



Portfolio Committee No.3 – Education

Children and Young People with Disability in New South Wales Educational Settings

Tuesday 26 March 2024

Question: Is this a question that is perhaps equally dispersed across public and private schools, or is this predominantly a problem in the public system or predominantly in the private system?

Answer:

1. Youth Law Australia advises children and young people, and their advocates, about issues involving both public and private schools.
2. We do not currently collect specific data on whether an inquiry about an education law issue involves a public or private school in a way that enables us to easily respond to this question.
3. However, we manually reviewed all inquiries we received between 1 January 2023 and 31 December 2023 which involved a NSW school, where a student or their advocate had disclosed the existence of a disability.
4. Of those inquiries, around 38% involved a public school, and around 26% involved a private school (in around 36% of matters the school was unknown).
5. Of those inquiries specifically involving a suspension or expulsion, around 30% involved a public school, and around 59% involved a private school (in around 11% of matters the school was unknown).



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Question: This follows on from my colleague's earlier question, and also a comment Ms Pearson made earlier about homeschool officers. I just wanted to get a better understanding about when a young person is suspended, particularly in an environment where one or both parents are working. How is that supervision maintained at home for that young person, if the parents or parent is working, and who is ultimately responsible? Is it something that school should be ensuring, that the young person is getting the resources and learning materials, or does it fall back onto parents who are already under a lot of pressure and stress with everything that's going on?

Answer:

1. Youth Law Australia advises children and young people, and their advocates, about issues involving both public and private schools.
2. Unlike some other jurisdictions, the suspension of students from public schools is not governed by legislation (specifically, the *Education Act 1990 (NSW)*), but rather is governed by policy. The main policy that applies is the *Suspension and expulsion procedures (the Procedures)*.
3. Under section 2.2.4 of these Procedures, a Notice of a suspension issued by a principal of a public school must include an 'outline of a learning program and clear expectations that the student will continue a learning program while suspended'.
4. We note that by comparison, in the ACT the *Education Act 2004 (ACT)* states: 'If a student at a school is suspended, the principal of the school must ensure the student is given the materials and support needed to continue their education during the period of suspension' (section 17M).



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