

# UNDERSTANDING DISABILITY LEGISLATION INFORMATION FOR LEADERS



The right to an inclusive education is a fundamental human right. Education is a gateway right, meaning it is the right that allows us all to realise our other human rights.

As a school or preschool leader, understanding key legislative frameworks related to inclusive education will help you support learners with disability to access and participate in learning on the same basis as their peers, and be free from harassment or victimisation.

## Frameworks for inclusive education

Inclusive education is defined by conventions, legislation and policies:

- The United Nations Convention of the Rights of People with Disabilities is the international human rights framework.
- The Disability Discrimination Act is the federal legislation.
- The Disability Standards for Education is how we bring the Disability Discrimination Act into operation.
- Department for Education policies and procedures reflect the intent of all the above frameworks, plus the Education and Children's Services Act 2019.

## United Nations Convention on the Rights of People with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (2006) documents the rights of all persons with disabilities:

- Article 7 states that 'the best interests of the child must be a primary consideration in all actions concerning children with disability'. This reflects the idea that each child is unique and so actions taken should be appropriately personalised.
- Article 24 outlines the right of persons with disability to an education. All learners are entitled to inclusive education across all stages of education without discrimination and on equal terms with others.
- General Comment 4 was added to provide a clear definition of inclusive education.

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## Australian government Disability Discrimination Act 1992

The *Disability Discrimination Act 1992* has 3 objectives:

- to eliminate 'as far as possible' discrimination on the grounds of disability
- to ensure 'as far as practicable' equality before the law for people with disabilities
- to promote community acceptance of the rights of people with disabilities.

This act states that **it is unlawful to treat a person unequally because of their disability.**

## Australian government Disability Standards for Education

The Disability Standards for Education requires all Australian schools to:

- make sure learners with disability are able to access and participate in education on the same basis as those without disability
- make or provide 'reasonable adjustments' for learners when necessary to enable their access and participation, including adjustments to curriculum, physical environments, tasks and activities and evidence of learning
- provide reasonable adjustments in consultation with the learner or their associates
- provide an environment that is free from harassment and victimisation for all students.

## Australian Institute for Teaching and Leadership (AITSL) standards

The AITSL Principal Standard promotes a shared vision for effective and impactful school leadership. It provides guidance on what you should know, understand, and do to succeed as a school leader, including promoting inclusion.

The AITSL teacher standards supports teachers to develop their skills and expertise throughout their teaching career. Of the teacher standards, standard 7 'Engage professionally with colleagues, parents/carers and the community' is how we enact the Disability Standards for Education.

## Department for Education children and students with disability policy

The children and students with disability policy aims to:

- make sure department preschools, children's centres, schools, programs and services are inclusive of learners with disability
- make sure all learners with disability are provided a personalised learning and support program that meets their needs and curriculum requirements
- clearly set out the legal responsibilities of the department's personnel in providing inclusive education.

