

Government response to *School Education Act 1999* (WA) Final Report review recommendations

Report recommendation	Response	Comment
1 The objects of the <i>School Education Act 1999</i> (WA) should be expanded to establish a framework for inclusive education in which schools empower all students to learn, participate and thrive.	Support in principle	<p>The Government supports the development of a practical, non-legislative framework to guide inclusive education for students with disability.</p> <p>The Department of Education will develop the framework, including consideration of inclusive definitions, principles and objectives that will empower students with disability to learn, participate and thrive.</p>
2 Introduce principles to the <i>School Education Act 1999</i> (WA) that value the school experience of all students, including the value of inclusive education for students with disability.	Support in principle	
3 Reframe the definition of 'disability' within the <i>School Education Act 1999</i> (WA) so that it aligns to the social model of disability.	Support	<p>The Government supports aligning the definition of 'disability' in the Act with the social model of disability, and reflecting the definitions used in the <i>Equal Opportunity Act 1984</i> (WA), <i>Disability Discrimination Act 1992</i> (Cth) and <i>Disability Standards for Education 2005</i> (Cth).</p>
4 Introduce the concept of 'inclusive education', defined in line with Article 24 of the Convention of the Rights of Persons with Disabilities, and enshrine it in the <i>School Education Act 1999</i> (WA) through reference in the objects and principles.	Support in principle	See response to recommendations 1 and 2.

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5 The <i>School Education Act 1999</i> (WA) should ensure that disability is not a consideration for denial of enrolment in WA schools.	Further consideration	<p>The Government supports the intent of the recommendation, noting that schools have existing obligations not to discriminate against students with disability in relation to enrolment under the <i>Equal Opportunity Act 1984</i> (WA) and <i>Disability Standards for Education 2005</i> (Cth).</p> <p>The Government acknowledges there are opportunities to strengthen regulations, policies, procedures and guidance in relation to enrolment, to ensure that schools understand and fulfil these obligations.</p> <p>The Department of Education will undertake a review of regulations, policies, procedures and guidance for schools.</p>
6 WA legislation should recognise the obligation to provide reasonable adjustments in education settings to avoid discrimination.	Further consideration	<p>The Government will consider further legislative amendments in relation to reasonable adjustments and restrictive practices, pending the outcomes of other relevant legislative reviews at the state and federal level.</p>

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7 There should be explicit provisions addressing when and how schools should engage with children and their parent/s in key decisions. This may be enacted through the <i>School Education Act 1999</i> (WA) or another legislative instrument.	Support in principle	<p>The Government supports more explicit guidance on when and how schools should engage with students and their families, and suspension and exclusion practices that align with existing obligations under the <i>Disability Discrimination Act 1992</i> (Cth) and the <i>Equal Opportunity Act 1984</i> (WA). The Department of Education will explore improvements to relevant non-legislative policies, procedures and guidance for schools.</p>
8 The <i>School Education Act 1999</i> (WA) should provide a framework for suspension and exclusion for breaches of school discipline, that aims to prevent discrimination on the basis of disability and is aligned to the <i>Disability Discrimination Act 1992</i> (Cth) and the <i>Equal Opportunity Act 1984</i> (WA).	Support in principle	
9 Instead of having Discipline Advisory Panel and Disabilities Advisory Panel, there should just be one type of panel within the <i>School Education Act 1999</i> (WA) that considers exclusionary discipline. The panel should be formed for any exclusion of a child under Sections 91(a) and 91(b) and panel membership must include at least one independent person with lived experience of any equity groups relevant to the student's identity (such as disability, First Nations [for First Nations children this should be a local elder], students in out of home care, CALD, LGBTQIA+ etc).	Support in principle	<p>The Government supports changing the Act to enable the formation of a single panel to consider exclusionary discipline for students with disability, no matter the reason for the exclusion.</p> <p>Under the existing provisions in the Act, the formation of panels requires that panels consist of members who have "such experience, skills, attributes or qualifications as the Minister considers appropriate to the case of the child to whom the matter relates".</p>

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10	The attendance panel provisions within Section 39 of the <i>School Education Act 1999</i> (WA) should provide that panel membership include at least one independent person with lived experience of any equity groups relevant to the student's identity (such as disability, First Nations [for First Nations children this should be a local elder], students in out of home care, CALD, LGBTQIA+ etc).	Support in principle	
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11 Introduce provisions into the <i>School Education Act 1999</i> (WA), its subordinate legislation, or alternative WA legislation that provide greater clarity about the use of restrictive practices in education. This should apply to all children across government and non-government schools.	Further consideration	See response to recommendations 6.
12 Consistent with the Disability Royal Commission Recommendation 7.10, accepted in principle by the WA Government, introduce provisions into the <i>School Education Act 1999</i> (WA) to establish an independent complaints, disputes and resolutions body.	Further consideration	<p>The Government notes existing independent bodies, namely the Equal Opportunity Commission, Ombudsman and Human Rights Commission, however acknowledges that there are opportunities to strengthen processes to resolve complaints and disputes in a practical and timely way for students with disability and their families.</p> <p>The Department of Education will review current regulatory and policy processes, as well as the merits of establishing new mechanisms within the Department and the intersect with the above existing independent bodies.</p>
13 Introduce data collection obligations into the <i>School Education Act 1999</i> (WA) to enable the Minister to monitor progress against the objects and principles of the <i>School Education Act 1999</i> (WA).	Support in principle	The Government supports monitoring the progress of actions against the non-legislative framework referenced in response to recommendations 1 and 2. The Department will design and implement relevant measures.
14 Introduce a statutory review provision to ensure that any changes made to the <i>School Education Act 1999</i> (WA) as a result of a Bill responding to this review, must be reviewed within 5 years of taking effect; and the review report be tabled in Parliament.	Further consideration	The Government will consider any statutory review provision in the context of other non-disability-related changes to the Act.

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15	There should be obligations on non-government schools regarding access and inclusion for students with disability. This could be actioned through expanding the Standards under Subsection 159(1) of the <i>School Education Act 1999</i> (WA).	Support in principle	<p>The Government notes that non-government schools have existing obligations regarding access and inclusion for students with disability under the <i>Registration Standards for Non-Government Schools</i>, however acknowledges that there may be opportunities to strengthen the Standards in alignment with the Government's response to the Final Report.</p> <p>The Government will consult further with the non-government schools sector before making any changes to the Standards.</p>