

Guide

Disability Standards
for Education



Explaining the Disability Standards for Education

This resource is for anyone who wants to learn more
about the *Disability Standards for Education 2005*.

This resource was co-designed by students with disability and their parents and caregivers

About this resource

This resource was funded by the Australian Government. It was designed by students with disability and their parents and caregivers, with help from Children and Young People with Disability Australia (CYDA).

The Australian Government acknowledges the Traditional Owners and Custodians of Country throughout Australia. We acknowledge their continuing connection to land, water, and community. We pay our respects to them and their Elders past, present, and emerging. We pay our respects to the continuing cultural, spiritual, and educational practices of Aboriginal and Torres Strait Islander peoples.

Note on language

This resource uses person-first language (e.g. 'student with disability'). But we recognise this approach does not suit everyone, and many people prefer identity-first language (e.g. 'disabled student').

It is up to the individual how they choose to identify. We encourage you to ask people what they prefer. We also acknowledge the deep history behind all these terms.

In this resource, we often shorten 'student with disability' to '**student**'.

This is to keep sentences short and readable. When we talk about students without disability, we make this clear. Often, we use 'peers' or 'classmates' to mean this.

People use '**reasonable adjustments**', 'adjustments' or 'accommodations' to mean the same thing. We use these phrases interchangeably in this resource. '**Reasonable adjustments**' is used in the *Disability Standards for Education 2005*.

Additional Resources

This is one part of a group of resources. You can find these on the [Department of Education website](#) or scanning the QR code below.

This resource is also available in **Easy Read**, **Auslan**, and **several other languages**. You can access these using the link above or by scanning the QR code.



Scan the QR code to access this document in languages other than English

Contents

Using this resource	2
Unpacking the DSE	3
Am I protected by the DSE?	3
Who has to follow the DSE?	5
What are my rights?	6
What do education providers have to do?	8
Are there exceptions to the DSE?	11
Glossary	12
Index	12
The DSE	13
Rights and laws	27
Everyday terms	28
Useful web links	30



Using this resource

This resource is for anyone who wants to learn more about the [Disability Standards for Education 2005](#). In this resource, we will refer to the *Disability Standards for Education 2005* as the DSE.



The **DSE** explain two things:

1. The rights of students with disability.
2. What education providers have to do to help students with disability to get their rights.

You might be a student with disability, or a parent or caregiver. Either way, we want you to find something useful in this resource.

You can use this resource to understand your rights. You can also use it to support you in conversations with teachers, educators or staff members.

There are two main sections:

1. [Unpacking the DSE \(p.3\)](#) – Explaining what the DSE covers and what this means for you.
2. [Glossary \(p.12\)](#) – Explaining tricky words and ideas in the DSE.

There are also examples of how these ideas work in everyday life. You can read this resource from start to finish, or skip ahead to a section you want to know more about.

Sometimes, a word or idea is explained in more detail in the [Glossary](#). We show this with a note at the end of the sentence. For example, if the word is ‘rights’, the note will say (See [‘Rights’](#)).

Unpacking the DSE

This section covers the following questions:

- [Am I protected by the DSE?](#)
- [Who has to follow the DSE?](#)
- [What are my rights?](#)
- [What do education providers have to do?](#)
- [Are there exceptions to the DSE?](#)

Am I protected by the DSE?

The DSE protect any student with disability. Disability is a very broad term that covers a range of situations and conditions. (See [Disability](#).)

As a society, we can have a very narrow idea of what counts as disability. This means there are students who do not know that they can use the DSE.

An example of a student with disability

Asmaa is a 19-year-old fashion student at TAFE. She has recently been diagnosed with depression.

Asmaa often needs to miss class because of her symptoms. She is also finding it difficult to study and worries that she will fall behind in her course. Asmaa thinks that she needs to ‘tough it out’. She doesn’t think her teachers will be able to help someone like her.

One of her friends asks her if she has thought about the Disability Support Service on campus. Asmaa is confused because she doesn’t think of herself as a person with disability. But when she goes to the service, they help her to get more time to finish her assignments.

Disability is a broad term. Some students may not know that they are covered under the DSE.

You do not need a diagnosis for the DSE to apply to you. If a student is thought to live with disability, then the DSE can be used.

