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The Hon R M Parker MLC
Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

25 May 2010

Dear Ms Parker

I refer to the Committee's letter of 13 May 2010 with an additional question on notice from the Committee members in relation to the **Inquiry into the provision of education to students with a disability or special needs**.

Question 1: Can you check that (case studies used in your submission) are all current cases?

The case studies used in our submission were all cases currently open at the time of making the submission. Whilst for confidentiality reasons we are unable to provide the dates of events that particular case studies refer to, we can confirm that all events occurred within the 18 months preceding the date of the submission.

Suspension of students with behavioural disabilities

We also note that the Committee questioned whether, in our experience, suspension is used as a first discipline option in NSW schools. The NSW Department of Education and Training's *Suspension and Expulsion of School Students – Procedures* provides at 6.1.5 provides that:

Principals must suspend immediately and consistently with these procedures, including the factors outlined in 4.0.5, any student who:

- *is physically violent: Any student who is physically violent, resulting in pain or injury, or who seriously interferes with the safety and well being of other students, staff or other persons, is to be suspended immediately.*
- (...)
- (...)

Clause 4.0.5 of the *Procedures* provides that:

The Principal must also ensure that the implementation of these procedures takes into account factors such as age, individual needs, any disability and developmental level of students.

In our experience, a student's disability is often not considered when suspension is a result of violent behavior on the student's part. Often this violent behavior is in retaliation to bullying of the student or as a result of difficulties in adapting to a changing school environment.

Case Study:

Our client, a student with Autism Spectrum Disorder (ASD) and Aspergers Syndrome attends Year 7 in a mainstream high school. In primary school he received support for his disabilities however he does not receive any support at high school. He begins to struggle at school and his marks drop.

He is automatically suspended after getting into a fight with another child – neither student is injured. When his mother contacts the school she refers to the *Procedures* and asks the Principal what consideration he has given to her son's disability in making the decision to suspend him. She is informed that the school was not aware of his disability and that, even if they had been, he would still have been automatically suspended.

The mother recalls informing the Principal directly when enrolling her son about his disability. After obtaining his file from the Department she discovers that his disability was not reconfirmed at the end of Year 6; despite his doctor contacting the school a number of times to obtain further information and not having her phone calls returned. As a result, an application for funding support for Year 7 was never submitted by the primary school. Additionally, the Department did not inform his high school of his disability or the fact that he will be attending school for the first time without additional support and that this may affect his transition.

The mother withdrew her son from the school system at the end of Year 7 and is currently home schooling him – this has had a profound effect on their family life and his ability to socialise.

We hope this information is of assistance and thank you for the opportunity to contribute to this Inquiry.

Yours Sincerely



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