STUDENT DISABILITY DISCRIMINATION POLICY

Purpose:	The purpose of this policy is to protect students with a disability, and students who have an associate with a disability, from unlawful discrimination on the basis of that disability.	
Scope:	Persons who are bound by this policy are students (including prospective) and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements in the school. This policy does not apply to the enrolment of students with a general or specific impairment, in a school that operates wholly or mainly for students who have that general or specific impairment. Discrimination of school employees with disabilities is not addressed in this policy. The Anti-Discrimination Policy addresses school employees with disabilities and discrimination on other grounds.	
Status:	Approved	**Supersedes:** 6 Nov 2025
Authorised by:	Chair Person	**Date of Authorisation:** 30 Oct 2026
References:	• Anti-Discrimination Act 1991 (Qld) • Australian Education Act 2013 (Cth) • Australian Human Rights Commission Act 1986 (Cth) • Disability Discrimination Act 1992 (Cth) • Disability Services Act 2006 (Qld) • Disability Standards for Education 2005 (Cth), including Guidance Notes • Education (Accreditation of Non-State Schools) Act 2017 (Qld) • Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) • Education (General Provisions) Act 2006 (Qld) • Privacy Act 1988 (Cth) • The Rainforest School Anti-Discrimination Policy • The Rainforest School Behaviour Management Policy • The Rainforest School Child Protection Policy • The Rainforest School Staff Code of Conduct • The Rainforest School Complaints Handling Policy and Procedure • The Rainforest School Privacy Policy • The Rainforest School Inclusive Education Policy	
Review Date:	Review every 2 years	**Next Review Date:** 1 Nov 2028
Policy Owner:	The Rainforest School (Governing Body)	

DEFINITIONS

***Adjustment*:** A measure or action (or a group of measures or actions) taken by a school that has the effect of assisting a student with a disability:

(a) in relation to an admission or enrolment — to apply for the admission or enrolment; and
(b) in relation to a course or program — to participate in the course or program; and
(c) in relation to facilities or services — to use the facilities or services;

on the same basis as a student without a disability, and includes an aid, a facility, or a service that the student requires because of his or her disability.[1]

Associate: The *Disability Discrimination Act 1992 (Cth)* defines 'associate' in relation to a student to include:

(a) a spouse of the student; or
(b) another person who is living with the student on a genuine domestic basis; or
(c) a relative of the student; or
(d) a carer of the student; or
(e) another person who is in a business, sporting or recreational relationship with the student.[2]

***Direct Disability Discrimination*:** A school directly discriminates against a student on the ground of their disability, if because of the disability, the student is treated, or is proposed to be treated, less favourably than they would be treated without the disability in circumstances that are not materially different.[3]

A school also directly discriminates against a student on the ground of their disability if:

(a) reasonable adjustments are not made, or proposed to be made, for the student; and
(b) the failure to make the reasonable adjustments has, or would have, the effect that the student, because of the disability, is treated less favourably than a person without the disability would be treated in circumstances that are not materially different.[4]

***Disability*:** The term 'disability' in this document includes physical, intellectual, psychiatric, sensory, neurological and learning disabilities and is used to encompass both of the legal meanings of 'disability' and 'impairment', being differently defined in State and Commonwealth legislation as follows -

- ***Disability Discrimination Act 1992* (Cth) - 'disability'** in relation to a person, means:
  (a) total or partial loss of the person's bodily or mental functions; or
  (b) total or partial loss of a part of the body; or
  (c) the presence in the body of organisms causing disease or illness; or
  (d) the presence in the body of organisms capable of causing disease or illness; or
  (e) the malfunction, malformation or disfigurement of a part of the person's body; or
  (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
  (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.

[1] *Disability Standards for Education 2025* (Cth), s3.3.
[2] *Disability Discrimination Act 1992* (Cth), s4.
[3] Ibid., s5 (1). See also *Anti-Discrimination Act 1991* (Qld), s10.
[4] Ibid., s5(2).

