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**Principal's stress: tensions between the requirements  
of the disability discrimination legislation and the  
governance of inclusion in schools.**

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**Abstract**

This paper examines qualitative perspectives that principals in schools have of the disability discrimination legislation. Perspectives from in-depth interviews with six school principals and two focus groups of twenty-eight principals describe attitudes toward the disability discrimination legislation, particularly as these attitudes relate to the governance of inclusion.

The study found that a reduced level of knowledge of the disability discrimination legislation and vague, ineffectual inclusive education policies contributed to leadership problems in the governance of inclusion. A combination of such factors increased stressful, reactive decision-making responses from principals particularly when complex school situations related to students with disabilities and challenging behaviours. The study proposed that collaborative decision-making to create shared understandings about disability issues was more effective in creating inclusive school cultures than the imposed requirements of the disability discrimination legislation.

## **Introduction**

Disability discrimination legislation was introduced in Australia more than a decade ago, nevertheless, discrimination against students with a disability in Australian schools is still a significant problem. For example, a qualitative study that involved 680 parents and students with a disability (Flynn, 1997) illustrated the pervasive nature of discriminatory practices in Australian school settings. Subsequently, the Annual Report of the Anti-Discrimination Commission in Queensland (2002) claimed that complaints in the area of disability discrimination were increasing in number and becoming more complex every year. Added to this was the suggestion made by parents of students with a disability that parts of the legislation were actively discriminatory, particularly the exemption clause of unjustifiable hardship. When considering the impact and effectiveness of the disability discrimination legislation, the Human Rights and Equal Opportunity Commissioner, Ozdowski (2002), suggests that the benefits anticipated in the introduction of the legislation have not been realised. Similarly, Innes (2002) also claims that decision-makers in the area of education need greater assistance to interpret and manage the requirements of the disability legislation. More information is required to understand the tensions that exist between the way principals make decisions about issues that relate to inclusion and the requirements of the disability discrimination legislation.

This paper reports data from a qualitative study on principals' perspectives on the requirements of the legislation, particularly as these requirements relate to the governance of inclusion in school settings.

## **Knowledge of disability discrimination legislation**

It was proposed in the study “Legal tensions in the governance of inclusion: Principals’ perspectives on inclusion and the law” (Keeffe, 2004), that the disability discrimination legislation and principals’ perspectives of the legislation were conducive to sound, discrimination-free decisions in schools if principals were: informed about the requirements of the legislation; used inclusive education policies to inform decision-making; and found the requirements of the legislation helpful and not stressful in the governance of inclusion.

In-depth interviews were held with six school principals and two focus groups of twenty-eight school principals from a state education authority in one state in Australia. The in-depth interviews fielded perspectives from primary and secondary school principals until no new information was being gathered. The focus groups provided a group perspective on the issues discussed and also validated the findings from the interviews. Data collected during the interviews were recorded, transcribed, coded and analysed using the Nvivo Qualitative Data Analysis programme.

Principals explained that professional induction into the requirements of the disability discrimination legislation occurred shortly after the Commonwealth legislation was introduced over a decade ago (*Disability Discrimination Act, 1992*) but no professional development had occurred since then. At the time, the newly introduced disability discrimination legislation created interest and momentum for schools to legally risk manage issues that related to disability. In recent years, however, this

momentum had significantly slowed and principals claimed they now waited for contentious issues to arise before accessing and scrutinizing the legislation, policy documents or legal expertise for advice. Principals in this study clearly and recurrently described a reactive operational status for legal contexts that related to the governance of inclusion.

*I wouldn't really know what the legislation actually says. I just know the intent. I mean you know the intent but you don't necessarily know the specifics.*

(Respondent 6-1, para. 15)

During the interviews, all principals explained they had a very low level of knowledge of the disability discrimination legislation but, for a variety of different reasons, this did not really concern them. Principals claimed they did not access the legislation until a situational crisis occurred.

*We really don't understand what the law is until we have an issue. Then we start to sift through on that issue, and then we get clarification on it. Whereas, if you ask me whether I've got a full picture of what the Anti-discrimination Act is, the answer is no. When we did it ten years ago maybe, now, it's more specifically issue by issue.*

(Focus group 2, para. 3-4)

Principals also explained that decisions about inclusive issues were complex, vital and dynamic and this made the law seem inflexible and 'black and white'. For example, the collaborative resolution of difficulties associated with disability issues in schools required interpretation and negotiation with a number of stakeholders before a range

of possible options were considered. Principals felt that the complex processes of decision-making, negotiation and collaboration were not reflected in the requirements of the legislation or proposed as a framework for problem solving within policy documents. According to the principals interviewed, the complex contexts involved in the governance of inclusion prohibited the translation of the requirements of the legislation into lawful administrative actions and this resulted in stressful reactions rather than proactive governance.