An example of not needing a diagnosis to use the DSE

Gabriel has three children in primary school. They have all been suspended at different times for ‘bad’ behaviour. Gabriel thinks that his children have autism and Tourette’s Syndrome but can’t get to a specialist for a diagnosis.

He is always being called to the school, but they are not listening to him. They say they need a diagnosis to make changes that would support his children.

One day, a fellow parent tells Gabriel that schools don’t need a diagnosis. If they think that a child has disability, they should be making changes. Gabriel is very frustrated. He suspects that his children have been labelled as ‘bad kids’ by the school.

The DSE also protect people who have a connection to someone with disability. (See [Associate](#).)

Where can I find this in the DSE?

The Introduction and Sections 1.3 and 1.4 explain who is protected by the [DSE](#).

Want to know more?

Check out these glossary terms: [Associate](#), [Disability Discrimination Act 1992 \(DDA\)](#), [Disability](#), [Discrimination](#), [DSE](#), [Educational authority](#).

Who has to follow the DSE?

All education providers have to follow the DSE. These are generally people and places that provide education or training. (See [Education provider](#).)

This includes:

- early childhood education and care services
- government and non-government schools
- vocational education and training (VET) providers, including TAFEs
- higher education providers, including universities.

The DSE tells education providers what they have to do to assist students with disability. It covers the area of education and training.

An example of how the DSE applies

Penny is 15 years old and goes to a local non-government school. She needs a support person to help her take notes in class. Her school is not cooperating with this.

There is a meeting between her, her uncle, and the school. They tell her uncle that they don't have to follow the same rules as government schools. Penny knows that this isn't true and tells her uncle. Her uncle reminds the school that they have to follow the DSE.

Her uncle and the school should be able to come to an agreement. If this is not the case, he can make a complaint to the Australian Human Rights Commission.

Where can I find this in the DSE?

Section 1.5 explains who has to follow the [DSE](#). Note 1 explains who counts as an education provider.

Want to know more?

Check out these glossary terms: [Educational authority](#), [Educational institution](#), [Education provider](#).

What are my rights?

Your rights are human rights. You should never feel bad or guilty for asking for accommodations. It is fair, and the reason why they are part of Australian law. You deserve to have the opportunity to join in at all times. And you deserve to be included and enjoy all the good things in life.

Students with disability have the right to join in all parts of education. You have the same right as students without disability to:

- apply to enrol or be admitted somewhere
- take part in a course or program – this includes using services and facilities
- take part in learning experiences – this includes modifying the course or program and also how it is assessed
- use support services, including specialised support services.
(See [Specialised services](#).)

Importantly, you have the right to take part in a way that is the same or very similar to your peers. This means that you should have very similar choices and opportunities.

The DSE use the phrase ‘**same basis**’ rather than ‘the same’. This is because being treated the same is not always a good thing. For example, a wheelchair user would not want to go through the same door as their peers... if it is at the top of a staircase. (See [Same basis](#).)

If needed, education providers should make changes to help you get your rights. (See [Reasonable adjustment](#).)

You also have the right to education or training in a safe environment. It should be free from discrimination, harassment, and victimisation. (See [Discrimination](#), [Harassment](#), and [Victimisation](#).)

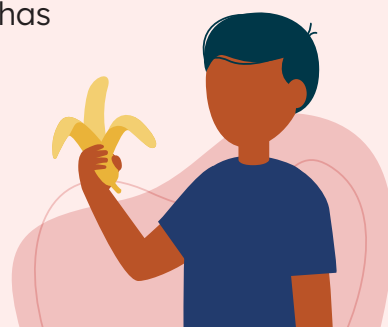
An example of rights under the DSE

Michael is a 17-year-old VET student studying aged care.

Michael is diabetic and allowed to eat snacks during class. He is also allowed to take breaks to check his blood glucose levels.

There are a few assessments coming up. These include a written test and a role-play exercise. Michael has extra time during these to take breaks.

Students have rights under the DSE. This includes the right to changes in how they learn and are assessed. These changes should support them to join in with their peers.



Where can I find this in the DSE?

Parts 4 to 8 of the [DSE](#) explain how education and training should be made accessible. The start of each part includes a note about what rights it gives to students.

Want to know more?

Check out these glossary terms: [Discrimination](#), [Reasonable adjustment](#), [Rights](#), [Same basis](#).

