behaviour support plans, mentor teachers and/or assistance building peer relationships.

v. Follow up

Be persistent. Bullying may go ‘underground’ after it appears to have been resolved so it is vital that the situation and students involved are monitored and reviewed.

- Talk regularly with your child to see if the situation has improved and whether they feel safe at school.
- Stay involved by setting up a regular review with your child’s teacher to talk about how your child is coping .
- Ask for a follow up meeting with the principal, school counsellor or Learning Support Team to review any plans that have been put into place.

What should I expect from the school?

An immediate response

Parents should expect that schools will investigate any reports of bullying immediately and take the appropriate steps to intervene.

Active communication

Parents should also expect that school staff will communicate with them openly, supportively and non-defensively about the bullying. This communication should include:

- a description of how the school responds to such incidents
- what consequences are typically applied
- what steps the school will take - both immediate and long term, to ensure that your child is safe and supported, including how the school will respond if incidents occur again.

Ownership of the problem

In general, the parent of a bullied child should never feel that they are the ones driving the school's involvement and response.

The feeling should be that the school takes ownership of the problem, that it considers itself responsible for addressing the situation, and for understanding how it is that the child was bullied (especially if there is a pattern of bullying) 'on the watch' of the school staff.

All staff must be committed to a common response to bullying when it does happen.

Addressing Bullying : a two-pronged approach

For schools to successfully combat bullying, a two-pronged approach is required. They need to establish an anti-bullying culture, while at the same time addressing individual cases.

In other words, a proactive and a reactive approach to tackling the problem.

- A **proactive** approach is a whole of school approach. It focuses on ongoing **preventative** strategies for providing a safe and respectful climate for all students, combined with specific help for students most at risk.
- A **reactive** approach focuses on **responsive** strategies which come into effect when bullying occurs. This includes specific strategies for dealing with individual incidents of bullying – including specific help for those students most at risk.

The Proactive Approach:

Bullying is a systemic problem and so needs to be dealt with systemically. This means that a whole school approach which focuses on prevention as well as intervention is needed. The whole school community (i.e. students, teachers and all school staff, and parents) needs to be targeted, rather than just the individual students involved in a bullying situation.

The following are some suggestions for whole of school strategies that could be adopted to this end.

Celebrate diversity

The best anti-bullying programs are comprehensive, involving the whole school and not just individual students. Programs that work well tend to encourage a warm school environment in which diversity is celebrated – not just tolerated.

Schools need to create an understanding of diversity among all students and staff with the chief message being that we are all different and that disability is simply one of these differences.

The success of such a program depends on everyone - from the principal to the canteen ladies and maintenance staff, students and their parents - to set a tone that clearly indicates that bullying is not acceptable.

i. Ensure that policies specifically address students with disabilities

Unfortunately a ‘one size fits all’ approach often prevails when it comes to the development of school bullying prevention and intervention programs, and the unique needs of children and young people with disabilities are not generally considered.

For this reason, schools should be asking whether their existing anti-bullying plan and associated discipline policies need to be modified into a form that a student with disabilities can understand and use. The parents’ role here is crucial.

The common difficulties these students encounter need to be addressed in the school’s anti-bullying policy. For example:

- Many students with cognitive disabilities may not have the ability to understand, identify or report bullying when it occurs. Does the school’s bullying prevention policy reflect this, including assisting them to make reports about the bullying?
- For some students with learning difficulties who have been bullied, it may be necessary to act very quickly while they can still remember what took place.
- In other cases, allowances may need to be made because a student with disabilities demonstrates anti-social behaviour (due to disability-related behaviours) but did not intend to bully.

ii. Increase Disability Awareness

Unfortunately many young people with special needs and disabilities have few friends, they are considered to have low social status at school and are often socially rejected within the school setting.

Schools have a responsibility to focus on these social issues - and this includes actively teaching disability awareness to the whole school community.

Disability awareness among staff and students will increase understanding and empathy for students with social, emotional, communication and behavioural differences and motivate them to intervene if a student with disability is being bullied. This includes helping staff and students understand:

- that unusual and disruptive behaviours which are disability-related may be meeting a student's internal needs and are not addressable by behavioural interventions.
- how students with disabilities may have difficulty in protecting themselves from bullying
- different disabilities and how these might relate to bullying - both in terms of victims and perpetrators.

iii. Reduce isolation

Being bullied in itself can lead to further bullying. Bullying by peers can result in withdrawal, anxiety and disruptive behaviour in the victim – all of which are likely to render the victim socially isolated and vulnerable to further bullying.

One aspect of successful bullying prevention/intervention programs involves reducing the isolation of students with disabilities to limit the opportunities for them to be targeted by bullies. This involves ensuring students with disabilities have opportunities to actively participate in all facets of school life, including school clubs and groups, and to develop friendships.

