



Your right to reasonable adjustments in education

Introduction to disability rights protections

The rights of people with a broad range of disabilities are protected under a range of international, national, and state based documents and legislation.

Convention on the Rights of Persons with Disabilities (CRPD) - International

The CRPD is an international human rights convention which sets out the fundamental human rights of people with disability. The aim of the CRPD is to promote, protect and ensure all human rights and fundamental freedoms by people with disabilities, and to promote respect for their inherent dignity. Australia signed the CRPD in 2008.

Find out more:

- <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>
- <https://humanrights.gov.au/our-work/disability-rights/united-nations-convention-rights-persons-disabilities-uncrpd>

Disability Discrimination Act (DDA) 1992 - National

The DDA is a national law imposing obligations not to discriminate against people with disability. Discrimination happens when people with disability are **treated less fairly** than people without. The DDA covers a range of life areas including education, employment, access to public premises, provision of goods and services, accommodation, access to Government programs, sports, and other activities. Many people are not aware that that their condition, illness or injury may be considered a disability under anti-discrimination legislation. The DDA uses a very broad definition of disability encompassing physical, sensory, mental, and intellectual disability.

Find out more:

- <https://humanrights.gov.au/our-work/disability-rights/brief-guide-disability-discrimination-act>
- <https://www.legislation.gov.au/C2004A04426/latest/text>



NSW Disability Inclusion Act 2014 - State

The NSW Disability Inclusion Act 2014 recognises that people with disability have the same human rights as everyone else and that the State and the community have responsibilities to support those rights. It aims to promote inclusion of people with disability, support them to pursue their goals, and provide safeguards around supports and services.

Find out more:

- <https://www.dcj.nsw.gov.au/community-inclusion/disability-and-inclusion/disability-inclusion-act-for-people-with-disability.html>
- <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2014-041>

In addition to these broader laws, there is a specific law which clarifies the rights of people with disabilities to access an education.

Disability Standards for Education 2005 - National

The Disability Standards for Education provide students and prospective students with disability the right to education and training opportunities **on the same basis** as students without disability. This includes the right to access to services and facilities within education settings and the right to participate in education and training without discrimination.

The Disability Standards for Education apply to all public and private educational institutions including preschools, primary and secondary schools, and tertiary institutions such as TAFE, colleges, and universities. They detail that students with disability have the right to:

- apply to enrol in education facilities on the same basis as others
- access the curriculum, teaching materials and assessment and certification requirements for the course or program in accessible ways
- participate in all learning activities, with adjustments if needed
- use support services to assist their participation in education
- have teaching strategies adjusted to meet their learning needs and address any disadvantage in the student's learning that results from his or her disability. This includes the provision of additional support or the development of disability-specific skills.
- have assessment procedures adapted to enable the student to demonstrate the knowledge, skills or competencies being assessed in accessible ways



Education providers have the obligation to **consult** with students with disability about accommodations they may need, to provide **reasonable adjustments** (unless those adjustments would cause the provider unjustifiable hardship), and to put steps in place to prevent people with disability being mistreated, harassed, or victimised. Students with disability still need to demonstrate that they can meet the **inherent requirements** of the course.

Find out more:

- <https://www.education.gov.au/disability-standards-education-2005/students>
- <https://www.legislation.gov.au/Details/F2005L00767>

Adjustments for students with disability in schools

All schools have obligations to provide reasonable adjustments to students with disability. Schools are responsible for providing adjustments to students with a disability in relation to accessing the curriculum, assessment tasks and in-school tests. This includes school-based assessment tasks in years 11 and 12. Reasonable adjustments for HSC examinations are determined through a different process by the NSW Education Standards Authority (NESA – see below).

Adjustments enable a student with disability to access the curriculum outcomes and content on the same basis as their peers. They are intended to provide **equitable opportunities** for students with disability rather than give an advantage. The types of adjustments made will vary according to the disability-related needs of the individual student.

Examples of adjustments may include:

- modifications to the educational environment to improve access
- provision of equipment, eg speech to text software
- providing learning materials in different formats, eg electronically, in large text, in plain English, with additional visuals or scaffolding etc
- adjustments to the assessment process, eg
 - extra time in an examination
 - a separate room to complete an examination
 - more time to complete a take-home task, including checkpoints for progress
 - rescheduled task or an extended time to complete
 - scaffolded instructions
 - the use of a reader and/or scribe or specific technology
 - accessibility, eg providing a reading stimulus at the appropriate reading level for the student
 - highlighted key words and phrases
 - more information, eg providing a wordbank, a labelled diagram or a visual cue



- adjustments to the assessment activities, eg
 - questions rephrased
 - simplified language
 - alternative formats for questions, eg short responses instead of extended responses
 - visual task instead of a reading task
 - setting an alternate task, eg submitting a presentation filmed at home, rather than presenting in front of the class
 - the use of other assessment tasks completed to determine achievement of outcomes
- alternative formats for responses, eg
 - use of assistive technology to complete assessment tasks
 - written point form or notes instead of an extended response
 - scaffolded structured responses for an extended response
 - responses to short objective questions to build towards an extended response
 - oral responses instead of written responses
 - matrix or labelled diagram instead of a written response
 - multimedia presentations instead of an oral response.



Find out more about disability supports in schools:

- Public Schools - <https://education.nsw.gov.au/schooling/parents-and-carers/inclusive-learning-support/resources/support-students-disability-families-navigate-system>
- Independent Schools - <https://www.isnsw.edu.au/services/disability-diversity-inclusion>
- Catholic Schools - <https://www.csnsw.catholic.edu.au/learning-and-wellbeing/diverse-learning>
 - Wollongong Diocese - <https://www.dow.catholic.edu.au/learning/diverse-learning-needs/>
 - Sydney Diocese - <https://sydcatholicschools.nsw.edu.au/education/learner-diversity>

Adjustments for the Higher School Certificate (HSC)

- Unlike reasonable adjustments for school-based assessments, adjustments for the actual HSC examinations must be granted through a formal application to the NSW Education Standards Authority (NESA).
- The application must be submitted by the school and include evidence of the disability and its impacts. Applications need to be submitted by the end of Term One of the HSC year.
- Find out more:
 - <https://www.nsw.gov.au/education-and-training/nesa/hsc/exam-provisions>

Believe and Become, through the REACH UP initiative, is proudly delivering projects for the Peer Support and Capacity Building (PSCB) grant for the NDIS, including this free resource.