*It means that you have to interpret the law and make a commonsense approach because it is impossible to apply a black and white approach like the law to everything. We live in the world of grey and it is not possible to legislate for everything. Schools are so complex.*

(Resp. 3-2, para.25)

Principals explained how the governance of issues that relate to inclusion and students with disabilities reflected a complex and multi-faceted dynamic in which the importance of decisions and contexts superseded the insignificant consequences that principals experienced from the low level of knowledge they had of the legislation.

*We rely on making very educational and sound decisions, some of that is commonsense. A lot of that has to do with the individual needs of the child. The law doesn't really come into it. Relationships are the really big part of making it work.*

(Resp. 3-1, para. 41)

Principals in this study did not feel confident in their ability to interpret legal concepts in the legislation. The legal clause of reasonable accommodation, for example,

required interpretation by principals in complex situations in schools and principals found the uncertainty of interpretation disturbing.

*The law is always something that can be interpreted in a variety of ways. It is not concrete. It is an area that we don't understand fully. For example the term reasonable is a very frightening term because, what does it mean? It means very different things to different people.*

*(Resp. 2-1, para. 72)*

In summary, principals were not concerned about their low level of knowledge of the law because they believed the requirements of the legislation were either embedded within policy documents or subsumed under the broad philosophy of inclusion from which schools approached governance issues. The next section, however, shows that principals question the existence and subsequently the relevance of inclusive education policies.

## **Law and policy**

Principals' low level of knowledge and commitment to interpreting the requirements of the disability discrimination legislation are replicated in their attitudes towards inclusive education policies. Again, principals in this study found these documents vague and irrelevant in facilitating lawful decisions in complex school contexts that related to disability. Lindsay (1997) proposed inclusive education policies in Australia tend to 'hedge bets' for principals by providing them with a broad statement of inclusive beliefs, on the one hand, while explaining how they are able to exclude

students on the other. This conflicting evidence tended to further confuse already complex governance situations in schools. Unlike the reduced impact of the imposed requirements of the disability discrimination legislation, however, principals in this study who proactively governed inclusion through democratic governance spoke confidently about creating caring school cultures that were responsive to difference.

*Yeah, we are expecting the acts to be embedded in policies right from the start or whatever. It's my expectation that by following those operational guidelines (DOEM) at the end of the day, I won't be breaking the law. Whether I've got a thorough outstanding or not of the Act is probably irrelevant unless I have a specific issue.*

(Focus group 2, para. 19)

Again, some principals claimed they only accessed policy documents when an emergent situation developed in the school, consequently, broadly proactive policy documents that promoted the philosophy of inclusive education were ineffective.

*I think you do it more inherently on what you know is the general philosophy of the education department rather than actual reading of the policies. I think the only time you have to refer to the policy is when there's a complaint and you've got to try and verify it. So interesting ... I think the practice that occurs is that you go by the seat of your pants.*

(Resp. 6-1, para. 19)

Principals also looked towards the priorities of the education authority as they are outlined in vision statements and annual operational plans. They explained in the interviews, that inclusive education was not perceived as a priority in such documents

and therefore, inclusive education was not a priority for principals in schools. Principals cited the education authority's lack of vision for educational services for students with disabilities and the reduced importance of inclusive education policies as reasons for a perceived lack of commitment to the governance of inclusion.

*Another thing is that some principals don't see that (education authority) realistically supports and promotes inclusion and inclusive education. They don't believe that (Education authority) really means what they say about social justice issues in educating students with disabilities. There is juxtaposition between policy and reality. (Education authority) is not giving principals a very strong message that it stands up for the concept of inclusion.* (Resp. 5-1, para.5-6)

Bailey and du Plessis (1997) investigated this phenomenon to find that principals altruistically believed in the ideals of equality for students with disabilities, however, these ideals were often compromised when principals made pragmatic decisions in complex school contexts.

*Principals are not finding answers in policy* (Resp. 4-3, para. 26).