Include not Exclude:

Peer acceptance, particularly in classroom and playground settings, is a protective factor against bullying. However, many students with disabilities

spend a large part of their day separate from their peers often lack the opportunities to develop friendships with their peers – and where there are limited opportunities for friendship, there are reduced opportunities to learn social skills, increasing the risk of bullying.

There are some school settings in which students with disabilities are still, to a degree, excluded from the mainstream social fabric of the school, limiting other students from engaging with and acquiring familiarity with them. These include:

Support Classes or Units:

This might be because the student with disabilities is in a special support class or unit, located within a separate section of the school grounds. Often they are unable to join in with activities with their peers who are in mainstream classes, such as excursions or school camps.

Support Staff:

This usually involves situations where students with disabilities are separated out of the mainstream because they receive special services. For example, a class of students sits together to watch a performance or a film and a student with a disability is seated away from the others, next to a teacher or teacher's aide.

This practice of keeping students with disabilities with staff means that many children with disabilities spend the vast majority of their time with adults rather than children, often missing out on opportunities for age-appropriate behaviour and to socialise with their peers.

All of these examples illustrate the sensitive balance that needs to be struck between keeping someone safe and undermining their own potential for social development with their peers.

Schools can also address isolation and exclusion with strategies such as setting up peer mentoring and buddy programs and activities to promote friendships between students with disabilities and their mainstream peers.

iv. Don't Blame the Victim

At DA, it is not uncommon to hear parents speak of their feeling that their child was being unfairly blamed for being bullied due to their difficult behaviour.

This 'blame the victim' attitude is most commonly manifested as irritated or impatient or cynical comments from teachers and principals, such as "Well if you had done this" or "if you hadn't done that then maybe you wouldn't be getting picked on so often".

Other parents have spoken of how their child's teacher, instead of talking about the bullying, would instead refocus the conversation on their child's poor social skills or other unusual behaviours their child had shown - implying that this was the cause of their being bullied - and therefore should expect it or even 'deserved' it.

If these sorts of attitudes are openly shown by adults - who are role models - then students will be quick to follow suit.

v. Make sure the policy applies to *Everyone* in the School

Adults can bully too and this can cause enormous pain and distress to students with disabilities.

This can involve situations such as when a teacher uses his or her position of authority to ridicule and humiliate a child with a disability, respond with sarcasm or be overly critical or punitive.

Students are quick to figure out what each adult will tolerate and what they can get away with in each classroom and will perceive there is tacit approval from the teacher for engaging in this kind of behaviour.

For this reason, it is vitally important that *everyone* in the school - students, teachers, even non-teaching staff such as the office and canteen ladies - is aware of the school's anti-bullying policy and enforces it when they observe bullying taking place.

vi. Improve supervision of bullying 'hotspots'

Schools need to ensure that students with disabilities are adequately supervised during unstructured times such as recess and lunch, when lining up to go inside, during group work and recreational activities. This also involves identifying high risk places in the school where the student may be vulnerable to bullying - such as the playground, sporting fields, canteen queues, etc. - as well as 'safe zones' - i.e. quiet places that a student with disabilities might go to seek refuge from bullying (such as the library).

Consult with Students with Disabilities and their Families

Schools need to consult with students with disabilities and their families and actively seeking their participation in the school's anti-bullying programs to ensure that their policies are responsive to **all** students' needs.

This might include seeking information from students with special needs and disabilities in their schools about whether the physical environment of the school needs to be changed in ways which could prevent bullying – for example, finding out where they feel most vulnerable and where they feel safest.

Another advantage here is that students with special needs and disabilities who participate in developing their school anti-bullying and behaviour policies will be more likely to 'own', and therefore, observe and implement those policies. They will feel listened to and valued; they will be aware of bullying and what to do about it.

Parents can also offer advice and information to school staff on extra support their child might need or any creative solutions that may help to resolve conflict.

vii. Look Beyond Punitive Responses

When students exhibit bullying-related behaviours that are also part of their disability, this can make it hard to know how to apply more general school rules regarding bullying.

Application of a school's discipline policy needs to be reasonable and proportionate to the circumstances of the case, taking account of any disability or special needs the student may have and the extent to which the student understands and is in control of what he or she is doing)

An example of this is a situation where a student with disabilities has retaliated after months of persistent bullying with an act of physical aggression or violence because it is the only means the student knows of stopping such acts. More often than not the student is suspended – sometimes expelled – for violent behaviour.

In these situations it is crucial that the student is afforded procedural fairness. This means that before deciding to exclude a student, the principal must always allow them to state their case and check whether the incident may have been provoked by bullying and harassment or a child's special needs or disability.

