



# Disability Standards for Education 2005



## Information for Students

### **Discrimination is against the law everywhere including schools, universities, pre schools and other educational institutions**

It is against the law to discriminate against anyone.

In 2005, the Australian Government put in place some extra support for the Anti Discrimination Laws that cover people with a disability wanting to attend an educational institution. This support was called the Disability Standards for Education. In the rest of this document we will call them the Standards.

All educational institutions have to comply with the Standards. They cover everything from pre schools up to Universities and also include Adult Education Colleges and TAFE.

This information sheet has been put together by the Australian Association of Special Education (AASE) to provide information on the Standards for all students.

#### **Who is AASE?**

AASE is Australia's leading Association for supporting teachers and parents who are working with a student with a disability. We run teacher and parent training programs. We work very hard to convince governments that they need to support students with disabilities and we work very hard to educate the general community about the importance of providing a good quality education for a student with a disability.

For more information on AASE visit [www.aase.edu.au](http://www.aase.edu.au)

#### **So what rights do the Standards give a student with a disability?**

The purpose of the Standards is to give a student with a disability the same rights as all other students. Sound fair enough to you?

The Standards apply to all areas of the education process including;

- Enrolment – when students apply to attend an educational institution
- Participation in the classroom and other activities
- The areas you study and how you are tested
- Other support resources

The Standards require a student with a disability to be treated “on the same basis” as all other students in these areas.

The Standards provide in some detail, guidelines for the educational institutions in order to help them meet their responsibilities in all of these areas.

#### **Reasonable Adjustments**

In order to be as fair as possible, the Standards require educational institutions to make “reasonable adjustments” to ensure a student with a disability is treated on the same basis as all other students.

Some examples of reasonable adjustments include;

- Positioning a student in a classroom to maximise participation
- Adjustments to enable access to teaching and learning activities e.g. subtitled videos and DVDs, large print booklets or booklets in BRAILLE.
- Adjustments to the time allocated to complete work
- Adjustments to the assessment process such as additional time, rest breaks, quieter conditions or the use of a reader and or scribe or specific technology
- Modifications to buildings and /or access areas
- Amendments to emergency evacuation procedures and plans taking into account the students with a disability
- An individual health care plan
- Staff training

One other thing emphasised by the Standards is making sure all education institutions work hard to ensure a student with a disability, and indeed all students, are not harassed or intimidated. Again, this just makes sense.

If however, you feel you have been the subject of intimidation or harassment, you can do something about it.

The first step is to talk to your parent or guardian. They will probably take the matter up with the Principal. If you are not satisfied with the outcome of your complaint, you can lodge a formal complaint with the Human Rights and Equal Opportunity Commission (HREOC [www.hreoc.gov.au](http://www.hreoc.gov.au) )

## **Can an education provider decline to enrol or continue to support a student with a disability?**

Yes they can.

An educational institution cannot however, just say no to a student with a disability seeking enrolment or ongoing support.

The educational institution needs to identify what adjustments they would need to make in order to meet the needs of that student. They then need to identify all available services or support that could be provided for that student.

After identifying all potential areas of support, an educational institution can reject an application for enrolment if meeting the needs of the student places an unjustifiable hardship on the institution.

If an institution rejects an application on the basis of unjustifiable hardship, it should provide advice to the student and their parents or primary caregivers as to how they came to that decision.

Educational institutions can also reject an application from a student with a disability on the basis of public health concern.

## **Can the decision of the institution be appealed?**

Yes.

Students and their parents or primary care givers can lodge an appeal against the decision of the institution to the Human Rights and Equal Opportunity Commission (HREOC; [www.hreoc.gov.au](http://www.hreoc.gov.au) )

The first part of the appeals process is fairly informal. HREOC will try to get all the parties together to see if some type of compromise can be reached.

If that can't be done, the process then becomes more formal. You should not however, be worried about the appeals process. HREOC will go out of their way to make sure you feel very comfortable in any appeal and have every opportunity to say what you think.

The HREOC website has some excellent examples of settlements that were organised through parties talking to each other. It also has case studies on decisions made by the Commission where appeals have been upheld and case studies made by the Commission where appeals have been dismissed.

You can find these on the HREOC website at

[www.hreoc.gov.au/disability\\_rights/decisions/decisions.html](http://www.hreoc.gov.au/disability_rights/decisions/decisions.html)

## **What's the bottom line?**

The bottom line with the Standards is that everyone is entitled to be treated fairly when it comes to seeking an education.

That fairness should cover all areas of education, from the enrolment right through to the assessment process.

The Australian Association of Special Education has produced information kits for school principals, school teachers and parents, along with this information sheet, to ensure everyone involved is well aware of their responsibilities .

At AASE we think the Standards make good sense and strongly encourage everyone involved in the education process to make sure that they are applied properly.

## **Want to know more?**

[www.aase.edu.au](http://www.aase.edu.au)

[www.hreoc.gov.au/disability\\_rights](http://www.hreoc.gov.au/disability_rights)

[www.dest.gov.au/dsfe](http://www.dest.gov.au/dsfe)

## **AASE Chapters**

[http://www.aase.edu.au/2005\\_AASE\\_ACT\\_Index.htm](http://www.aase.edu.au/2005_AASE_ACT_Index.htm)

[http://www.aase.edu.au/2005\\_AASE\\_NSW\\_Index.htm](http://www.aase.edu.au/2005_AASE_NSW_Index.htm)

[http://www.aase.edu.au/2005\\_AASE\\_NT\\_Index.htm](http://www.aase.edu.au/2005_AASE_NT_Index.htm)

[http://www.aase.edu.au/2005\\_AASE\\_Qld\\_Index.htm](http://www.aase.edu.au/2005_AASE_Qld_Index.htm)

[http://www.aase.edu.au/2005\\_AASE\\_SA\\_Index.htm](http://www.aase.edu.au/2005_AASE_SA_Index.htm)

[http://www.aase.edu.au/2005\\_AASE\\_Tas\\_Index.htm](http://www.aase.edu.au/2005_AASE_Tas_Index.htm)

[http://www.aase.edu.au/2005\\_AASE\\_Vic\\_Index.htm](http://www.aase.edu.au/2005_AASE_Vic_Index.htm)

[http://www.aase.edu.au/2005\\_AASE\\_WA\\_Index.htm](http://www.aase.edu.au/2005_AASE_WA_Index.htm)