What do education providers have to do?

If you are a student with disability, your institution must:

- 1. Consult with you.** They should meet with you to discuss whether you need any accommodations. They may also meet with your parent, caregiver, or associate. (See [Associate](#).)
- 2. Make reasonable accommodations.** Accommodations are actions or changes that let you join in with your peers. They may also be called **reasonable adjustments**. (See [Reasonable adjustment](#).)
- 3.** Put steps in place to **prevent** you from being mistreated.

Consulting with you

Institutions have to make accommodations to help their students to join in.

But first, they must discuss this with either:

- a)** the student
- b)** someone in their life (e.g. a parent or caregiver).
(See [Associate](#).)

If you are a student with disability, you should be part of conversations about:

- whether your disability affects your ability to join in
- whether a change needs to be made to help you join in
(See [Reasonable adjustment](#))
- what this change could be
- whether this change is reasonable
- whether another change needs to be made instead. There may be a few different ones that can be used. Some may be easier to make than others. If a different one is used, it should be equally as helpful for you.

In the DSE, this process is called **consultation**. You will likely go through this process many times as your needs change.

Making accommodations

Accommodations are called '**reasonable adjustments**' in the DSE. These are changes or actions that help students to join in. (See [Reasonable adjustment](#).)

These changes should help students to get their rights under the DSE. (See the earlier section on [What are my rights?](#))

If a change is reasonable, education providers generally have to make it. They do not have to make a change that creates unjustifiable hardship for them. (See [Unjustifiable hardship](#).)

An example of an accommodation (or reasonable adjustment)

Ky-Lee is in Year 12 and is studying theatre and languages.

She uses a wheelchair and can't access the rooms upstairs. The school meets with Ky-Lee and her parents to discuss changes that can be made. They organise her timetable so that all her classes are on the ground floor.

This works well for Ky-Lee. But then the school hires a French tutor to help students get ready for their oral exam. He uses a spare classroom on the top floor of the building.

Ky-Lee brings this up with her French teacher. The tutor is moved to a room on the ground floor. This means that Ky-Lee can access this service in a similar way to her peers.

Education providers should make reasonable adjustments. This should be a continuous process. ([Credit](#))



Preventing mistreatment

Education should be free from poor treatment. Education providers must take steps to prevent this. (See [Harassment](#) and [Victimisation](#).)

A range of strategies and programs can be used as prevention. Education providers must make and use some of these. For example, they could run staff training or write a code of conduct.

They should also take steps to make sure staff and students know:

- what behaviour is not acceptable
- what the consequences are for this behaviour
- how complaints can be made if something happens.

Where can I find this in the DSE?

Parts 3 to 8 of the [DSE](#) explain the key things that education providers must do. Part 3 covers consultation and reasonable adjustments. Part 8 covers harassment and victimisation.

Want to know more?

Check out these glossary terms: [Harassment](#), [Reasonable adjustment](#), [Same basis](#), [Victimisation](#), [Unjustifiable hardship](#).

Are there exceptions to the DSE?

Education providers have to follow the DSE. The only times they do not is if they can show that an exception applies.

There are three main types of exception:

1. If it puts too much of a burden on the education provider, staff, or other students. (See [Unjustifiable hardship](#).)
2. If it is to protect public health. Disability may be an infectious disease or similar. If so, a student may be isolated or discriminated against. But only if this is needed to protect their own and others' wellbeing.
3. If it aims to benefit students with disability. (See [Special measures](#).)

Education providers must prove that an exception applies.



Where can I find this in the DSE?

Part 10 explains the exceptions to the [DSE](#). Section 10.2 covers unjustifiable hardship.

Want to know more?

Check out these glossary terms: [Special measures](#), [Unjustifiable hardship](#).

Glossary

There are words and ideas in the DSE that you do not come across every day. This jargon can make it hard to understand what your rights are.

This glossary will help you to understand more about the DSE. It can also help you during conversations with teachers or staff members.

There are three sections to this glossary:

- [The DSE](#)
- [Rights and laws](#)
- [Everyday terms.](#)

Each section includes words or phrases that are in the DSE or that come up in conversations about education.

Alphabetical index

Here is a list of all the terms and ideas in this glossary.

