

Inclusive enrolment

Why is inclusive enrolment important?

Students with disability have the right to seek admission and enrol in schools on the same basis as prospective students without disabilities. This includes the right to reasonable adjustments that might need to be made by the school to enable a student with disability to enrol on the same basis as other students.

‘On the same basis’ means that a student with disability must have opportunities and choices that are comparable with those offered to students without disability in admission or enrolment.

Adjustments may include measures or actions taken by the school to assist the student with disability to apply for enrolment or admission. When a student with disability applies for admission to a school, that school must consider the application on the basis that reasonable adjustments will be made.



CASE STUDY

Background

Max is 6 years old and has been diagnosed with ADHD. His family tried to enrol him in a nearby school however were told by the principal that the school lacked the resources necessary to support him and that he would be better accommodated at another school. Max’s family made the decision to change his enrolment to a school outside their zone.

School’s response

The new school met with Max and his family, accepted Max’s enrolment and supported his participation in a class of 20 students. Teachers had already undertaken extensive training on disability inclusion. Max received funding through Disability Inclusion and was supported by an education support worker in the classroom. The school scheduled student support group meetings with Max and his family to ensure they stayed up to date with his progress and had input into what supports he required.

With these supports, Max thrived in the classroom environment, both socially and academically. Max started wearing bright coloured clothes as a signal that he was happy. His family regularly thanked the school for their support, having thought that Max was not going to be able to participate in a mainstream school.

The school’s inclusive culture and transparent communication facilitated Max’s enrolment and participation in his education.

What the law says

Students with disabilities have the right to be enrolled in their local school and receive the full benefit of the education provided by the school.

The *Disability Standards for Education 2005* (Cth) provide that students with disabilities have the right to seek admission and enrol in schools on the same basis as students without disabilities. Under the *Equal Opportunity Act 2010* (Vic), a school must not discriminate against a student with a disability in deciding whether they should be admitted as a student or in the terms on which the school admits the student.

Schools also must not discriminate against a student by denying or limiting access to any benefit provided by the school, by expelling the student, or by subjecting the student to any other detriment.

Furthermore, schools must make reasonable adjustments that allow a student with a disability to participate in or continue to participate in or derive or continue to derive any substantial benefit from an educational program, unless the adjustments are not reasonable in the circumstances (See more information in the 'Making Adjustments' fact sheet). This might mean providing an education support worker, installing ramps, providing visual instructions, particular software packages for computers, or moving a particular course or event from an inaccessible venue to an accessible one.

Government schools are also bound by Victoria's *Charter of Human Rights and Responsibilities 2006* (Vic), which outlines students' rights. This includes the right to equality and non-discrimination, and the right of a child to such protection as is in the child's best interests.

For instance, in considering the rejection of a student's enrolment, or even in suggesting that a student may be better suited to another school, the school must give proper consideration to the student's right to equality and their right to such protection as is in their best interests and is needed by reason of being a child.

Other relevant laws that need to be taken into account include OHS laws, federal discrimination laws, and other education-related laws and policies.

What Department of Education policy says

Department of Education policy complements Victoria's discrimination and human rights laws, and should be read together for the benefit of all students and staff.

Enrolment

In Victoria, all students with disability have the right to enrol at their designated neighbourhood school and may be enrolled at another neighbourhood school subject to sufficient accommodation. In addition to neighbourhood schools, there is a range of government specialist schools and education settings available for students with specific disability and high needs. For additional information see **Enrolment: Policy** | education.vic.gov.au

Planning for support of students with disability

When planning an adjustment for a student at a Victorian government school, the school must consult with the parent or carer(s) and the student, typically through the **Student Support Group** process.

An **Individual Education Plan** (IEP) is a written statement that describes the adjustments, goals and strategies to meet a student's individual educational needs so they can reach their full potential. It helps schools plan and monitor a student's unique learning needs. An IEP is beneficial for all students with additional needs and schools are required to have one for students supported under individualised disability funding programs including the **Program for Students with Disabilities (PSD)** and **Disability Inclusion (DI)**.

For further information, see **Students with Disability: Policy** | education.vic.gov.au

Practical tips

These practical tips for building staff capacity have been informed by schools, for schools, to comply with their positive duty to eliminate discrimination and other legal obligations, and work towards full disability inclusion:

- See yourself as a gateway rather than a gatekeeper
- Work with students and their families to create a plan for what adjustments are needed before the student starts their schooling – the earlier the better
- Provide information that will assist students and the families to make informed choices about enrolling, including courses or subjects
- Ensure information about the enrolment process addresses the needs of students with disabilities and is accessible to the student and parents
- Provide information, including on enrolment processes, in a range of formats and within a reasonable timeframe to ensure people from different backgrounds and with different levels of comprehension can fully understand
- Consult with students, families and support workers on what adjustments may be required
- Use strategies that are effective for the student, such as visual timetables, social stories and buddy systems to support children with disability who feel anxious about starting school
- Be aware that parents and carers may have disabilities or limited English literacy and may require additional support to understand and complete the enrolment process
- Consult with the Department of Education about what funding and supports are available
- Allow for feedback mechanisms on enrolment process.

Other supports and resources

Students with Disability: Policy | [education.vic.gov.au](https://www.education.vic.gov.au)

Enrolment: Policy | [education.vic.gov.au](https://www.education.vic.gov.au)

Disability Inclusion Profile: Policy | [education.vic.gov.au](https://www.education.vic.gov.au)

Enrolment: Policy | [education.vic.gov.au](https://www.education.vic.gov.au)

What is inclusive education | CYDA

“Every child should be able to have an inclusive, supportive environment, no matter where they live.”

– Bentleigh West Primary School



**Victorian Equal Opportunity
& Human Rights Commission**

humanrights.vic.gov.au

General enquiries enquiries@veohrc.vic.gov.au

Enquiry line 1300 292 153