Document and Report Bullying Incidents

Schools have an obligation to monitor and record bullying related to children with special needs and disabilities. Recording such incidents is the only way a school can evaluate effectiveness of the anti-bullying strategies they have put into place – i.e. whether they have in fact reduced the amount of bullying among students and improved the emotional climate of the school community.

2. The Reactive Approach: Individualised responses to bullying

An important part of an advocate's role is to emphasise solutions. The previous section outlined some whole of school strategies that schools can implement in order to prevent bullying.

This section provides some suggestions parents might make to the school about how to respond to bullying situations their own child is involved in.

Start with an IEP:

An IEP is an individual education plan, the purpose of which is to:

- identify any issues which may affect a student's ability to access and participate in educational and other opportunities provided by a school; and then
- determine what accommodations or adjustments are needed to facilitate greater access and participation.

Your child's IEP can be a useful tool in a bullying prevention plan. Whenever a student has a disability that affects social skills development or is vulnerable to bullying, because of a disability, an IEP should be developed to identify the skills your child needs to learn in order to avoid and respond to bullying.

In this process, parents work together with the school Learning Support Team to identify goals and determine what interventions, accommodations and supports are needed to help their child develop skills to prevent and stop bullying. Where appropriate, the child should be included in this process

Teaching the student to identify and respond to bullying

- **Does your child understand what bullying is and is he/she able to identify bullying attempts?**

Consider whether your child requires additional support or instruction in order to respond to bullying. For example, does your child have the self-awareness and confidence to say “no” or “stop that” in a bullying situation; to avoid threatening situations; or to get help or to inform anyone if she or she is being bullied?

The best approaches are simple enough that they can be used any time by anyone, including a student with disabilities (e.g. “stop-walk-talk model: students are taught a universal response to problem behaviour such as saying ‘stop’ and giving a physical hand signal. If it continues, they should walk away and tell an adult).

Teach the student how to report bullying

- **Does your child require additional support or instruction in order to report the bullying?**

For many students with disabilities, reporting procedures will need to be modified by the school in order to allow them to report bullying in a way that is comfortable and safe for them - and consistent with their communication skills.

Some issues that could be considered here are:

- Is there a quiet place in school to go to and talk?
- Does the staff member understand the child’s communication needs?
- Can the child understand the staff member?
- Are their personal communication tools available to them?
- Have they had time to calm down and fully tell what they want to?
- Are staff visible and available to students with disabilities outside of the classroom – e.g. in the playground?

Other modifications could include:

- providing direct one-to-one instruction using techniques such as social stories or a role plays.
- Staff helping students to report

“Safe Person”

This involves identifying a specific person in the school as a ‘safe person’ - someone the student can talk to and process social situations that are troubling, confusing or agitating or may not be readily understood by the student - such as bullying.

This needs to be:

- a person chosen by the student and parents
- a person who is familiar to the student
- someone who understands the student and already has a trusting relationship established with them
- a person who can help the student de-escalate a situation, to calm down and resume the normal school day routine.

“Safe Place”

This involves identifying an area in the school where your child feels safe - a refuge where they can go outside of class time, whenever they feel threatened or frightened by bullying behaviour.

This location should be a place where the student can be supervised and monitored by school staff - for example, the library or the main office - even a chess or computer club. Supervision is key here - a child with disabilities may try to find a socially isolated sanctuary where they can be on their own to hide out for a bit - but this can be one of the most vulnerable situations.

Addressing bullying behaviour

Questions to ask could include:

- Does the student show any behaviours (either physical or verbal) that might be perceived as bullying? How can these be addressed?
- Given the specific nature of the student’s disability, is he or she able to conform to the school’s code of conduct?
- Does the student have an Individualised Behaviour Plan? Is it being followed? Does it need to be amended to include new information regarding bullying prevention and intervention strategies?

Disability Education

Parents could suggest that education sessions be held for both school staff and classroom peers to help them understand their child's disability and their specific needs and behaviours. This may also involve ensuring that specialist staff who can provide support and advice on aspects of a student's special needs and disability are clearly identified and known to your child's teachers.

Peer Advocacy

- **Does your child have friends at school that would report the bullying and defend them in the event of bullying?**
- **Is your child socially isolated? Do they spend time physically removed from his or her peers?**

A proactive step parents can take to ensure their child's safety is to promote innovative ideas such as a peer advocacy or buddy programs at their child's school.

These kinds of programs are invaluable for helping students with disabilities in building social skills because they provide opportunities for these students to learn about appropriate social interaction and how to identify inappropriate social interactions and bullying behaviour.

The aim of these strategies is to prevent bullying by helping the student become a valued part of the school community and to have opportunities to develop friendships and take an active part in all aspects of school life. Students who are able to develop positive relationships and friendships are more likely to have confidence and are better equipped to handle bullying.