- [Accessible \(p.13\)](#)
- [AHRC \(p.27\)](#)
- [Associate \(p.13\)](#)
- [DDA \(p.27\)](#)
- [Disability \(p.14\)](#)
- [Discrimination \(p.15\)](#)
- [DSE \(p.27\)](#)
- [Educational authority \(p.28\)](#)
- [Educational institution \(p.28\)](#)
- [Education plan \(p.29\)](#)
- [Education provider \(p.16\)](#)
- [Harassment \(p.16\)](#)
- [International obligations \(p.28\)](#)
- [Obligation \(p.17\)](#)
- [Reasonable adjustment \(p.18\)](#)
- [Rights \(p.20\)](#)
- [Same basis \(p.20\)](#)
- [Special measures \(p.22\)](#)
- [Specialised services \(p.23\)](#)
- [Supplementary programs \(p.23\)](#)
- [Unjustifiable hardship \(p.24\)](#)
- [Victimisation \(p.26\)](#)

The DSE

Accessible

Definition

‘Accessible’ is when students with disability can get, get to, and use something. This can be a place, object, activity or information. The DSE were written to make education more accessible.

Examples

- Having an interpreter at an event.
- Changing how a learning task is explained.
- Printing a worksheet with a different font.
- Being flexible about students coming to class.

Associate

Definition

Someone who is connected to a person with disability. This can include:

- A spouse or relative.
- A carer or caregiver.
- A person who lives with them.
- A person in another relationship with them (e.g. a business partner).

The DSE also protect associates of a person with disability. For example, students who are caregivers.

Example

In education, an associate of the student is often their parent or caregiver.

More information

The meaning of ‘Associate’ is explained under [Section 1.4 of the DSE](#).

Disability

Definition

This is a very broad term and covers:

- Partial or total loss of bodily or mental function.
- Partial or total loss of a body part.
- Presence of organisms that cause or can cause disease or illness (e.g. HIV).
- Disorders of learning.
- Disorders of behaviour, emotions, judgement, or thought processes.

Explanation

This definition covers a past, current, future, or assumed disability. You do not need to have a diagnosed disability to be protected under the DSE.

How we understand the idea of 'disability' is personal and can vary between cultures. You do not need to identify as a person with disability for the DSE to cover you.

The definition of disability is wide. It extends beyond what many people may think of as disability.

Examples

The definition of disability is a lot broader than many people realise. Examples under the DSE include:

- Spina bifida
- Autism
- Fibromyalgia
- Human Immunodeficiency Virus
- Tourette's Syndrome
- Obsessive Compulsive Disorder
- Deaf
- Down Syndrome
- Epilepsy
- Dyslexia
- A broken leg.

More information

The meaning of ‘Disability’ is explained under [Section 1.4 of the DSE](#). This is the definition used in Australian law. In other contexts, disability can be discussed in [other ways](#).

Discrimination

Definition

The definition used in the DSE is the same as the one in the DDA. It covers two types of discrimination – direct and indirect. (See [DDA](#) definition.)

Explanation

The DDA uses the phrase ‘less favourable’ as a comparison. It means that someone is being treated worse than they would be if they were not disabled.

Direct discrimination is when a person:

- treats a student with disability less favourably
- does not make changes (see [Reasonable adjustment](#) definition) – this then leads to a student being treated less favourably.

Indirect discrimination is when a person:

- requires a student to do something – this being a thing that they cannot do because of their disability
- requires a student to do something – but the student can only do this if changes are made, and they are not.

And this leads to the student being disadvantaged.

More information

You can learn more about ‘Discrimination’ in [Sections 5 and 6 of the DDA](#).

Education provider

Definition

A place or person that gives training and education:

- Early childhood education and care services
- Primary schools
- Secondary schools
- VET providers, including TAFEs
- Higher education providers, including universities
- Registered Training Organisations (RTOs)
- Adult and community education centres.

Explanation

It does not matter whether a provider is public or private. They still must follow the DSE.

Online, flexible, long-distance, on-the-job training, and other types of learning are all covered.

More information

You can learn more about ‘Education providers’ under [Sections 1.5 and 2.1 of the DSE](#).

Harassment

Definition

There are two parts to harassment.

1. An action that makes a student feel offended, threatened, humiliated, or distressed.
2. This action happens because of a student’s disability.

