Inclusion and the law

**What are the legal responsibilities to include students with Down syndrome?**

The rights of people with Down syndrome are protected under the *Disability Discrimination Act 1992* (DDA). The DDA reflects many of Australia’s international law obligations under the *Convention of the Rights of People with a Disability* (UNCRPD).

In the context of access to education, the DDA states that a school must not, on the grounds of disability:

- Refuse or fail to accept the person’s application for admission as a student;
- Deny the student access, or limit the student’s access, to any benefit provided by the educational authority; or,
- Develop curricula or training courses that have content that will either exclude the person from participation, or subject the person to any other detriment.

**What is best practice inclusion in the classroom?**

After more than 40 years of investigation, there is now overwhelming evidence that inclusive education leads to better academic and social outcomes for both students with and without a disability. The education system needs to ensure that it is able to provide a high quality inclusive education to every

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Inclusive education is a school-wide responsibility, however much of the action takes place in the classroom environment. Teachers and educators often have many questions about making inclusive education a reality in the classroom. There are clear principles about what is and what is not inclusive education. However, it is important to note that the path to achieving it is not a ‘one size fits all’ approach and requires ongoing inquiry, flexibility and regular adjustments to ensure the diverse learning needs of each student are met. Teachers are part of the team around the student with Down syndrome so regular communication with the student’s parents and support team can help to identify strategies to support academic and social inclusion.

This resource provides information to support teachers to build a best-practice, successful inclusive educational experience for all students.
student that respects their individual characteristics and meets their educational needs.

Best practice inclusion in a school creates an environment that every student benefits from, not just the child with Down syndrome. It recognises that no two learners are the same and offers opportunities to learn, participate and be assessed in a variety of ways. For example, all students might be involved in learning about numbers – but a range of tasks could be provided that are appropriately differentiated for students as needed, in addition to resources and support (e.g. assistive technology), ensuring that everyone can participate regardless of ability. Respecting diversity and valuing each class member for their individual skills and abilities in the classroom is a key part of positive inclusion.

With respect to the education of students with Down syndrome, there are no techniques or strategies that are applicable only to that group of students. Adjustments made for learners with Down syndrome are likely to support and assist other learners in the class. Likewise, there are no techniques that support the learning of students with Down syndrome that would hinder the learning of other students. For these reasons, adjustments made in a regular classroom support the learning of all by making available a range of approaches to learning.

**Inclusion in practice**

**Teaching and learning strategies**

It is important to acknowledge that learners with Down syndrome are not homogeneous in their learning needs. To provide appropriate adjustments, teachers need to take time to get to know the learner and understand their educational requirements. However, a range of techniques such as the following have been found effective for many learners with Down syndrome:

- Use of visual supports including diagrams, photographs, videos, equations or written text are helpful, particularly as auditory input can be compromised.
- Many students with Down syndrome have low muscle tone and require assistance with physical needs such as posture support.
- Visual acuity may be diminished so provision of electronic documents allows text to be enlarged or viewed in high contrast.
- Executive functioning can be supported by breaking tasks into small steps, providing support for working memory and monitoring task completion.

**What are reasonable adjustments?**

Reasonable adjustments support the child with Down syndrome to participate on the same basis as other students in the educational setting. The requirement for ‘reasonable adjustments’ to be made is outlined in the DDA and the Disability Standards for Education, 2005 established under it. The failure to make reasonable adjustments may result in unlawful discrimination on the grounds of disability.

Reasonable adjustments are discussed with the student, their families and the relevant teaching and school staff. Some examples of reasonable adjustments could be:

- Providing lesson information in multiple ways eg. visual, oral, print, demonstration.
- Modifying the class lesson to ensure access by the student with Down syndrome to the curriculum.
- Modifying an assessment task if the person with Down syndrome is experiencing difficulties.
- Providing more time for assessments to be completed and submitted.

**What does accessing the curriculum mean?**

Every learner is unique and therefore accessing the curriculum may require individual differentiation and adaptation of the class lesson for some students. It is important to assess and work with the learner and their family to first identify their educational goals and then, as a team, determine how the student will be supported to access the same class lesson as their peers while working at their own level. Then a set of strategies that will assist the learner can be developed. This could involve working out individual goals for the unit of study, considering lesson format, and timing and designing modified educational materials to support learning. It is important to continue to review any adaptations made to ensure they are effective.

An example of a literacy adaptation would be setting a different objective for the student with a disability within the same activity area. For example, supporting the learner to express what they have learnt from reading a story verbally, rather than in written form.

An example of a numeracy adaptation would be using visual images alongside numbers in maths activities to support understanding.
Are there resources that can help with curriculum differentiation?

National
The Australian Curriculum (www.australiancurriculum.edu.au) have some useful resources.

International
www.teachervision.com/teaching-strategies/adaptations-modifications-students-special-needs
nzcurriculum.tki.org.nz/Inclusive-practices/Inclusion-in-practice

How should I talk about disability in the classroom?
Having a respectful classroom culture that appreciates people’s differences in abilities is a key part of best practice inclusion. Being able to support and facilitate respectful conversations about differences in the classroom is one way to support building this culture. It is important to allow the students to ask any questions they have. Down Syndrome Australia have developed an animation to help stimulate positive discussions about Down syndrome and difference in the classroom setting. It can be accessed at: www.communityinclusion.com.au

What are the key messages to support positive discussions on disability?
The key messages to consider when talking about disability in the classroom are:
• All kids have the right to learn and be part of the school community.
• Everybody is different and learns in a different way. Talk about the different ways.
• Having friends and being included is really important. Talk about what makes a friend.
• All kids have different skills and abilities, focus on these rather than what someone is not able to do.

Should I talk to the family before I discuss disability with the classroom?
Down Syndrome Australia consulted with families in 2017 in regards to education for kids with Down syndrome. These consultations highlighted that families are extremely willing to share information with teachers and educators about Down syndrome and their child. Engaging with the family on the individual learning and social needs of the child is essential and involving them in the discussions about inclusion and understanding across the broader classroom setting is suggested. At the same time, some families may not want to be involved in this process. It is the parents’ choice as to whether this conversation takes place with the class about anything specifically to do with their child. It is important that the school provide disability education and information to their students without depending on parents to do that work, as it is part of the curriculum to talk about diversity, equality and social justice in a general way. Your local Down syndrome association can help with information and support about Down syndrome.

For more information and links to the research, please visit:
Down syndrome association contact details
There is a Down syndrome association in each state and territory. You can contact these associations for support and advice. We are here to help you. Our associations are made up of a wide range of parents, professionals and people with Down syndrome who work or volunteer with us. Please visit our website at www.downsyndrome.org.au or call 1300 881 935 to be automatically connected to your closest association.

Other helpful links:
Down syndrome Australia Community Inclusion Toolkit - www.communityinclusion.com.au
All Means All - www.allmeansall.org.au
Australian Curriculum - www.australiancurriculum.edu.au
Spannj - www.spannj.org/pti/CurriculumModifications_and_Adaptations.pdf