Definitions

[Reasonable adjustments 2](#_Toc447889136)

[Providing reasonable adjustments 2](#_Toc447889137)

[Broad definition of disability 4](#_Toc447889138)

[What is a disability as defined in the *Disability Discrimination Act 1992*? 4](#_Toc447889139)

[Determining imputed disability 4](#_Toc447889140)

[The Standards 6](#_Toc447889141)

[Understanding the Disability Standards for Education 2005 6](#_Toc447889142)

[Consultation 7](#_Toc447889143)

# Reasonable adjustments

Under the DDA and the Standards, all Australian schools have obligations to ensure that students with disability are able to access and participate in education on the same basis as students without disability. This includes providing reasonable adjustments where needed, in consultation with the student and/or their parents and carers.

Reasonable adjustments are actions taken to assist a student with disability to participate on the same basis as a student without disability. These adjustments assist a student to participate in school programs and to access school facilities and services.

Where there is evidence to demonstrate a student is being provided with an adjustment, in consultation with the student or their parents/carers to meet long-term specific needs associated with a disability, the student is eligible to be counted in the NCCD.

The decision about which students will be included in the NCCD needs to be made on a case by case basis, using your professional judgement, experience and peer moderation.

## Providing reasonable adjustments

In providing an adjustment, schools generally assess the functional impact of the student's disability in relation to education. This includes the impact on communication, mobility, curriculum access, personal care and social participation. Other areas that might be considered for some students are safety, motor development, emotional wellbeing, sensory needs and transitions.

Reasonable adjustments reflect the assessed individual needs of the student. Adjustments can be made in both the classroom and whole-school settings as well as at an individual student level.

Quality teaching practice is responsive to the individual needs of all students. Some students with disability may not need educational adjustments beyond those that are reasonably expected as part of quality teaching or school practices to address disability related needs.

Reasonable adjustments can be made across any or all of the following

* planning
* teaching and learning
* curriculum
* assessment
* reporting
* extra-curricular activities
* environment and infrastructure
* resources

Reasonable adjustments may involve a combination of

* addressing physical barriers, including modifications, to ensure access to buildings, facilities and services
* modifying programs and adapting curriculum delivery and assessment strategies
* providing ongoing consultancy support or professional learning and training for staff
* specialised technology or computer software or equipment
* provision of study notes or research materials in different formats
* services such as sign language interpreters, visiting school teams or specialist support staff
* additional personnel such as tutors or aides for personal care or mobility assistance

Professional learning about the DDA and the Standards will support teachers and school staff in making reasonable adjustments.

# Broad definition of disability

## What is a disability as defined in the *Disability Discrimination Act 1992*?

The DDA defines disability broadly as:

1. total or partial loss of the person's bodily or mental functions; or
2. total or partial loss of a part of the body; or
3. the presence in the body of organisms causing disease or illness; or
4. the presence in the body of organisms capable of causing disease or illness; or
5. the malfunction, malformation or disfigurement of a part of the person's body; or
6. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
7. a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour;

and includes a disability that:

1. presently exists; or
2. previously existed but no longer exists; or
3. may exist in the future (including because of a genetic predisposition to that disability); or
4. is imputed to a person.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

## Determining imputed disability

* An ‘imputed’ disability is something that someone believes another person has.
* To impute a disability the school team must have reasonable grounds to make such a judgement. At a minimum the student’s parent/carer must have been consulted about concerns the school has and involved in identifying reasonable adjustments to address the identified concerns.
* An Individual Education Plan or Behaviour Management Plan does not equate to a child having a disability, but may be an indicator of an imputed disability when it documents the teaching and learning adjustments that have been made so that the child can access the curriculum.
* Social disadvantage and/or disrupted parenting can be addressed through evidence based quality teaching and in and of itself does not constitute a disability under the DDA.
* A good test of your own confidence in the judgement is to ask “If we were challenged to explain our decision would we feel we had reasonable grounds and documentation to support our judgement?”

# The Standards

## Understanding the Disability Standards for Education 2005

The Disability Standards for Education (the Standards) seek to ensure that students with disability can access and participate in education on the same basis as other students.

This means that a student with disability must have opportunities and choices that are comparable with those offered to students without disability. This applies to:

1. admission or enrolment in an institution,
2. participation in courses or programs and
3. use of facilities and services.

The Standards clarify the obligations of education and training providers, and the rights of people with disability under the Disability Discrimination Act 1992 (the Act). The Standards are subordinate legislation made under the Act.

Under the Standards, education providers have three main types of obligations. They must:

1. **consult**,
2. make **reasonable adjustments** and
3. eliminate harassment and victimisation.

# Consultation

A student is counted in the data collection when there is evidence of the school consulting with the student and/or their parents and carers to determine the reasonable adjustments that the student is being provided with.

The Standards state that, before the school makes an adjustment for a student, the provider must consult the student and/or an associate of the student in order to determine the type of adjustments required.

Under the Standards, an associate of the student includes another person who is living with the student on a genuine domestic basis, a relative or a carer. For most students, this means their parents and carers.

For some students, it may be more appropriate to consult only with the students themselves or with another associate, depending on their individual circumstances.

# Differentiation

Differentiated teaching recognises that students do not all learn in the same way. It caters to the needs of every student and ensures that all students have the same opportunities to learn and demonstrate what they know.

It involves the use of teaching, learning and assessment strategies that are fair and flexible, provide an appropriate level of challenge, and engage students in learning in meaningful ways.

For teachers this means thinking about how to personalise what to teach and how to teach it, as part of the planning and programming process.

Personalising learning through differentiating the way we deliver the curriculum allows teachers to:

* teach students with a wide range of needs in the same class
* provide additional support for students by planning and implementing adjustments in the regular classroom
* ensure most students are engaged in and working towards age-appropriate outcomes.