Example

Different types of harassment include:

- Verbal. E.g. a staff member uses a slur when discussing a child with their parents.
- Physical. E.g. someone throws things at a student whenever the teacher looks away.
- Social. E.g. a student is deliberately left out of games at recess.
- Psychological. E.g. a lecturer keeps using a student as an example during health class.
- This also includes all forms of sexual harassment.

More information

More information on 'Harassment' can be found under [Section 37 of the DDA](#) and [Section 8.1 of the DSE](#). You can also check out the [Australian Human Rights Commission \(AHRC\)](#) and Nationally Consistent Collection of Data on School Students with Disability (NCCD) websites.

Obligation

Definition

An obligation is something that a person or organisation must do. It is a legal responsibility. You can expect people to carry out their obligations and ask them to do this.

Example

Education providers have three obligations under the DSE:

1. To discuss things with students and people close to them.
2. To make changes that help students to take part in education.
3. To take steps to prevent harassment and victimisation.

More information

See [Reasonable adjustment](#), [Harassment](#), and [Victimisation](#) definitions for more information.

Reasonable adjustment

Definition

An adjustment is a change or accommodation. These are actions that help students to take part in education in a similar way to their peers. They can be people, materials or changes in how things are done.

Explanation

The DSE explain what rights students with disability have. Reasonable adjustments are a key part of making these rights a reality. These will be specific to each student and each context.

For example, a student with low vision has the right to take part in class activities. A reasonable adjustment might be letting them use a screen reader.

What is 'reasonable'?

Judging what is 'reasonable' will be different for every case. But education providers should consider:

- The student's disability.
- The views of the student or another person in the student's life (e.g. their parents).
- How the change will affect the student, including their:
 - ability to achieve learning goals
 - ability to take part in school
 - independence
- How the change will affect the school, staff, and other students.
- Costs and benefits of making the change.
- The academic requirements of the course or program.

Students and those close to them should be part of these decisions. This process should be repeated as their needs change over time.

Sometimes, an education provider may:

- need to get a second opinion – this could be from a health professional or similar
- try to identify another change that would be just as helpful but less disruptive.

Agreed changes should be made within a reasonable period.

An example of a reasonable adjustment

Jai is in Year 7. He likes hands-on activities and needs support with words and numbers.

His teacher discusses this with Jai and his parents. She plans games that explore key maths concepts using pictures and objects. This is a change from how she ran her class last year.

Jai's class is learning about π (pi). They all go to the local park. There, they measure the trees. Jai discovers that the tree trunks are always a bit over three times as long around as they are wide.

His teacher assesses Jai in a way that supports him to show what he knows.

Reasonable adjustments help students to join in. There are many different types. These should be tailored to the student in question.

[\(Credit\)](#)

More information

You can learn more about 'reasonable adjustments' under [Part 3 of the DSE](#). You can also check out the [NCCD](#) website.

Rights

Definition

A power, privilege, claim, or agreement that a person has under law.

Example

The DSE explain the rights of students with disability. Students have the right to take part in education on the same basis as their peers. (See [Same basis definition](#).)

More information

You can learn more about the rights of students with disability in [Parts 4 to 8 of the DSE](#). You can also check out the [NCCD](#) website.

Same basis

Definition

Every student has choices and opportunities. These should be the same or very similar for students with disability. They should be treated in a similar way to their peers.

This includes in:

- enrolling or being admitted somewhere
- taking part in a course or program
- using services and facilities (e.g. bathrooms).

Explanation

Another way to think of same basis is through comparison. Students have the right to take part in education in a way that can be compared to their classmates.

This does not mean that they have to do everything in the same way as their classmates do. In fact, their teacher should make changes to help them join in. (See [Reasonable adjustment](#) definition.)

How these changes are made is important. Students with disability should have the opportunity to:

- learn the same sorts of things as their peers
- do the same sorts of activities – this includes outside of the classroom (e.g. sport or excursions)
- succeed and show what they have learned.

An example of same basis

Gowri is in Year 9. She loves reading and studying books in English class.

Gowri experiences chronic pain. This makes it difficult for her to concentrate or sit still for long periods of time. Because of this, she is worried about her upcoming English exam.

Which of these scenarios would let Gowri take part on the same basis as her classmates?

1. Gowri has to sit the exam without any changes.

Gowri will be in pain and have trouble concentrating during her exam. Her results will not be a fair reflection of her skills or knowledge.