In reality, some principals responded to the lack of guidance in policy documents and in the disability discrimination legislation by developing school-based policies for facilitating communications and relationships between stakeholders. Principals in this study explained that good relationships encouraged shared responsibility in making informed decisions about issues that related to inclusion. Principals who governed in inclusive settings regarded respect, communication and relationships as the most



important qualities in the governance of inclusion in schools. They identified serious deficiencies in the legislation and in leadership frameworks that do not recognizing the importance of high level collaborative and communication skills. Principals complained there were no policies, professional development opportunities or frameworks that guided them in understanding issues that related to disability by developing and sustaining collaborative, community relationships.

*Disability is one of those very, very difficult issues to define and I don't think (education authority) has a good grasp of it. So even as an organisation, the organisation is making some significant errors in its governance around this area. So it makes it very difficult for principals then to interpret their own action in light of what the education authority says. I think, personally, when it comes to inclusion, we (principals) have taken the bull by the horns and created our own environments and our own solutions. But that's not every school, that's not in every situation.*

(Focus group 2, para. 33)

Principals also described how they felt compromised by conflicting decisions that involved the anti-discrimination legislation and the occupational health and safety legislation, particularly as these statutes related to complex contexts that involved students with disabilities and challenging behaviours. Principals again suggested that policies did not clarify this discrepancy. They commented further that inconsistent decision-making processes at the school level were a consequence of the compromise between the competing statutes, vaguely worded policies and balancing rights and safety for all students and staff.

*I've got to say that as an administrator who gets called in to restrain students with severe autistic tendencies who may become very violent and attack teachers or other students, I have had to take some very serious legal risks and restrain students sometimes. This is a very risky area.*

(Resp. 5-1, para.17)

Some principals identified behaviour management issues as the deciding factor between inclusion and exclusion. They justified the demarcation of inclusion and exclusion practices for students with disabilities and challenging behaviours through the pressure on state schools to maintain student numbers in the form of 'market share' and to maximise student performance standards or 'excellence'.

*This inclusive model that we are trying to operate up at [school name], I am worried that it is going to cause a lot of trouble. In theory, it's a great idea but I don't know how practical it's going to be and I think we're going to have to back off total inclusion. We'll do a little bit more of the offering educational opportunities within the school grounds but in different buildings or different rooms at one time. If it wasn't for the behaviour issues, then inclusion can work quite well.*

(Resp. 6-1, para. 96)

As seen from the comments of the principal above, interpretations of the meanings and processes associated with inclusion are unclear for some principals. As such, principal's usage of the term inclusive education sometimes refers to integration, or the physical presence of students with disabilities in the regular school setting. This results in a reduced understanding of the complexities of inclusive education and a

traditional or corporate interpretation of inclusion that also condones exclusive practices. The imperfect relationship between integration and inclusive education fractures when decisions involve complex issues that relate to challenging behaviours. In these contexts, the parameters of inclusive education are more clearly defined in exclusive, traditional governance terms. One principal clearly describes the partial reality of inclusive education as:

*Really we're doing the old integration but it is called inclusion and people are saying: "We are inclusive". So what we have is a lot of rhetoric. People will grab hold of it and use it in ways that other people don't. We all mean something different by the word inclusion.*

(Resp. 2-1, para. 15)

It seems clear, that principals governing inclusion in schools shared a variety of reasons as to why the legislative requirements of the disability discrimination legislation and relevant policies that are supposedly designed to support lawful decision-making, were understated. More specifically, some principals suggested they only accessed policy documents when there was a crisis while others claimed the lack of vision in the policy documents was not helpful. Together, these perspectives resulted in governance strategies regularly described by the principals in this study as, *'going by the seat of your pants and hoping that what you are doing is OK'*.

## **The Governance of Inclusion**

Unlike the principals' reactive, "fly by the seat of your pants" responses to the disability discrimination legislation and policy, when it came to school level governance of inclusive issues, principals in this study explained how the governance of inclusion was a proactive, responsive cycle of ongoing problem solving through negotiation and collaboration. They suggested that inclusion was most successful if the philosophical values and beliefs of inclusion permeated all aspects of governance in the school setting. They described inclusion as a *cataclysmic change* to traditional governance in schools. In particular, principals explained how authoritarian power bases were levelled and all decision-making processes involved collaboration in an inclusive school. According to the principals in this study 'power with', good communication and community relationships encouraged creative responses to difficult and diverse school inclusion issues.

