



# Student Disability Discrimination Policy

<b>Purpose:</b>	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.	
<b>Scope:</b>	<p>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.</p> <p>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.</p> <p>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.</p>	
<b>Status:</b>	Approved	<b>Supersedes</b> Disability Discrimination Policy
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation: 23 Feb 2026</b> [Click here to enter a date]
<b>References:</b>	<ul style="list-style-type: none"> <li>• <i>Anti-Discrimination Act 1991</i> (Qld)</li> <li>• <i>Australian Education Act 2013</i> (Cth)</li> <li>• <i>Australian Human Rights Commission Act 1986</i> (Cth)</li> <li>• <i>Disability Discrimination Act 1992</i> (Cth)</li> <li>• <i>Disability Services Act 2006</i> (Qld)</li> <li>• <i>Disability Standards for Education 2005</i> (Cth), including Guidance Notes</li> <li>• <i>Education (Accreditation of Non-State Schools) Act 2017</i> (Qld)</li> <li>• <i>Education (Accreditation of Non-State Schools) Regulation 2017</i> (Qld)</li> <li>• <i>Education (General Provisions) Act 2006</i> (Qld)</li> <li>• <i>Privacy Act 1988</i> (Cth)</li> <li>• Montessori Noosa Disability Discrimination Policy</li> <li>• Montessori Noosa Anti-Discrimination Policy</li> <li>• Montessori Noosa Reporting Concerns of Harm and Abuse Policy</li> <li>• Montessori Noosa Staff Code of Conduct</li> <li>• Montessori Noosa Complaints Handling Policy</li> <li>• Montessori Noosa Privacy Policy</li> </ul>	
<b>Review Date:</b>	Review every 2 years	<b>Next Review Date: 23 Feb 2028</b> [Click to enter a date 2 years after the Date of Authorisation]



Policy Owner:	School Governing Body (Education for Generations Ltd)
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## Policy Statement

In Queensland, both the *Anti-Discrimination Act 1991* (Qld) and the *Disability Discrimination Act 1992* (Cth) regulate disability discrimination in schools. A disability discrimination claim may be brought by a student against a school in either jurisdiction.

This policy outlines written processes for how Montessori Noosa 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)<sup>1</sup>.

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

All students at Montessori Noosa have the right to learn in an environment free from unlawful discrimination. Montessori Noosa 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, Montessori Noosa 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, Montessori Noosa will make reasonable adjustments to ensure equality of access and participation by students with a disability.

In accordance with relevant law, Montessori Noosa 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<sup>2</sup>

Montessori Noosa 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.

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<sup>1</sup> *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld), s11

<sup>2</sup> *Disability Standards for Education 2005* (Cth)



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.

Montessori Noosa 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.

## 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.<sup>3</sup>

**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.<sup>4</sup>

The *Anti-Discrimination Act 1991 (Qld)* makes it unlawful to discriminate against a student because of their association with, or relation to, another person who is identified as having an impairment.

**Direct 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.

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.

**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

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<sup>3</sup> Disability Standards for Education (Cth), s3.3

<sup>4</sup> *Disability Discrimination Act 1992 (Cth)*, s4



'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.

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.<sup>5</sup>

***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.<sup>6</sup>

**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 Discrimination:** A school indirectly discriminates against a student on the grounds of their disability if:

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<sup>5</sup> *Disability Discrimination Act 1992 (Cth)*, s4

<sup>6</sup> *Anti-Discrimination Act 1991 (Qld)*, Schedule 1



- (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.

**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).

## **Responsibilities**

<<In this section, you should include information to evidence that your school meets the requirements of the Disability Standards for Education 2005 (Cth) as required under the Disability



Discrimination Act 1992 (Cth). You should carefully consider whether your school actually performs the actions or measures before including them in this policy. The following are some of the areas from the Disability Standards that could be addressed.>>

### **Responsibilities under the Disability Standards for Education**

- Making Reasonable Adjustments
- Curriculum Development, Accreditation and Delivery Standards
- Student Support Services Standards
- Harassment and Victimisation Standards

### **Specific Responsibilities**

*<<In this section, you should fully identify the positions, responsibilities and processes for particular employees within your school. The text below is provided only by way of example, and your school should change this to suit its particular context. Each school must develop this policy based on their cohort, context and approach to personalised learning.*

*The term 'individual education plans' should also be changed if your school refers to these differently. If your school has established a Disability Contact Person, you should also include an outline of their responsibilities.>>*

### **Leadership Responsibilities (Principal)**

This position is responsible for overseeing:

- the development, ongoing termly monitoring and review of Individual Education Plans (IEPs) and termly parents/guardians' signature of IEPs.
- the broad categories of disability used in the NCCD (Appendix 1) in terms of the current school IEP students.
- the enrolment process and that it adequately identifies and support students with disability (see Figure 1 below MN Procedure for identifying students who are persons with a disability and for devising Educational programs).
- the process that adequately Identify and support existing students at Montessori Noosa (MN) (See Figure 2 below).
- 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 (Staff meetings discussions, PD visitors on inclusion, ISQ modules Disability yearly, etc.).
- 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 particular, 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.

