

SCHOOLS — EXCLUDED STUDENTS

1979. Hon Alison Xamon to the Minister for Education and Training:

I refer to the exclusion of students, and I ask:

- (a) how many students were recommended for exclusion, but not excluded in 2019 to date;
- (b) how many students were recommended for exclusion, but not excluded for the same period in 2018;
- (c) how many students who have been excluded this year have been diagnosed or assessed as having:
 - (i) disability;
 - (ii) a learning difficulty;
 - (iii) a mental health issue; and
 - (iv) a substance use issue;
- (d) how many students who have been recommended for exclusion, but not excluded this year, have been diagnosed or assessed as having:
 - (i) disability;
 - (ii) a learning difficulty;
 - (iii) a mental health issue; and
 - (iv) a substance use issue;
- (e) what requirements do schools have to satisfy in relation to students with disability who are:
 - (i) excluded; and
 - (ii) suspended;
- (f) for each student who has been excluded this year, please advise whether they are now accessing education through:
 - (i) another mainstream school;
 - (ii) an engagement centre;
 - (iii) the School of Isolated and Distance Education; and
 - (iv) another setting (please advise which setting);
- (g) is access to an alternative education setting a factor taken into consideration when the decision is made to exclude a student;
- (h) if no to (g), why not;
- (i) how many students who have been excluded this year live too far away to reasonably access an alternative mainstream school;
- (j) what does the department consider a reasonable distance to travel to access education;
- (k) are schools expected to enrol students who have been excluded from other schools; and
- (l) if no to (k), why not?

Hon Sue Ellery replied:

As at 29 March 2019:

- (a) One student recommended for exclusion was not excluded.
- (b) Nil.
- (c) (i) It is important to understand that the Western Australian State Government action plan relates to circumstances where a student instigates a violent assault, makes physical contact with the intention to harm another student, or where a student films such an assault with a view to sharing it on social media. In these circumstances, the school principal is required to make a judgement with regard to the student's intention and his or her developmental capacity to understand the implications of his or her actions. The capacity to exclude a child with disability is not new.

Of the 12 students excluded:

One student was diagnosed with intellectual disability at a young age but when re-tested in middle primary years was found not to have an intellectual disability.

None of the students had a diagnosed disability that met the Department's criteria for resourcing through the Individual Disability Allocation (IDA).

Five of the excluded students were assessed in the most recent data collection for the Nationally Consistent Collection of Data (NCCD) at the school level as having a disability requiring teaching and learning adjustments.

- (ii) Four of the five students identified through the NCCD were assessed at the school level as having a cognitive disability presenting as learning difficulty.
 - (iii) One of the five students identified through the NCCD was assessed at the school level as having a social/emotional disability presenting as a mental health issue.
 - (iv) The Department does not formally assess whether a student has a substance use issue.
- (d) (i)–(iv) Nil.
- (e) It is important to note that the Western Australian State Government action plan relates to circumstances where a student instigates a violent assault, makes physical contact with the intention to harm another student, or where a student films such an assault with a view to sharing it on social media. In these circumstances, the school principal is required to make a judgement with regard to the student's intention and his or her developmental capacity to understand the implications of his or her actions. The capacity to exclude a child with disability is not new.
- (i) A principal may recommend exclusion for a student with a diagnosed disability under section 91(a) of the *School Education Act 1999*, provided they are satisfied that the breach of school discipline is not a symptom or manifestation of the student's disability. In the case of a child with a disability who is the subject of a recommendation for exclusion on grounds under section 91(b) of the Act, where the behaviour has disrupted the educational instruction of other students, a Disability Advisory Panel is formed to examine the matter and report to the Director General.
 - (ii) In determining whether a student's actions breach school discipline, the principal needs to be satisfied that the breach was not a symptom or manifestation of the student's disability.
- (f) It is important to note that the Western Australian State Government action plan relates to circumstances where a student instigates a violent assault, makes physical contact with the intention to harm another student, or where a student films such an assault with a view to sharing it on social media. In these circumstances, the school principal is required to make a judgement with regard to the student's intention and his or her developmental capacity to understand the implications of his or her actions. The capacity to exclude a child with disability is not new.

The following arrangements are in place for the 12 students excluded as at 29 March 2019:

- (i) Nil.
 - (ii) Two students are attending an engagement centre and the referral process is underway for another student to attend an engagement centre.
 - (iii) Nil.
 - (iv) Other settings:
 - One student has returned to their existing enrolled school following a temporary exclusion period.
 - Three students are currently attending an Alternative Learning Setting pilot program, and Alternative Learning Setting pilot program staff are liaising with the families of another two students regarding an offer of placement.
 - One student is attending a training program with an Aboriginal Corporation.
 - One student has been placed with South Regional TAFE.
 - One student will attend a Curriculum and Re-engagement in Education (CARE) school.
- (g) No.
- (h) A decision to exclude a student is related to the student's actions breaching section 91 of the *School Education Act 1999*. An alternative education placement is determined once the outcome of the process has been finalised, based on the individual needs of that student.

- (i) Nil.
- (j)–(k) The placement of a student is not based on distance but on the most appropriate placement as outlined in section 79 of the *School Education Act 1999*. Section 79 states that a child of compulsory school age is entitled to be enrolled at a particular public school that is not a local-intake school if there is an appropriate education program and classroom accommodation available.
- (l) Not applicable.