# Special school eligibility (“person with a disability” criteria) policy

## Audience

Department-wide

## Purpose

To be eligible for enrolment in a state special school, section 166(1) of the *Education (General Provisions) Act 2006* (the Act) requires that:

* The child or young person is a “person with a disability”; and
* The special school is able to cater for their educational needs.

This policy sets out the criteria, approved by the Minister for Education as required by section 165(2) of the Act,to decide whether a child or young person is a “person with a disability” for the purpose of enrolment in state special schools including independent public special schools.

For information regarding enrolment processes in a state special school, please refer to the [State special school enrolment (additional requirements) procedure](https://ppr.qed.qld.gov.au/pp/state-special-school-enrolment-additional-requirements-procedure).

## Policy statement

The Department of Education (department) is committed to providing children and young people in Queensland a high quality education.

Children and young people with disability, including intellectual disability, have the right to enrol in any state school in Queensland and be provided with reasonable adjustments to enable them to access and participate in education on the same basis as other children and young people.

Special schools provide highly individualised programs delivered by a multidisciplinary team of classroom teachers and support staff. Special schools support children and young people with intellectual disability, and who may have other disabilities, which have a severe impact on their ability to access and participate in education.

Parents may choose to apply for their child to be enrolled in a state special school. To be referred for enrolment in a state special school, all four criteria set out in this Policy must be met.

## Principles

Decisions to determine whether a child or young person meets the criteria outlined in this policy will be made having regard to the following principles:

* Evidence-based – decisions will be based on available evidence demonstrating that all four of the Policy’s criteria are met.
* Transparency – decisions will be made on the basis of the criteria set out in this Policy and clearly explained to parents and principals involved in the application. Parents will be provided an opportunity to review the evidence used to make the decision and provide additional information if required.
* Timeliness – decisions will be made in a timely manner to ensure, as far as possible, that children and young people can start school as soon as possible, or continue their educational programs.

## “Person with a disability” criteria for enrolment in state special schools

To be eligible for enrolment in a state special school including an independent public special school, all four of the following criteria must be met:

1. The person has a disability as defined by the *Disability Discrimination Act* 1992 (DDA);
2. The person has a *severe disability* which includes an *intellectual disability*;
3. The person is unlikely to attain the levels of development of which the person is capable unless the person receives special education;
4. The person's educational program is best delivered in a special school taking into account the appropriateness of this placement for the individual concerned.

## Decision-making

* Departmental officers with delegations under the [Legislative Delegations – Delegation of Director-General’s Powers](https://ppr.qed.qld.gov.au/delegation/education-general-provisions-act-2006-director-general-delegations.pdf) will make a decision about whether the eligibility criteria are met and the child or young person is eligible to be enrolled in a special school.

## Definitions

|  |  |
| --- | --- |
| Parent | The Policy adopts the definition of ‘parent’ as set out in section 10 of the Act.  |
| Disability | Section 4 of the DDA defines disability as:(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; and includes a disability that: (h) presently exists; or (i) previously existed but no longer exists; or (j) may exist in the future (including because of a genetic predisposition to that disability); or (k) is imputed to a person. To avoid doubt, a ***disability*** that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability. |
| Intellectual disability | An **intellectual disability** is characterised by deficits in intellectual functioning and adaptive behaviour requiring significant education adjustments.  |
| Intellectual functioning | **Intellectual functioning** associated with intellectual disability is characterised by deficits in reasoning, problem solving, planning, abstract thinking, judgement, academic learning and learning from life experiences. This is typically associated with an Intelligence Quotient (IQ) score of approximately 70 or below. |
| Adaptive behaviour | **Adaptive behaviour** associated with intellectual disability is characterised by deficits that impair functioning in comparison to a person's age and cultural group in one or more aspects of daily living such as communication, social participation, functioning at school or work, or independence. |
| Significant education adjustment | A **significant education adjustment**, is verified through the Education Adjustment Program by a departmental verifier for intellectual disability.  |
| Severe disability | **Severe disability** means a disability where the impact of the intellectual disability, or multiple impairments (including an intellectual disability), results in the student requiring a highly individualised program to access and participate in education. |
| Highly individualised program | A **highly individualised program** includes the following:* a negotiated individual learning plan identifying the individual curriculum pathway with appropriate learning expectations
* assessment and reporting against these learning expectations
* specialised teaching
* significant education adjustments
* continuous monitoring and support delivered by a multi-disciplinary team which may include:
	+ alternate/augmentative communication programs
	+ small groups or one on one support
	+ therapy programs
	+ specialised health needs management.
 |
| Specialised health needs | **Specialised health needs** are defined as procedures/interventions that are essential to enable a student to access their educational program. They are requested, prescribed and/or established by an appropriate qualified health professional and incorporate routine and/or emergency procedures and interventions.Specialised health procedures and interventions include, but are not limited to:* enteral/artificial feeding (gastrostomy, nasogastric, jejunostomy)
* airway management (tracheostomy care, oral suctioning, oxygen therapy)
* epilepsy management (seizure management, emergency medication)
* individualised mealtime programs with supervision
* toileting management (ostomy care, individualised toileting programs, catheterisation)
* diabetes management
* prescribed medication management
* asthma management
* anaphylaxis management.
 |
| Special education | **Special education** is defined in Schedule 4 of the *Education (General Provisions) Act 2006* to mean the educational programs and services:1. appropriate to the needs of persons with a disability; and
2. additional to, or otherwise different from, educational programs and services generally available to persons of the relevant age who are not persons with a disability.
 |
| Special school | **Special school** is defined in Schedule 4 of *the Education (General Provisions) Act 2006* (Qld) to mean a state school only providing special education. |
| Departmental verifier – Intellectual disability | A departmental verifier for intellectual disability is a person employed by the department who must be a registered teacher and a registered psychologist. |
| Verification | **Verification** is the process for confirming that a student meets criteria in the Education Adjustment Program and that the student's identified impairment and the associated activity limitations and participation restrictions require significant education adjustments.  |
| Education Adjustment Program | The **Education Adjustment Program** is a targeted program for identifying and responding to the educational needs of students with disability who require significant education adjustments related to the specific following disabilities: Autism Spectrum Disorder; Hearing Impairment; Intellectual Disability; Physical Impairment; Speech-Language Impairment; and Vision Impairment.  |