Gowri is **not** being allowed to take part on the same basis as her peers.

2. Gowri's teacher lets her skip the English exam. Instead, she is given a mark based on her previous grades in the class.

This does not let Gowri show her knowledge or how much she has learned in class. Her classmates have the chance to do this. They also have the opportunity to improve their grade average through the exam.

Gowri is **not** taking part on the same basis as her peers.

3. Gowri is allowed to take rest breaks during her exam.

This change helps to lessen Gowri's symptoms during the exam.

She now has the opportunity to show her teacher what she has learned.

This means that she **can** be assessed on the same basis as her peers. ([Credit](#))

You can use the idea of ‘same basis’ in conversations with education providers.

An example of applying ‘same basis’ rights

Krithika’s son goes to their local centre based care service. Because he has ADHD and autism, his service has only enrolled him for 10 hours a week. The service says this is because they do not have the resources to take him for longer.

This doesn’t seem right to Krithika, as all the other children are allowed to be there for 15 hours. Her son is not being given a similar opportunity to his peers to join in.

Krithika meets with the centre director and brings along a copy of the DSE. They talk about her son’s right to learning and care on the ‘same basis’ as his classmates. After this conversation, Krithika’s son is enrolled for 15 hours a week.

More information

The meaning of ‘same basis’ is explained under [Section 2.2 of the DSE](#). You can also learn more on the [NCCD](#) website.

Special measures

Definition

Something that aims to help students with disability. It is not against the law for education providers to put special measures in place.

These can be programs or initiatives. They might give students items or financial support. Or they might give access to something that helps them to meet their needs (e.g. services, facilities or opportunities).

More information

You can learn more about ‘special measures’ in [Section 10.5 of the DSE](#).

Specialised services

Definition

Services that help students with disability to join in. These can relate to education or to personal or medical care.

Explanation

Students should be able to access specialised services. Education providers must make changes to help students do this.

They can organise another person or agency to give this service:

- Sometimes this is done via the student and their family.
- Other times it is arranged by the education provider.

But if the service is needed, the education provider should take steps to make it happen.

Examples

- A high school brings in a speech therapist a few hours a week.
- A TAFE hires a note-taker for a student with mobility issues.
- An aide helps a primary teacher to adapt classroom materials.

More information

You can learn more about ‘specialised services’ under [Part 7 of the DSE](#). You can also check out the [NCCD website](#).

Supplementary programs

Definition

These are activities that either:

- are part of a broader education experience that the course or program is a part of
- take place outside of the classroom (e.g. field trips or work placements).

Students should be supported to take part in supplementary programs.



An example of taking part in a supplementary program

Jamal is on Year 7 camp where the plan is to take everyone rafting.

Jamal has coordination difficulties that make it hard for him to join in. The rafts are unstable and tend to tip over.

His teacher decides that it is safer for Jamal to sit this one out. He watches a movie while his friends go rafting.

Jamal was not supported to join in.

Jamal could have joined in this activity another way. For example, he could have joined another raft with a school friend. ([Credit](#))

More information

You can learn more about ‘supplementary programs’ in [Part 6 of the DSE](#).

Unjustifiable hardship

Definition

Education providers do not have to follow their obligations in cases where it would create too much of a burden for them.

Education providers must be able to show that the exception applies. Students, parents or caregivers should not have to prove otherwise. It should be up to the education provider.

This exception does not apply to the standard about preventing harassment and victimisation. (See [Harassment](#), [Obligation](#), and [Victimisation](#) definitions.)

Explanation

Providers must follow the DSE as much as they can. This is the case up to the point where it becomes an unjustifiable hardship. A change may be reasonable but still lead to unjustifiable hardship.

Every part of the situation should be weighed when figuring out if this exception should be used. This includes:

- positive or negative effects of the change on everyone involved (e.g. the student, teacher or other students).
- the effect of the disability on the student
- financial situation of the institution (e.g. financial help is available).

An example of a school trying to claim unjustifiable hardship

Sung-jin and his family live across from their local secondary school. His daughter So-hee is in Year 6, and they want to plan for next year.

They visit the school across the road to ask about enrolment. So-hee has an intellectual disability, which the school staff notice. They are told that So-hee can't go to their school because the school can't afford to take her. The staff say that this is fair and legal.