Classmates as Peer Advocates

Parents often don't recognise that their child's classmates can be powerful allies for their child in bullying situations, instead focusing on teachers and staff intervention to address bullying.

Peer advocacy is a unique approach that empowers students to protect those targeted by bullying. It involves the classmates of a student with disabilities receiving training on how to prevent bullying and to speak out on a disabled student's behalf. If they see bullying they intervene, ask the bully to stop, or report the situation to an adult.

Peer advocacy works for two reasons:

- Firstly, students are more likely than adults to see what is happening with their peers; and

- Secondly, peer influence is powerful - a student telling someone to stop bullying has much more impact than an adult giving the same advice.

Buddy Programs

Buddy systems are designed to promote friendship and support between peers. The buddy's role here is to:

- model appropriate behaviour
- monitor the circumstances of the child with disabilities
- report any incident confidentially
- encourage the victim to report the incident, and to
- state publicly that the situation is not funny and that the teasing or bullying must stop.

A buddy program is valuable where a child with disabilities is unaware that the actions of another child are acts of bullying.

Bystander Training

Most students don't like to see bullying but they may not know what to do when it happens. With bystander training, students receive training on how to behave in a supportive way to students who are being bullied, to intervene where feasible or to report the incident to a teacher.

Evaluate Supervision

Ensure that the student is adequately supported during unstructured times when opportunities for bullying are increased such as recess or lunch.

Ask questions such as:

- Does the child have an aide? If so, is the aide present at high risk times such as recess and lunch?
- Are there times of day with less adult supervision and less structure where bullying is more likely to occur? Are there places in the school where bullying is more likely to occur?

Consult with the student and as well as other students with disabilities about the times and places in the school where they have been bullied and where they feel least safe.

The student's daily timetable or schedule should also be checked for activities where there is likely to be little adult supervision. The school will need to either make arrangements to increase that supervision or adjust the child's schedule to eliminate these under-supervised 'blind spots'.

Counselling and other support services

Ensure that the student has been provided with appropriate counselling and other forms of support in response to any bullying issues. This can be counselling through a school psychologist or informal check-ins with a teacher or principal who the student can turn to when they are being bullied.

Communicating the plan to all staff

Ensure that all school staff who have contact with the student are made aware of the specifics of this individual anti-bullying plan - including the skills the student is working on to use when confronted with bullying incidents, as well as any other the special considerations when bullying occurs.

What are the school's obligations in relation to bullying?

Schools have significant obligations to meet in relation to preventing and responding to bullying.

They must comply with their own anti-bullying plan as well as with the overarching DET policy and guidelines on bullying . Schools must also comply with work health and safety legislation, anti-discrimination laws, as well as common law duties such as duty of care and procedural fairness.

WHS

Under the NSW *Work Health & Safety Act 2011*, the Department of Education must do everything reasonably practicable to ensure that students are not exposed to risks to their health and safety while they are at school.

Duty of care

Schools have a legal duty to take reasonable care to keep students safe. This is called duty of care and means that a school is responsible for the safety and welfare of its students while they are at school or while participating in school related activities.

This means that school staff must take all reasonable action to protect students in their charge from risks of harm that can reasonably be predicted.

A school's duty of care focuses not only on the physical safety of students but also encompasses the psychological wellbeing of students.

Although a school's duty of care is not an absolute guarantee of safety, it does require that reasonable steps be taken by the school to protect its students. In the context of bullying prevention, this means providing adequate supervision.

Students with disabilities are generally exposed to a higher level of risk of injury than students without a disability, therefore an appropriate level of supervision must be given.

Disability Discrimination Obligations

Under the *NSW Anti-Discrimination Act 1977* and the *Commonwealth Disability Discrimination Act 1992*, it is unlawful for an education provider to discriminate against students in relation to enrolment, or once enrolled, on the grounds of their disability. This means that students with disability are to be treated by schools *on the same basis* as students without disability.

Schools have specific duties under disability discrimination legislation to ensure that student's special education needs are identified, assessed and provided for.

The *Disability Standards for Education 2005* set out the rights of students with disabilities and how education providers must help those students. The main aim of the Standards is to give students with disabilities the same educational opportunities and choices as all other students.

Under the Standards, schools must have in place:

- Processes to **prevent** bullying, harassment and victimisation from happening
- Mechanisms for **reporting** any occurrences of bullying, harassment and victimisation
- Mechanisms to **respond** to bullying, harassment or victimisation

The Disability Standards for Education have the status of subordinate legislation. This means it is the law. Section 32 of the Disability Discrimination Act 1992 makes it unlawful to contravene a disability standard. Everyone in the school including classroom teachers need to comply with the requirements of the standards.

9. Discipline & Students with Disabilities

In NSW, every government school is required to have a discipline policy which sets out its rules covering students' rights and responsibilities, expected standards of behaviour and what will happen if rules are broken.

