

Schooling, disability, and COVID-19 in NSW

Parents – are you concerned about what COVID-19 restrictions mean for your child with a disability?

This year has delivered big challenges to the way we work, live, and educate our children.

This factsheet will help you understand how schools should help your child. This includes the legal obligations, and how schools should be working with you during the COVID-19 related changes in NSW.

Please note: This factsheet covers NSW and its laws only.

What does the NSW Department of Education say?

In NSW, schools are technically 'open'. However, since 23 March 2020, the NSW Department of Education have strongly encouraged parents to keep their children home if possible.

However:

- Any student whose parents or carers can't appropriately supervise them at home should continue to go to school. No child will be turned away from public schools.
- Students with a disability are generally seen as 'vulnerable' and can continue to attend school if necessary.
- Principals and parents/carers should work together to decide whether students with additional support needs will attend school.
- Schools should provide devices and technical equipment if students need it to learn.
- Children who do go to school may not be with their usual teacher.

Does this change education obligations under disability discrimination law?

The simple answer is **no**. There are **no** changes to schools' obligations under the [Anti-Discrimination Act 1974 \(NSW\)](#), the [Disability Discrimination Act 1992 \(Cth\)](#) and the [Education Standards](#).

Education providers **must**:

- Continue to consult with you about how enrolment, participation and support services work for your child
- Make appropriate changes when needed
- Communicate with you about any changes that need to happen due to COVID-19 restrictions
- Involve you in discussing the best options to support your child.

If your child is attending school

The school must continue to support your child's educational needs as they did before the COVID-19 pandemic.

- If you had adjustments in place to support your child, these should continue if possible. These include teaching aides and SLSOs.
- There may need to be changes due to staff absences – but you should be consulted about any changed arrangements.

Schooling, disability and COVID-19 in NSW

If your child is not attending school

You have the right to ask for changes to the way home learning material is provided so that your child can more easily use it.

These changes may include:

- Different types of learning material
- Help with technology
- Extra resources
- Support from teaching staff.

Return to school throughout May 2020

- As schools start transitioning children back to school, you should continue to be consulted about your child's individual needs and how they can be accommodated.

Questions? Looking for advice?

Contact the Australian Centre for Disability Law

The Australian Centre for Disability Law (ACDL) gives free legal advice to people with disabilities who live in New South Wales, including parents of children with disabilities.

9370 3135 or 1800 800 708

Our advice line runs Monday, Wednesday and Thursday from 9:30am to 12:30pm

Email advice@disabilitylaw.org.au

Website www.disabilitylaw.org.au