# Stand Up For Your Rights:

# Primary and Secondary Education

## A guide to the laws that protect your child’s rights in primary and secondary education.



## What laws protect your child’s rights in education?

The Disability Discrimination Act 1992 (DDA) is federal legislation which aims to protect the rights of a person with a disability.

Under the DDA, discrimination occurs when a person is treated less favourably than someone else based purely on their disability.

### How is the DDA applied in education settings?

The DDA has specific Standards relating to education which outline how the DDA is applied. The Standards outline the rights and responsibilities of education providers, and students and prospective students with a disability. Under the standards, your child has rights at all stages of education including:

This includes:

* enrolment
* participation
* curriculum development
* accreditation
* delivery
* support services
* occurrences of harassment

### Which educational institutions do the Standards cover?

* Preschools and kindergartens
* Public and private schools
* Public education and training places, such as TAFE
* Private education and training places, such as private business colleges
* Universities
* Organisations that prepare or run training and education programs

## What rights does your child have in education?

### Reasonable adjustments

Under the Disability Discrimination Act 1992 (the DDA), your child has the right to reasonable adjustments to help them to participate in education.

An adjustment, as defined by the DDA, is:

“a measure or action (or a group of measures or actions) taken to assist a student with a disability to participate in education and training on the same basis as other students.”

An adjustment is considered reasonable if it meets the needs of the student while also considering affected parties, like the school, the staff and the other students. Your child has the right to seek an adjustment at any stage of the education process. We recommend that you try to determine adjustments your child may need before they begin school so you can address any potential issues before they arise.

Adjustments could relate to the enrolment process, your child’s ability to participate in the course or program (are the curriculum materials accessible?) or the use of technology or facilities (is special equipment provided or are paths of travel accessible?).

Below are examples of reasonable adjustments you could expect in education settings:

* modifying educational premises, for example altering light and shade in the classroom, providing ramps, modifying toilets and ensuring that classes are in rooms accessible to the student;
* modifying or providing equipment, for example adaptive technology or other aids;
* changing assessment procedures, for example allowing for alternative assessment methods, such as oral exams, or allowing additional time for someone else to write an assessment for the student;
* changing course delivery, for example providing class notes or other materials in different formats, or setting your child’s position in the learning environment.

### Adjustments must be provided in reasonable time

Your child has the right to adjustments within a reasonable time frame. A reasonable time frame is not easily defined, but a good way to measure this is by monitoring your child’s academic and social progress. Your child should not be disadvantaged academically or socially because adjustments have not been provided, or there are lengthy delays.

In order for adjustments to be delivered within a reasonable timeframe, you will need to be prepared to provide any necessary information in a timely manner about how your child’s vision condition affects their education and what they might need to assist them in school.

### Consultation

First and foremost, you and your child have the right to be at the centre of any discussion on the need and type of any adjustments your child may require. It may also be necessary for you to engage professional expertise, such as orthoptists, ophthalmologists or adaptive technology consultants, to obtain an assessment of the nature of your child’s disability and the adjustment(s) that are appropriate for them.

### Decision making for adjustments

While you have the right to reasonable adjustments in education, the education provider decides whether a particular adjustment will be made based on whether there any other options and whether adjustments may need to be changed over the course of study.

### When is an adjustment unreasonable?

The costs and benefits of adjustments may also be considered when determining whether an adjustment is reasonable and should be implemented. An education provider may decide not to implement adjustments if providing the adjustment is too costly. This can be known as “unjustifiable hardship”.

The financial cost of providing reasonable adjustments is a key consideration. The education provider also considers things like safety, public health and the impact of the adjustment on other students and staff.

You might find that it isn’t always clear what ‘unjustifiable hardship’ is, as it will depend on the circumstances of the school and the adjustments they need to make. Sometimes you might be able to find a compromise, and by helping the provider to understand the need for the adjustment they may do more to find ways to meet your child’s needs.

## Find out more

For more information on advocacy in education, call our advocacy team on 1300 84 74 66 or email advocacy@visionaustralia.org