A school's own discipline policy must comply with the *Education Act 1990* (NSW) (section 35(1)) as well as with Department of Education guidelines as set out in the following DET policies and supporting documents:

- Student Discipline in Government Schools – support materials;
- Suspensions and Expulsion of school Students Procedures;
- Suspension and Expulsion of School Students Procedures – information for parents;
- Core Rules for Students in NSW Government School;
- Bullying: Preventing and Responding to Student Bullying in Schools Policy;
- Guidelines for the use of Time-Out Strategies including Dedicated Time-Out Rooms

Non-government (i.e. Catholic and independent schools) schools in NSW are not covered by the discipline system established by the legislation and policies discussed above. Instead, the power to expel, suspend or discipline a student arises from an agreement the school makes with the parents upon enrolment that their child will obey the rules or regulations of that school. This agreement is legally binding and means that the principal can suspend or exclude the student for breaches of the school rules.

Suspension and Expulsion

Suspension

Suspension is when a student is temporarily excluded from attending school for a specified period of time determined by the principal for unacceptable behaviour.

In relation to students with disabilities, suspension should only be imposed *after* schools have tried to address the inappropriate behaviour through other measures and support strategies. In other words, suspension should be a last resort - not the first port of call.

Suspensions can be either short or long.

A **short suspension** of up to 4 school days can be imposed for:

- continual disobedience such as breaches of school discipline which include refusal to obey staff instructions, defiance, disrupting other students, use of alcohol or repeated use of tobacco;
- aggressive behaviour such as hostile behaviour directed towards students, members of staff or other persons, intentional damage to the property of the school or other students, verbal abuse, bullying or cyber bullying.

A **long suspension** of up to 20 school days can be imposed for serious or sustained instances of misbehaviour such as:

- physical violence resulting in injury or interfering with the safety or wellbeing of other students and staff (including sexual or indecent assault).
- use or possession of a prohibited weapon, firearm or knife
- use of an implement as a weapon to assault or injure another person
- possession, supply or use of a suspected illegal substance (not including alcohol or tobacco)
- serious criminal behaviour related to the school: includes malicious damage to property (school or community), or against the property of a student or staff member on or outside the school premises

- persistent or serious misbehaviour – this may include repeated refusal to follow the school discipline code, threatening to use a weapon that might injure another person, making credible threats against students or staff, deliberately disruptive behaviour interfering with teaching or learning – e.g. bullying, harassment or victimisation.

An **immediate suspension** can be imposed in more serious cases where a student:

- Is physically violent causing pain or injury, or creates a serious risk to the safety and wellbeing of students or staff
- Has a weapon or knife (without reasonable cause)
- Has illegal drugs

When considering suspension however, it is critical that a principal consider factors such as the age, disability and developmental level of the student involved.

No more than 2 long suspensions can be imposed on an individual student in any 12 month period without the approval of the school education director.

Expulsion

Expulsion means permanent removal of a student from a particular school, usually for serious misbehaviour. When the misbehaviour involved is extremely serious, this can result in a student being barred from all public schools.

The grounds for expulsion are similar to the grounds for suspension. If the behaviour of a student is repeated or persistent, or so serious that suspension is not appropriate, the principal can expel a student from school.

There are two reasons for expulsion:

- **Serious or persistent misbehaviour:** - in this situation if the expelled student is still of compulsory schooling age (6-17 years) then the principal must try to find an another school placement for that student;
- **Unsatisfactory participation of a student no longer of compulsory school age:** - only if the student is aged 17 years or above. In this situation, finding another school placement is the responsibility of the parent.

Suspension Procedures

In NSW government schools, the procedures principals must follow when suspending or expelling a student from school are set out by the NSW Department of Education and Training, *Suspension and Expulsion of School Students*. These are as follows:

Step 1. The Decision to Suspend or Expel

Only a principal or relieving principal can make the decision to suspend a student from school. This decision cannot be delegated to anyone else in the school.

Step 2. The Formal Disciplinary Interview

A principal must hold a formal disciplinary interview with the student as soon as possible. In this interview, the principal must explain to the student in a way that he or she can understand:

- the allegations that have been made against the student
- that the principal is considering suspending him or her
- the reasons why principal is considering suspending him or her

A principal must then give the student the time to consider and properly respond to the allegations that have been made against him or her.

A principal must also consider the student's response before they make a decision on whether or not to suspend the student.

If a principal is considering a long suspension or expulsion, the student has the right to have an 'observer' of their choice present at the interview. The principal must inform the student of this *before* the meeting.

The purpose of this 'observer' is to observe the progress of the meeting and make sure that the student is able to participate fully in the meeting. This person should be someone of the student's choosing such as a trusted adult from the school or a parent or carer. According to the DET *Suspension and Expulsion of School Students- Procedures*, an observer may take notes during the meeting but is not actually permitted to participate in the meeting themselves.