*Well obviously, inclusion means everybody in. One of the great hopes for the future is that we have an educated populace and we keep our democracy strong. It means giving people the opportunity to achieve to their full potential. And this means that you have to treat people differently. You can't treat people all the same. So you have to maintain the democratic ideal. This is not a subtle change in education. It is a cataclysmic change in many ways.*

(Resp. 3-1, para, 5)

The strengths of the paradigm of inclusive education involve complex and unique concepts of responsiveness, creativity, flexibility, communality and collaborative problem solving (Skrtic & Sailor, 1996; Touraine, 2000, Slee 2001). The inclusive education paradigm is necessarily unclear and problematic. Some principals in this

study interpreted the lack of clarity as a deficit that was inconsistent with the rules and expectations of corporate governance. Others regarded the flexibility of the inclusive education paradigm as an advantage that facilitated individual responses to unique local needs in the student population and in the community. It seemed confidence was reduced when principals interpreted and responded to local needs that were problematic when they were not able to refer to a leadership paradigm of inclusive education for guidance. As such, students with disabilities were conditionally integrated rather than included and, as suggested above, behaviour management policies and practices defined the boundaries of belonging. It was important to investigate principals' perspectives on the governance of inclusion to understand the leadership and administrative processes involved when the paradigm of inclusive education fractured into integration.

In the interviews, principals explained that inclusive education started with leadership and not with the enrolment of a student with a disability in the school. The governance of inclusion essentially related to the leader's ability to be responsive to the diverse needs of all students and stakeholders in the school population. As such, the governance of inclusion, essentially, involved a large degree of uncertainty, flexibility and creativity and these leadership characteristics and qualities, the respondents asserted, were not consistent with traditional or corporate governance approaches to school leadership.

*So perhaps with new changes in leadership and information about leadership styles, changes in new basics, changes in policy, there certainly is room for more creative governance options for principals in the way they manage inclusion. Flexibility,*

*creativity and openness are all available to the principal if they would like to take those initiatives. But the system still hangs onto us. The ascertainment processes, for example, is very bureaucratic and mostly irrelevant for our kids.*

(Resp.4-1, para 32)

Principals in inclusive school settings in this study emphasized the importance of sharing the leadership role of decision-making with all stakeholders. The ‘two-way street’ graphically represented collaborative negotiations that were essential for shared understandings about issues that relate to inclusion. To achieve this, principals detailed a process of ‘letting go’ of the power structures that characterized traditional or corporate governance.

*So inclusion means sharing power. It's a two-way street. We think we do have the power as the principal, but we don't. There's more when we let the reins go and encourage the community to take control. This encourages creativity. So for many principals the loss of power and the need for creativity means that inclusion is the threat to the way they have always done things. They say they would rather keep busy with business and not do the hard work of relationships. I think, that they think, the relationships are hard work, but if you just spend a little time the gains are enormous.*

(Resp. 4-1, para.28)

Principals who persevered with the uncertainty, creativity, cataclysmic changes, commitment and involvement required for democratic governance in inclusive settings described the process of change from traditional or corporate governance to

inclusive or democratic governance as powerful and rewarding for all members of the school community.

*All children in our school are welcome no matter how different they are. That is a really powerful thing about our school and people recognise that. Once we eventually get away from the labelling and get a more pure sense of community we start to think of inclusion as being a powerful learning situation. This is for all students not just for kids with disabilities, but for all students in the school.*

(Resp. 5-1, para. 8)

Principals in this study also claimed inflexible policies provided a ‘one size fits all situations’ approach that resulted in vaguely worded policy documents that were irrelevant or unhelpful in complex contexts. Discussions about problem-solving that were prompted by hypothetical scenarios in vignettes in the interviews showed principals were sensitive to multiple layers of complexity of each situation that involved disability issues but they also struggled to identify a framework for sound decision-making about inclusion that accommodated the unique nature of disability issues and responses required.

For example, principals in this study acknowledged and respected the inclusive pedagogical argument to individualise the curriculum and maximize learning outcomes for all students. However, some principals felt far less comfortable with the individualisation of administrative school processes to accommodate a wide variety of needs from a diverse student population. This concerned some principals, because a different ‘rule’ for each student influenced school standards, expectations and

traditions to the extent that these pillars of accountability within the school community become meaningless. Although principals were critical of the way that standards, expectations and accountability frameworks were restrictive for inclusive schooling they also suggested that these references provide criteria for decision-making. Without standards, expectations and accountability frameworks some principals felt an increased personal pressure to interpret each situation on its merits.