A 'disability' includes past, present and future disabilities as well as imputed disabilities. A disability otherwise covered by the definition includes behaviour that is a symptom or manifestation of the disability.[5]

- ***Anti-discrimination Act 1991* (Qld)** - The term **'disability** is not used in this Act. The term **'impairment'** is used, being an attribute for which discrimination is prohibited. Under this Act, 'impairment' in relation to a person is defined to mean:

  (a) the total or partial loss of the person's bodily functions, including the loss of a part of the person's body; or
  (b) the malfunction, malformation or disfigurement of a part of the person's body; or
  (c) a condition or malfunction that results in the person learning more slowly than a person without the condition or malfunction; or
  (d) a condition, illness or disease that impairs a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; or
  (e) the presence in the body of organisms capable of causing illness or disease; or
  (f) reliance on a guide, hearing or assistance dog, wheelchair or other remedial device; whether or not arising from an illness, disease or injury or from a condition subsisting at birth, and includes an **impairment** that —
  (g) presently exists; or
  (h) previously existed but no longer exists.[6]

Harassment: Under the *Disability Standards for Education 2005* (Cth), harassment means an action taken in relation to a student with disability that is reasonably likely to humiliate, offend, intimidate or distress the student. Harassment of students with disability by school employees is unlawful under the *Disability Discrimination Act (1992)* (Cth). The *Anti-Discrimination Act 1991* (Qld) only prescribes sexual harassment as unlawful.

Indirect Disability Discrimination:[7] A school indirectly discriminates against a student on the grounds of their disability if:

(a) the school requires, or proposes to require, the student to comply with a requirement or condition; and
(b) because of the disability, the student does not or would not comply, or is not able or would not be able to comply, with the requirement or condition; and
(c) the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.

A school also indirectly discriminates against a student on the ground of their disability if:

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

[5] *Disability Discrimination Act 1992* (Cth), s4
[6] *Anti-Discrimination Act 1991* (Qld), Schedule 1
[7] *Disability Discrimination Act 1992* (Cth), s6.

Unjustifiable hardship: The term unjustifiable hardship is defined differently in the Commonwealth and State legislation as follows:

- ***Anti-Discrimination Act 1991* (Qld) -** It can be lawful to discriminate on the basis of impairment where special services or facilities are needed for a student with an impairment, and supplying these would impose an unjustifiable hardship on the school. Factors that are relevant include the nature of the special service or facility, cost of supplying it, the number of people to benefit, the financial circumstances of the organisation, the disruption that the supplying of those services or facilities might cause and the nature of any benefit or detriment to all people concerned.
- ***Disability Discrimination Act 1992* (Cth) -** In determining whether a hardship that would be imposed on a school would be an ***unjustifiable hardship***, all relevant circumstances of the particular case must be taken into account, including the following:

  (a) the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned, including the community; and
  (b) the effect of the disability of any person concerned; and
  (c) the financial circumstances, and the estimated amount of expenditure required to be made, by the school; and
  (d) the availability of financial and other assistance to the school.

Victimisation: Under the *Disability Discrimination Act (1992)* (Cth), it is unlawful for a person to commit an act of victimisation against another person. The offence is made out in various circumstances where a person subjects, or threatens to subject, another person to detriment on the ground of various matters, for example, that they have made an allegation, raised a complaint or brought proceedings for disability discrimination. The offence differs under the *Anti-Discrimination Act (1991)* (Qld).

POLICY STATEMENT

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

This policy outlines written processes for how The Rainforest School will identify students with a disability, and how the school devises educational programs specific to the educational needs of students with a disability. These processes comply with the *Anti-Discrimination Act 1991* (Qld) and the *Disability Standards for Education 2005* (Cth) (the **Disability Standards**) under the *Disability Discrimination Act 1992* (Cth)[8].

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

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

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

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

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

- enrolment
- participation in curricular and co-curricular activities and use of facilities and services
- curriculum development, accreditation and delivery
- student support services
- elimination of harassment and victimisation[9]

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

The Rainforest School is committed to responding appropriately to allegations of discrimination, including promptly investigating and bringing disciplinary action when warranted against individual employees. The school is also committed to eliminating the harassment and victimisation of students who have a disability.

[8] *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld), s11.

[9] *Disability Standards for Education 2005* (Cth).