The principal must make sure that ensure that the interview has been accurately documented.

Step 3. Notifying Parents of a Suspension:

The DET *Suspension and Expulsion of School Students- Procedures* state that principal must speak to the student's parents immediately to notify them of their child's suspension from school.

The school cannot send the student home before the end of the school day without notification being made to their parents and agreement reached about arrangements for the collection of the child from the school. The principal must ensure that adequate supervision is provided at school until those arrangements are made.

The principal must then write to the student's parents within 24 hours of the suspension. This letter must explain why the student has been suspended and how long the suspension will last. The principal must ensure that the parents are provided with:

- a copy of the DET suspension procedures
- a copy of the school's discipline policy
- information about how to appeal the suspension
- information about who else may be able to help the parent with the appeals process.
- copies of all the information on which the decision will be based.

It is the principal's responsibility to take all reasonable steps to ensure that the parents understand the notification of suspension. This means providing this information in a way parents can understand. For example, if parents have difficulty reading then the principal needs to take this into account and provide the information to them in another way.

And finally, if the student travels to school via special transport arrangements, it is the principal's responsibility to notify the provider of the transport of the suspension as soon as possible.

Step 4. Resolution of the suspension

The principal must arrange for a suspension resolution meeting to be held with the student's parents as soon as possible. The purpose of this meeting is to develop a re-entry plan for the student and this will involve working out exactly what support is needed in order for the student to return to school safely and successfully. This meeting should involve the student and parents, the student's teacher, principal and any specialist staff.

In the case of a long suspension or repeated short suspensions, it is important that this meeting be held as soon as possible and that the principal seeks the

involvement of the school counsellor and the Learning Support team, including the Disability Programs Consultant from regional office.

Parents are entitled to bring a support person to the meeting such as a friend, family member, advocate or service provider. This is particularly important where a parent may have a disability or there are cultural issues which could affect the capacity of the parent to understand what is occurring at the meeting and what is being said.

The principal must ensure that detailed minutes of this meeting are taken and copies provided to the student and their parents.

Risk Assessments:

In cases where a student has been suspended for violent behaviour or the use of weapons, the student will be unable to return to school until a risk assessment has been undertaken and control strategies have been put into place.

It is vitally important that the principal has organised this *before* the end of the suspension period, otherwise the student will be prevented from returning to school. In some cases a second long suspension is imposed until this risk assessment is completed.

Expulsion Procedures

The procedures for expulsion are similar to those for suspension with some additional provisions as follows:

- A student will be placed on a long suspension until a decision is made about whether the student is expelled or not. The principal must notify the students and his or her parents in writing that expulsion from the school is being considered and what the reasons for this are.
- Where required, the principal should organise for an interpreter, cultural assistance and/or translated documents, or other assistance for disability issues as appropriate in order to allow the student's parents to participate fully in the process.
- The principal must obtain and consider a report from the Learning Support Team or school counsellor that includes recommendations for further action.
- The student and his or her parents must be provided with a copy of all documentation on which the consideration of expulsion is based and

must be allowed 7 days to respond before the principal can proceed further.

- The principal must discuss with the students and the parents the implications of expulsion and provide them with information relating to the right to, and process for, an appeal, were the expulsion to proceed. This can be done by telephone or in person at a meeting.

If having completed the actions above, a decision is made to expel the student from the school, the principal must:

- inform the student and parents formally in writing and also restate the right to appeal the decision
- arrange, within 10 days, an alternative school placement appropriate to the needs of the student. If a suitable alternative cannot be arranged, the principal must refer the issue to the school education director for resolution.

If a student's behaviour has been so extreme that a suitable alternative placement cannot be found, a submission may be forwarded to the Director-General recommending to the Minister that the student not be readmitted to any or all government schools 8.2.7

A full version of the *DET Suspension and Expulsion of School Students-Procedures* can be obtained from the Department's policy website at:

https://www.det.nsw.edu.au/policies/student_serv/discipline/stu_discip_gov/implementation_2_PD20060316.shtml

A list of the Department of Education's regional offices is available at:

<https://www.det.nsw.edu.au/contactus/index.htm>

How to Appeal a suspension or expulsion

If you believe that the suspension or expulsion is unfair or the correct procedures have not been followed by the school, you can lodge an appeal. Staff from the school or your local regional office can provide information about the appeals process.

Parents must note however that the fact that an appeal has been lodged does not put on hold the principal's decision to suspend or suspend prior to expulsion from a particular school.

