

# Dyslexia and the law in Australia

## Educational Implications of legislation

### Disability Discrimination Act 1992

"disability, in relation to a person, means:

(f) a disorder or malfunction that results in the person **learning differently from a person without the disorder or malfunction;**"

*Disability Discrimination Act 1992*

"The definition of 'disability' in the Disability Discrimination Act 1992 (DDA) is sufficiently broad as to include dyslexia within the meaning of that term as outlined in recommendation 1."

*Australian Government Response to Working party on Dyslexia 2012*

### DISABILITY STANDARDS FOR EDUCATION ACT 2005

"Perhaps the most significant feature of the Education Standards is the introduction of a positive **obligation on education providers to make 'reasonable adjustments' to accommodate the needs of students with disabilities.**[355] **The Standards also impose an obligation on education providers to consult with affected students or their associates in relation to such adjustments.**[356]"

*Australian Human Rights Commission*

"Anti-discrimination law covers a wide range of disabilities and health problems. These include the following:

a mental illness or psychiatric disability, such as anxiety, depression, (*may be caused by dyslexia*)

a behavioural disorder such as ADHD or Asperger's Syndrome; (*comorbidity with dyslexia*)

a learning or cognitive disability such as dyslexia;"

*Anti-Discrimination Board of NSW.*

"Educators must offer a person with a disability the same educational opportunities as everyone else. This means that if a person with a disability meets the necessary entry requirements of a school or college he or she should have just as much chance to study there as anyone else."

*Australian Human Rights Commission*

## Students with Disability Australian curriculum

"The purpose of this advice is to support teachers in meeting their obligations under the Disability Standards for Education 2005 (Commonwealth of Australia, 2006) (the Standards) to ensure that all students with disability are able to participate in the Australian Curriculum on the same basis as their peers through rigorous, meaningful and dignified learning programs. "

### What does 'on the same basis' mean?

"On the same basis' means that a student with disability should have access to the same opportunities and choices in their education that are available to a student without disability.

'On the same basis' means that students with disability are entitled to rigorous, relevant and engaging learning opportunities drawn from the Australian Curriculum and set in age-equivalent learning contexts.

'On the same basis' does not mean that every student has the same experience but that they are entitled to equitable opportunities and choices to access age-equivalent content from all learning areas of the Australian Curriculum.

'On the same basis' means that while all students will access age-equivalent content, the way in which they access it and the focus of their learning may vary according to their individual learning needs, strengths, goals and interests."

*Students with Disability Australian curriculum*

### What is 'consultation' and who is involved?

"Consultation' can involve the principal, class teachers and support teachers, and can include the professional expertise of therapists and other community service providers.

'Consultation' should take place regularly and changes made to adjustments if needed.

'Consultation' should continue for the whole time that the student is involved with the school.

*Students with Disability Australian curriculum*

### What are 'reasonable adjustments'?

"An 'adjustment' is a measure or action taken to assist a student with disability to participate in education and training on the same basis as other students.

The process of consultation outlined above is an integral part of ensuring that schools are meeting their obligations in relation to 'reasonable adjustments'."

*Students with Disability Australian curriculum*

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