**MN Procedure for identifying students who are persons with a disability and for devising Educational Programs.** Figure 1 below is used to show a progression or sequential steps in MN's process of identification and support for enrolling students at Montessori Noosa with persons with a disability.

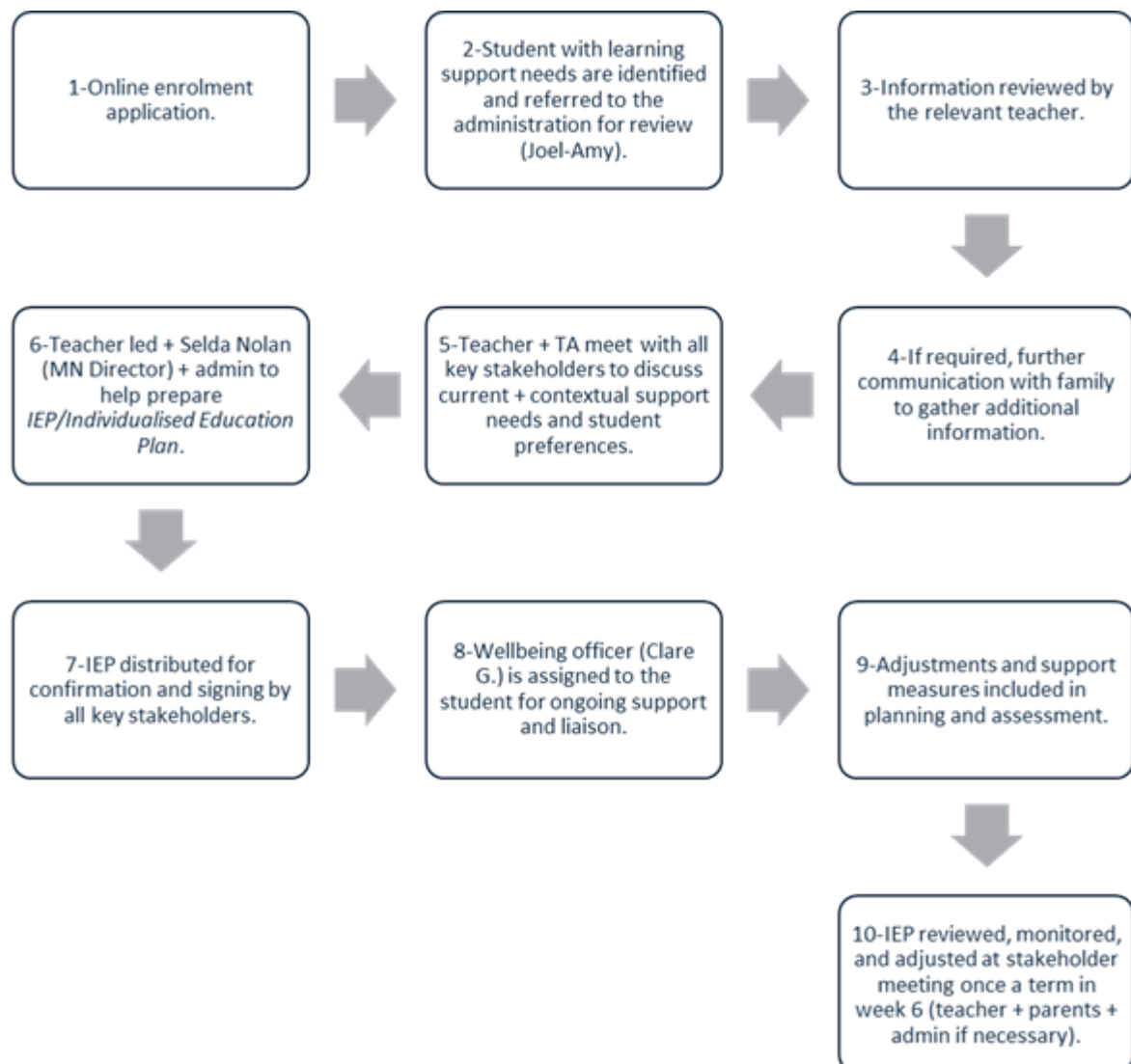


Figure 1. MN Procedure for identifying students who are persons with a disability and for devising Educational programs.



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Additional note on the steps highlighted in Figure 1 above.