Sung-jin knows that this is not how school funding works for students with disability. He is also suspicious because they didn't ask what support So-hee needs before saying no. They have no proof of unjustifiable hardship.

Sung-jin goes home and talks about it with his husband. They decide that they don't want to send So-hee to a school that discriminates. So-hee's family could report the school to the Australian Human Rights Commission.

More information

The meaning of 'unjustifiable hardship' is explained under [Section 10.2 of the DSE](#). You can also learn more on the [NCCD](#) website.

Victimisation

Definition

There are three parts to victimisation.

1. A student is mistreated because of their disability.
2. They complain or think about complaining.
3. They are treated unfairly for doing this.

This unfair treatment for complaining is called victimisation.

An example of victimisation

Zen loves playing netball. But she has been feeling bullied at practice.

Zen has a cognitive disability and needs support to follow instructions. The team captain doesn't know about this. He is always telling Zen off for 'not listening'. Zen feels very singled out and embarrassed at practice.

Zen decides to approach her sport teacher for help. She wants to move Zen to the cross-country team instead. This sport doesn't have the same complex instructions.

But Zen wants to keep doing the sport she loves. Taking her off the team because she shared her concerns could be victimisation. Her teacher agrees to talk to the captain instead. ([Credit](#))

More information

The meaning of 'victimisation' is explained under [Section 42 of the DDA](#). You can also learn more on the [NCCD](#) website.

Rights and laws

AHRC

Definition

The Australian Human Rights Commission. The AHRC protects and promotes human rights in Australia. If someone does not follow the DSE, you can make a complaint to the AHRC.

More information

You can learn more about [making a report to the AHRC](#) on its website.

DDA

Definition

The *Disability Discrimination Act 1992*. This law applies to everyone in Australia. It protects people from being discriminated against because of their disability. (See [Discrimination](#) definition.)

The DDA makes this treatment against the law. It covers a range of areas, including housing and education. The DSE come under the DDA.

More information

You can learn more about the DDA on the [AHRC](#) website. You can also check out the [legislation itself](#).

DSE

Definition

Disability Standards for Education 2005. These are a set of laws that come under the DDA. They clarify the obligations of education providers. (See [DDA](#).)

The DSE explain the rights of students and how to make sure they get them.

More information

You can learn more about the DSE on the [NCCD](#) website. You can also check out the [DDA legislation](#).

International obligations

Australia is a party to a number of international treaties. These protect the rights of people with disability. In the area of education, these treaties include the:

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Rights of Persons with Disabilities (CRPD).

Everyday terms

Educational authority

Definition

A person or group that manages and handles running an education institution. (See [Educational institution](#) definition.)

Example

A state education department.

More information

This term is used in the DSE. You can check this out under [Section 1.4](#) of the DSE.

Educational institution

Definition

A specific place that delivers education or training. This could be a school, university, college, or similar. These places have to follow the DSE. (See [Education provider](#) definition.)

Example

If you are a secondary student, your school is ‘your institution’.

More information

This term is used in the DSE. You can check this out under [Section 1.4](#).

Education plan

Definition

A plan that explains a student's needs and educational goals. It covers the steps and changes that should be made to meet these needs.

Depending on where you are and who is making the plan, it can be called a:

- Disability Action Plan (DAP)
- Individual Education Plan (IEP)
- Individualised Learning Plan (ILP)
- something else altogether.

Often an institution will make one of these plans as part of following the DSE.

Useful web links



Disability Standards for Education 2005:

<https://www.legislation.gov.au/Details/F2005L00767>



Disability Discrimination Act 1992:

<https://www.legislation.gov.au/Details/C2018C00125>



Nationally Consistent Collection of Data on School Students with Disability (NCCD):

<https://www.nccd.edu.au/disability-standards-education>

Where 'Credit' is given, this is done under [Creative Commons BY 4.0](#). Changes have been made in all cases where this occurs.

[© 2021 Education Services Australia Ltd.](#)



Australian Human Rights Commission (AHRC):

<https://humanrights.gov.au/>



Social model of disability:

<https://pwd.org.au/resources/disability-info/social-model-of-disability/>



Education (NDIS): <https://www.ndis.gov.au/understanding/ndis-and-other-government-services/education>



<https://www.education.gov.au/disability-standards-education-2005>