The appeal must be in writing and must include reasons for appealing. Clearly state:

- all of the relevant facts; and
- the procedure that was followed; and
- why you believe the decision as unfair or unreasonable

An appeal form is available in the DET *Suspension and Expulsion of School Students- Procedures* (at p.27).

https://www.det.nsw.edu.au/policies/student_serv/discipline/stu_discip_gov/implementation_2_PD20060316.shtml

Staff from the school or your local regional office can provide information about the appeals process. If you need assistance in lodging the appeal, contact your regional office and ask that they help you with this process.

You should address your appeal to:

- The school education director about the imposition of a suspension or a decision to expel a student from a particular school
- The regional director where a school education director has been so involved in a decision to suspend or expel a student from a particular school as to prevent him/her, on the grounds of procedural fairness, from deciding an appeal.
- The regional director about the decision of a school director to decline an appeal relating to a suspension or expulsion from a particular school.

The school education director or regional director must then deal with your appeal within 20 days.

If the appeal is not upheld, other possible action could include:

- **Lodging a disability discrimination complaint:**

You can lodge a disability complaint with the Australian Human Rights Commission or the NSW Anti-Discrimination Board if you believe that the suspension or expulsion was a result of discrimination. For example, it may be unlawful discrimination if a student with a disability is suspended for behaviour they could not really help and which was a result of their disability.

Even if the suspension is justified, it could still be unlawful discrimination if the school has 'set up the student to fail' by not making reasonable adjustment such as putting in place an appropriate behavioural support plan. The question to ask is whether the school has done everything reasonable to meet your child's needs, while balancing the school's obligations to maintain a safe environment for your child and other students.

- **Lodging a complaint with the NSW Ombudsman:**

You can lodge a complaint with the NSW Ombudsman if you believe that the student was not given a fair hearing or that the school did not follow the correct procedures in relation to the suspension or expulsion. The Ombudsman cannot overturn the Department's decision but can investigate your complaint and if your complaint is found to be justified (for example, there has been some breach of process), the Ombudsman can recommend that the school overturn the decision. Parents need to bear in mind that this can be a lengthy process, sometimes taking many months.

- **Approach the Minister for Education:**

Write a letter to the Minister for Education/Director General, requesting that he or she reconsider the decision. This can also be a lengthy process – sometimes it can take months before a response is received from a Minister.

Suspension of Students with Disabilities

In those circumstances where a student lacks cognitive capacity as a result of their disability, it is critical that principals consider whether imposing a suspension is appropriate in the circumstances. In other words, the principal must ensure that no student is discriminated against because of their disability.

It may well be that a suspension is not appropriate in situations where a student has a disability that has caused or contributed to the behaviour for which suspension is being considered – especially if a student is not able to cognitively link the suspension to their behaviour. Failure to take these issues into account may result in unfairness to the student and could even be construed as discriminatory conduct on the part of the school.

In these situations, a principal must consider their obligations under anti-discrimination legislation (including the *NSW Anti-Discrimination Act 1977*, the *Commonwealth Anti-Discrimination Act 1992* and the *Commonwealth Disability Standards for Education 2005*) and should consider whether it would be reasonable to make an adjustment to the way the school discipline policy applies to a particular student.

In making the decision whether to not to suspend a student, a principal should take into account:

- the nature of the child's disability or special needs; and
- the extent to which the child understands and is in control of what he or she is doing.

If it is the case that the student has disabilities which prevent him or her from understanding or responding appropriately to the school's discipline policy or code of conduct, the principal should consider making an adjustment to that policy.

This could involve getting the Learning Support Team to identify any modifications that could be made to the code of student conduct – such as working out what specialised help or instruction the student will need to be able to understand the rules and what the appropriate classroom and school behaviours are.

Modification of suspension procedures for students with disabilities

Where a principal has decided that suspension *is* appropriate in the circumstances, they need to consider whether the suspension procedures need to be modified so that the student is able to properly participate in their formal disciplinary interview.

The principal should seek input from the student's teacher, any specialist staff and the student's parents about this. This may involve, for example, seeking specialised input in preparing an appropriate social story for use in the student's formal disciplinary interview. If the student has a cognitive disability, then the principal should ensure that the student has a support person at such interviews – preferably the parent where possible.

10. Procedural Fairness

Procedural fairness about observing practical fairness when making decisions which could have a *negative effect on the rights or interests of a person*.

The aim of procedural fairness is to ensure that decision making in these circumstances is fair and reasonable, and gives the person who is the subject of the decision *the opportunity to put forward their side of the story*.

In other words, procedural fairness is concerned with the *procedure* used by a decision maker rather than the actual *outcome* reached. It's about *how* the decision maker reaches a decision, not *what* the decision is.

Procedural fairness as it applies to decisions affecting individuals is based on 3 elements:

1. **The rule against bias**
2. **The hearing rule**
3. **The no evidence rule**

PROCEDURAL FAIRNESS IN SCHOOLS

Decisions which may have serious consequences for children, such as decisions to suspend or exclude a young person from school require procedural fairness to be observed.