*You do have to individualise because of the very nature of disability but that makes it very difficult for a school to develop processes that relate to standards. When you individualised too much you don't have standards. When you have a spectrum of standards you can't stand up in a court and say these are the processes or procedures for our school. A lawyer has said that to me. I am responsible for the children. It is my decision that matters.*

(Resp. 2-2, para.51)

Democratic governance and the paradigm of inclusive education involve a 'power with' governance structure that is unlike the 'power over' hierarchies of traditional or corporate governance (Dewey, 1916). Additionally and most importantly, all decision-making priorities and processes are established through a recurring dialogue to clarify values and beliefs in the purpose of the education experience for all students. Principals in this study claimed the transition from traditional to democratic governance involved time and commitment from all stakeholders to become skilled and informed in collaborative decision-making.



The pattern of responses and insights gained from qualitative interviews and focus groups in this study suggest some principals in schools may not perceive the governance of inclusion as a legal, systemic or school governance priority. If this is the case, it is important to understand whether the reservations identified in the areas of legislation and policy translate into calm rhetoric and complacency in the governance of inclusive issues or whether the lack of guidance manifests as a stressor that inhibits proactive, democratic governance. The study found that principals were extremely stressed about the governance of inclusion particularly as the governance of complex issues related to the requirements of the disability discrimination legislation.

### **Law and stress**

It became clear in the study that it was not simply a matter of a low level of knowledge about the disability discrimination legislation or vaguely worded policies that paralysed principals with fear in the governance of inclusion. Rather, it was that principals had enough knowledge to realize that they have very little understanding or experience with disability issues at all. This created a feeling of inhibition and fear in one principal who stated:

*Principals are aware of the range of problems that may be involved but don't have enough knowledge to be able to act proactively. Then when a problem arises they become frozen into inaction.*

(Resp. 1-1, para. 15)

Contradictions that created a fear response were emphasised when principals described extreme confusion about legal and strategic relationships between occupational health and safety issues, inclusion and students with disabilities.

*I consider my occupation to be extremely high risk and nothing heightens that more than the law. We are extremely vulnerable. The fear of that (unlawful decisions) runs deep in me and yet we do it every day. The extent to which you have to actually push the envelope means that the law inhibits my freedom to make things happen for student learning. Public liability and the public debate that surrounds it have heightened my awareness of how vulnerable I feel in the school.*

(Resp. 2-1, para 72)

Some principals qualified their lack of knowledge of details about the legislation by explaining how they relied on the philosophical platform of inclusion and the administrative guidance of inclusive practices. Principals who embraced a philosophy of democratic, inclusive governance, described the approach as reassuring and that inclusive governance was, 'hard work but worth it' (Resp. 4-3, para. 28).

*There is not a lot of angst for me with regard to anything to do with the legislation. A lot of my colleagues initiate angst with the governance of inclusion by not embracing, accepting or understanding the social justice behind the governance of inclusion.*

(Resp. 5-1, para. 13)

In summary, the investigation into principals' perspectives on the disability discrimination legislation is disturbing. Principals are complacent in the requirements

of the legislation until a crisis occurs at which time they become resistant. When a crisis occurs, principals become 'paralysed with fear' to the point where they are unable to interact to resolve the difficulty. This study acknowledges that the governance of inclusion is itself, problematic. Inclusion involves the creative resolution of numerous contradictions that are both moral and pragmatic (Sergiovanni, 2000). To balance and resolve these contradictions, it seems, principals do not believe they need to become familiar with the requirements of the legislation.

Similarly, principals in this study rejected inclusive education policies as redundant. Instead, some principals chose to hover on the moral high ground to protest the low priority of inclusive education policies by the education authority while others claimed to 'take the bull by the horns' and develop school-based inclusive education policies and processes based on collaboration and shared understandings about issues that relate to disability. Those principals who proactively governed inclusion according to principles such as democratic governance, shared understandings and collaborative problem-solving were more committed to their inclusive school cultures than to the ethical requirements of the disability discrimination legislation.

In summary, principals in this study found the requirements of the disability discrimination were not helpful in making discrimination-free decisions in complex school contexts that related to disability. Similarly, inclusive education policies were also regarded as redundant because they were not able to provide administrative guidance in complex situations. This created extreme stress for principals in the governance of inclusion. Principals who had developed school-based inclusive education policies that involved collaborative problem-solving were more confident

in the way they made decisions and felt their philosophies reflected the intent of the legislation as it was relevant to their school community.

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