RESPONSIBILITIES

Responsibilities under the Disability Standards for Education 2005 (Cth)

The Rainforest School ensures compliance with the Disability Standards for Education by:

- Making Reasonable Adjustments: Identifying, planning, and implementing adjustments to enable students with disability to access and participate in all aspects of the school's programs. Adjustments are recorded and regularly reviewed for effectiveness.
- Curriculum Development, Accreditation and Delivery: Ensuring that the curriculum is inclusive and flexible, with teaching strategies, assessment methods, and learning materials adapted to the needs of students with disability.
- Student Support Services: Providing classroom-based support, including differentiated teaching, modified resources, and use of teacher aides, to enable participation on the same basis as students without disability.
- Harassment and Victimisation Standards: Taking proactive steps to prevent harassment or victimisation of students with disability, and responding promptly and effectively to any incidents that occur.

Record-Keeping and NCCD Alignment

Teachers and the Principal maintain records of adjustments and supports implemented for students with disability. These records are used to monitor the effectiveness of adjustments, review student progress, and ensure compliance with the Disability Standards for Education. The school maintains records consistent with practices for the Nationally Consistent Collection of Data on School Students with Disability (NCCD), while ensuring privacy and confidentiality.

Leadership Responsibilities: Principal

This position is responsible for overseeing:

- the development, ongoing monitoring and review of The Rainforest School's Individual Learning Plans (ILPs)]
- the enrolment process and that it adequately identifies and support students with disability
- the collection of records of reasonable adjustments being made by teachers for individual students
- ensuring teachers and teacher aides have appropriate professional development during induction and on an ongoing basis
- the process followed during the enrolment process and throughout enrolment, before any adjustment is made for a student, including:
    - Consultation with the student (and/or their associates)
    - Consultation with other relevant specialists
    - Consideration of whether an adjustment is necessary
    - Consideration of whether the adjustment may need to be changed over the period of a student's enrolment
    - Consideration of the need to ensure that the school maintains the academic requirements of the course or program, and other requirements or components that are inherent in or essential to its nature;
    - If an adjustment is necessary, identification of the, reasonable adjustment
    - Consideration of whether there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the student

- Identification of situations where an adjustment may impose an unjustifiable hardship on the school and referral to the Executive Leadership Team for consideration.

Teacher Responsibilities

Teachers at The Rainforest School are responsible for:

- Identifying students who may need adjustments to access the educational program
- Recording differentiation for students in the class for which they are responsible
- Working with the Principal to develop and implement Individual Learning Plans (ILPs)]
- Planning for the effective use of Teacher Aides to support the implementation of reasonable adjustments
- Participating in a practice of review, reflection and evaluation of the success of adjustments in achieving individualised educational goals.

Teacher Aide Responsibilities

Teacher Aides at The Rainforest School are responsible for:

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

Parent/Carer Responsibilities

Parents and Carers (or other associates) of students enrolled at The Rainforest School should:

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

Student and Employee Responsibilities

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

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

COMPLIANCE AND MONITORING

Collating and Monitoring Disability Discrimination Reports

- Any report or concern regarding disability discrimination, whether received from students, parents/carers, or staff, is logged in accordance with The Rainforest School Complaints Handling Policy.
- The Principal (or delegated staff) ensures that each report is documented, including date, individuals involved, nature of the concern, and outcomes or actions taken.
- The Principal reviews these reports regularly (at least once per term) to identify trends, ensure timely resolution, and confirm that processes comply with relevant legislation and school policy.

Reporting on Disability Discrimination

- The principal will provide an annual summary report to the School Board detailing the number and type of disability discrimination reports received, actions taken, and any improvements implemented.
- Where appropriate, the school will communicate in general terms with the school community (for example, via newsletters or parent updates) about the school's commitment to preventing disability discrimination, including general outcomes of monitoring, without identifying individuals.

Note: All formal complaints continue to be managed under The Rainforest School Complaints Handling Policy, which ensures procedural fairness and confidentiality.

BREACHES OF POLICY

Classroom Teacher is available to discuss this policy and its interpretation.

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

A disability discrimination claim can be made by a student or their parent/carer against the school and/or the individual employee who is alleged to have unlawfully discriminated the student. The claim can be made to an external entity such as the Queensland Human Rights Commission (QHRC) (www.qhrc.qld.gov.au) in the State jurisdiction or the Australian Human Rights Commission (AHRC) (www.humanrights.gov.au) in the Commonwealth jurisdiction.