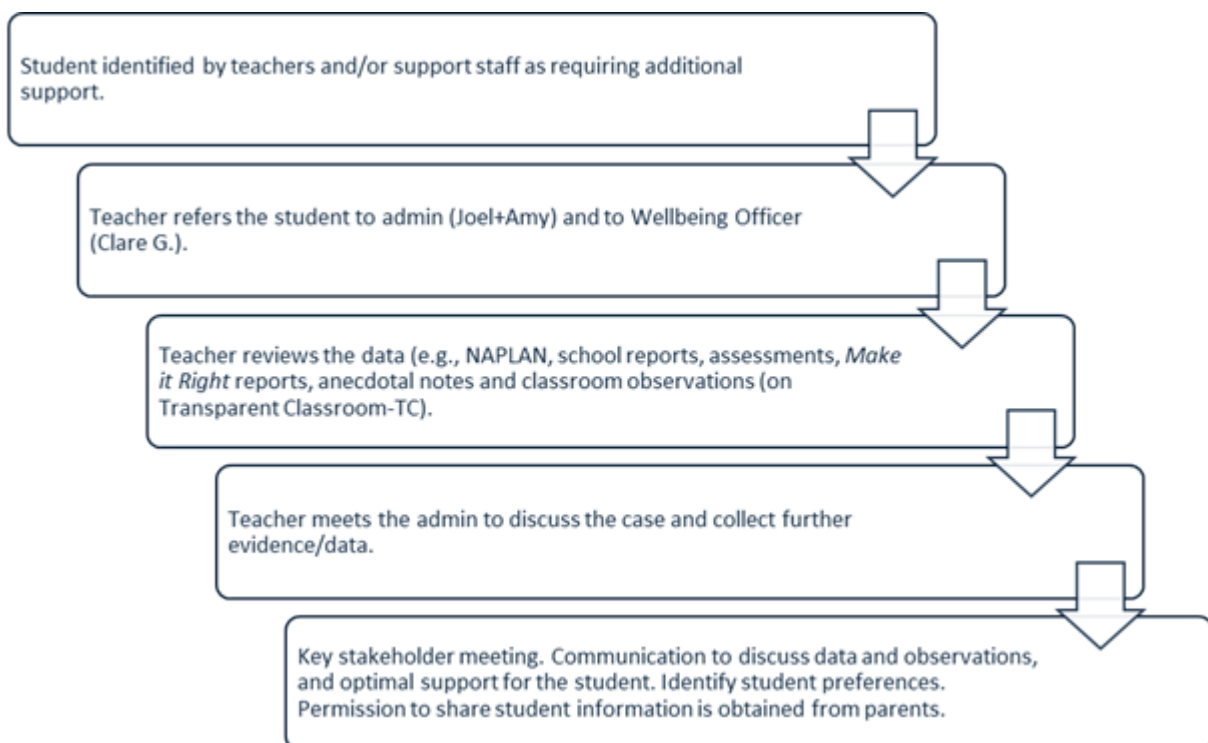
Step 1: Online enrolment application (including attached specialist report documentation) viewed by principal, head of curriculum and wellbeing officer.

Step 4: If required, further communication with the family to gather additional information (e.g., medical and educational professionals) beyond supplied enrolment documentation. Permission to share student information obtained from parents.

Step 9: Adjustments and support measures included in planning and assessment to be implemented in teaching and learning by relevant teachers. Teachers record learning adjustment reviews at the end of the Term plan (end of term) and observations in the orange folder.

### Identification and support for existing students at Montessori Noosa (MN)

Figure 2 below shows the process for identifying and supporting existing MN students. The figure demonstrates multiple groups of information (or steps) and sub-steps in a process.