It is the responsibility of the school to determine incidents that may require disciplinary action and the nature of any penalties that may apply. The process that leads to the imposition of such penalties, particularly but not exclusively in relation to suspension, expulsion and exclusion, must be procedurally fair.

As a matter of procedural fairness, students are entitled to know the details of the allegations against them and be given the right of reply.

According to these rules, the school should:

- Have an interview with the student before making a decision in order to fully inform him/her of the allegations against them. This means the principal must tell the student why they are faced with suspension or

expulsion. Details must be provided of the specific allegation, usually in the form of an outline of the allegations made in witness statements and consideration of witness protection;

- Fully inform the student of the likely consequences of an adverse decision;
- Give the student and their parents a chance to tell their side of the story. This means giving them time to consider the allegations and an opportunity to respond in person at a meeting – it may also be appropriate to allow a written response;
- Consider all relevant evidence before making a decision– this especially includes evidence that the accused student puts forward as well as evidence from *all* witnesses (even those who could have given a contrary view of events to that put forward by those making the allegations);
- Provide to the student’s parents, in writing, all the details of the suspension or expulsion, and provide them with a copy of the relevant documents (e.g.: the policies and procedures under which the disciplinary action is taken);
- Ensure that the decision maker acts fairly and without bias (i.e. if the principal is conducting both the investigative and decision making stages, they must be reasonable and objective);
- Provide an appeal process.

Part 3: Some Self Advocacy Strategies

11. Letter writing Tips

If you are upset and want to express your frustration, consider sending an e-mail or letter instead of calling.

When people write rather than speak, they usually choose their words more carefully. You may be able to make your points more clearly and in addition you'll also be creating a 'paper trail' showing that you have tried to resolve the dispute.

- Keep the letter as concise and factual as possible.
- Be specific about what you want the school to do to resolve the problem
- If you are requesting a meeting, include the times you are available
- Include copies of all relevant documents. Do not send originals
- Ask for your concerns to be addressed in writing
- Make sure you ask for response within a specified period of time.
- Type it, if possible, or make sure your handwriting is neat and easy to read
- Sign it, date it and keep a copy of it
- Send copies of this letter to the principal
- Keep a record of its delivery. For example, if you hand-deliver the letter, ask a friend to come with you and make a note of who came with you and when the letter was delivered. Or, send it by registered mail, e-mail or fax it with confirmed delivery
- Give the school a reasonable period of time to process your complaint, but specify the date by which you want a response.
- A complaint letter creates a 'paper trail' showing that you have tried to resolve the dispute.

12. Meeting tips

Get it on the agenda

Prepare for this meeting by making a list of points which cover all of the issues you want to discuss. Ask for these to be included on the meeting agenda.

Take a support person

This could be a family member, friend or advocate – anyone you trust. Decide if you want to take someone with you. Clarify their role (e.g. to take notes, provide emotional support, to help remember what questions to ask of the school, to contribute information about your child). In our experience, it makes an enormous difference in how the parent is treated if others are present.

Stay calm

It's okay to feel upset but don't shout or yell. It won't achieve anything

Be realistic

Bullying is a complex issue and resolving it takes time and more than just the one meeting

Get it in writing

Request that the school put any plans in writing and ask for a copy. Do not leave the meeting with only a "we'll handle it" [Learning Links]. If they say they are going to do something, ask them to put it down in writing (a plan, meeting minutes, etc). Make sure you walk out of that school with a concrete plan of action.

Keep your own records

Be sure to keep a written record of this meeting including who was present, what was discussed and any decisions that were made.

13. What if I am not happy with the school's response?

If you have done all you can to work with the school and you are still concerned about your child's safety, you can contact your local DET Regional Office for support.

➤ Seek advocacy assistance

If after taking these steps the issue still has not been resolved, you may want to consider contacting a disability advocacy service for assistance.

➤ Lodge a complaint with the NSW Ombudsman

You can lodge a complaint with the NSW Ombudsman if you believe that you have not been given a fair hearing or that the school did not follow the correct procedures, for example in relation to a suspension or expulsion.

The Ombudsman cannot overturn the Department's decision but can investigate your complaint and if your complaint is found to be justified (for example, there has been some breach of process), the Ombudsman can recommend that the school overturn the decision. Parents need to bear in mind that this can be a lengthy process, sometimes taking many months.

➤ Seek legal advice

If a school does not carry out its obligations to a student with a disability in line with the Education Standards, a formal disability discrimination complaint can be lodged with the Australian Human Rights Commission.

If you are considering making a disability discrimination complaint, you should seek legal advice. This must be done within 12 months of the discrimination occurring.