## Legislation

* [*Education (General Provisions) Act 2006* (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039)
* [*Education (General Provisions) Regulation 2017* (Qld)](https://www.legislation.qld.gov.au/view/pdf/inforce/2017-09-01/sl-2017-0161)
* [*Anti-Discrimination Act 1991* (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1991-085)
* [*Disability Discrimination Act 1992* (Cwlth)](https://www.legislation.gov.au/Details/C2018C00125)
* [*Disability Standards for Education 2005* (Cwlth)](https://www.legislation.gov.au/Details/F2005L00767)

## Delegations/Authorisations

* [Legislative Delegations – Delegation of Director-General’s Powers](https://ppr.qed.qld.gov.au/delegation/education-general-provisions-act-2006-director-general-delegations.pdf)

## Related policies

* [Advancing education – An action plan for education in Queensland](http://advancingeducation.qld.gov.au/Pages/default.aspx)
* [State School Improvement Strategy 2021-2025: Every student succeeding](https://education.qld.gov.au/initiatives-and-strategies/strategies-and-programs/state-schools-improvement-strategy)
* [Every student with disability succeeding plan](https://education.qld.gov.au/initiatives-and-strategies/strategies-and-programs/every-student-with-disability-succeeding-plan)
* [Inclusive education policy](https://ppr.qed.qld.gov.au/pp/inclusive-education-policy)
* [Department of Education Strategic Plan 2021-2025](https://qed.qld.gov.au/publications/strategies/strategic-plan)

## Related procedures

* [Enrolment in state primary, secondary and special schools](https://ppr.qed.qld.gov.au/pp/enrolment-in-state-primary-secondary-and-special-schools-procedure)
* [State special school enrolment (additional requirements)](https://ppr.qed.qld.gov.au/pp/state-special-school-enrolment-additional-requirements-procedure)
* [Managing students' health support needs at school](https://ppr.qed.qld.gov.au/pp/managing-students-health-support-needs-at-school-procedure)
* [Supporting students with asthma and/or at risk of anaphylaxis at school](https://ppr.qed.qld.gov.au/pp/supporting-students-with-asthma-and-or-at-risk-of-anaphylaxis-at-school-procedure)

## Guidelines

* [Special school enrolment decision-making guidelines](https://ppr.qed.qld.gov.au/attachment/state-special-school-enrolment-decision-making-guidelines.docx)
* [P-12 curriculum, assessment and reporting framework](https://education.qld.gov.au/curriculum/stages-of-schooling/p-12)
* [Parent and community engagement framework](https://education.qld.gov.au/parents-and-carers/community-engagement)
* [Student Learning and Wellbeing Framework](https://education.qld.gov.au/students/student-health-safety-wellbeing/student-wellbeing)

## Supporting information/websites

* [Parent/carer factsheet – Queensland state special schools](https://ppr.qed.qld.gov.au/attachment/parent-carer-factsheet-queensland-state-special-schools.docx)
* [Inclusive education](https://education.qld.gov.au/students/inclusive-education)
* [Queensland state special schools](https://education.qld.gov.au/students/students-with-disability/supports-for-students-with-disability/general-information)

## Contact

For further information, please contact:

State Schools – Disability and Inclusion Branch

*Email:* support.diversity@qed.qld.gov.au

## Creative Commons Licence

Attribution CC BY