**Key stakeholders decide whether or not to pursue a diagnosis.**

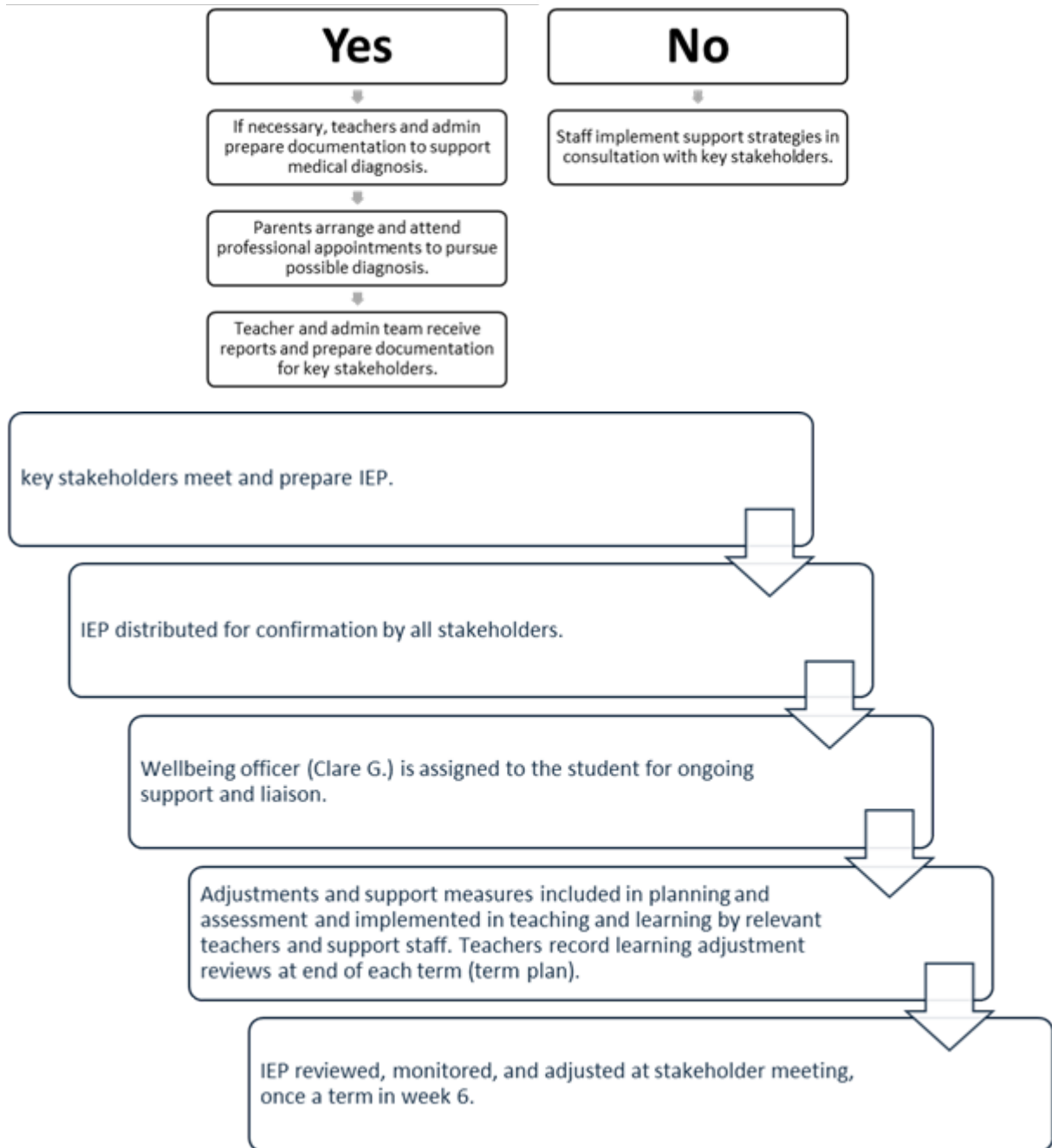


Figure 2. MN process for identifying and supporting existing MN

### Teacher Responsibilities

Teachers at *Montessori Noosa* 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 HIS to develop and implement Individual Education Plans (IEPs)
- 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.
- Staff recording daily observations on Transparent Classroom (TC) of students with an IEP (support plan). Teachers making academic as well as social emotional observations on TC.

### **Teacher Aide Responsibilities**

Teacher Aides at Montessori Noosa are responsible for:

- Contributing and making observations on Transparent Classroom of social/emotional nature for the IEP students.
- Implementing adjustments by assisting teachers and/or the HIS
- Providing timely feedback to the teacher or HIS on the implementation of adjustments.

### **Parent/Carer Responsibilities**

Parents and Carers (or other associates) of students enrolled at Montessori Noosa 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 students learning needs including current reports and assessments from medical and other allied health professionals
- Raise any concerns about their students learning or behaviour with the classroom teacher in a timely manner
- Participate in consultation with the HIS around the development and review of IEPs or other support plans.

### **Student and Employee Responsibilities**

All students and employees at Montessori Noosa 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 *Montessori Noosa <<Complaints Handling Policy>>*.

### **Compliance and Monitoring**

In this section you should identify the key compliance and monitoring actions and responsibilities your school will undertake. Specifically, you should identify the following:

- How the school will collate and monitor disability discrimination reports?
- How the school will report on disability discrimination to its community?

### **Breaches of Policy**

The Principal 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/carers 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](http://www.qhrc.qld.gov.au)) in the State jurisdiction or the Australian Human Rights Commission (AHRC) ([www.humanrights.gov.au](http://www.humanrights.gov.au)) in the Commonwealth jurisdiction.

## APPENDIX 1 Broad categories of disability used in the NCCD.

