

Departmental Disability Definitions Fact Sheet

The overarching departmental definition of disability is outlined in Section 4 of the *Disability Discrimination Act 1992* (DDA) and then adopted as part of the *Disability Standards for Education* (the Standards) that became law in 2005 as subordinate legislation. All Queensland education providers, state and non state, are required to comply with the DDA and the Standards. The primary purpose of the Standards is to clarify, and make more explicit, the obligations of education and training service providers under the DDA and the rights of people with disability in relation to education and training.

The table below provides information about the definition used by the Department to identify those students who may require adjustments and supports and information about criteria used for diagnosis of a specific disability or for eligibility criteria for a specific funding program. It should be noted that all students covered under the DDA are supported through a range of provisions in schools, and eligibility criteria only apply for a small number of specific services and programs.

Definition	Details	Broadly Defined	Support
<p><u>Disability Discrimination Act 1992 (DDA) Definition</u></p>	<p>The Commonwealth <i>Disability Discrimination Act</i> (DDA) 1992 definition of disability is broad and includes temporary and permanent disability that a person has now, may have in the future or is believed to have. The DDA definition encompasses impairments or diagnoses regardless of the impact an impairment has on a person's life functioning.</p> <p>This legislation defines disability, in relation to a person, as:</p> <p>(a) total or partial loss of the person's bodily or mental functions; or</p> <p>(b) total or partial loss of a part of the body; or</p> <p>(c) the presence in the body of organisms causing disease or illness; or</p> <p>(d) the presence in the body of organisms capable of causing disease or illness; or</p> <p>(e) the malfunction, malformation or disfigurement of a part of the person's body; or</p> <p>(f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or</p> <p>(g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; and includes a disability that:</p> <p>(h) presently exists; or</p> <p>(i) previously existed but no longer exists; or</p> <p>(j) may exist in the future (including because of a genetic predisposition to that disability); or</p> <p>(k) is imputed to a person.</p> <p>To avoid doubt, a <i>disability</i> that is otherwise covered</p>	<p>Impairment or Diagnosis = DDA definition of disability</p>	<p>The Department of Education, Training and Employment (DETE) is committed to ensure that all students, including students with disability can access, participate and succeed in education on the same basis as other students.</p> <p>All students are supported through an education system that values, celebrates and responds positively to diversity among its students, families, staff and communities.</p> <p>Every school, based on enrolment numbers, will be allocated teachers, teacher aides and administrative staff.</p> <p>Every student attracts additional student support resources to the school when they enrol. This includes guidance support, speech-language therapy, behaviour support and learning support without the need to access targeted funding.</p> <p>It is recognised that some students will require additional targeted educational support to meet their individual needs.</p> <p>These students are supported through the full array of student support services allocated to regions and schools and this may include:</p> <ul style="list-style-type: none"> • assistive technology • alternative format material • special provisions for assessment • speech-language therapy services • learning support. <p>Principals manage the resourcing within their schools. Schools provide support in a variety of ways. Some programs might support a wide range of students with disability whilst others might support a smaller identified group.</p>

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	<p>by this definition includes behaviour that is a symptom or manifestation of the disability.</p> <p>The Department is required to meet the broad DDA definition of disability. The DDA makes it against the law to discriminate against someone if they have a disability in relation to accessing education (Australian Human Rights Commission, 2009).</p>		
<p><u>International Classification of Functioning, Disability and Health (ICF, 2001)</u></p>	<p>The ICF definition of disability is much narrower than the DDA 1992 definition, specifying that there is an impairment (i.e. medical condition or other impairment in structure or function at the level of the body) and the impact of the impairment which limits activities and restricts participation for a person (i.e. what a person does). WHO/ICF is a universal classification of disability and health, used in health and health-related sectors to provide a conceptual basis for the definition, measurement and policy formulations for health and disability.</p>	<p>Impairment + Impact = ICF definition of disability.</p>	<p>Support options as above, or if criteria are met for the definitions below, the associated support options outlined below.</p>
<p><u>Education Adjustment Program (EAP)</u></p>	<p>The Education Adjustment Program (EAP), which is one of the Department's processes for identifying and responding to the support needs of students with disability, incorporates the ICF definition of disability.</p> <p>The Department has adopted the ICF definition based on studies that report diagnosis alone does not predict service needs. Use of a medical classification of diagnoses in isolation will not provide the information needed for educational planning and management. ICF makes it possible to collect vital data in a consistent and internationally comparable manner (WHO, 2002).</p> <p>For the purposes of identifying students with disability for the Education Adjustment Program (EAP), additional criteria are applied to the definition of disability to determine that these targeted students experience both an impairment and activity limitation and participation restrictions in one or more of the six EAP disability categories. The EAP disability categories are:</p> <ul style="list-style-type: none"> • autism spectrum disorder, • hearing impairment • intellectual impairment 	<p>Based on ICF</p> <p>ASD, HI, II, PI, SLI, VI Impairments + Impact (ICF in an educational context) + significant education support needs = EAP criteria.</p>	<p>Students with disability identified through EAP who are enrolled at state primary and secondary schools are supported through additional resources provided to each school site. It should be noted that funding is not allocated directly to students and that principals are responsible for the resources provided to support educational programs of all students in their school, including students with disability who either meet or do not meet EAP criteria.</p> <p>These additional resources assist classroom and specialist teaching staff to deliver high quality educational programs that are designed to meet the individual program needs of students within an inclusive school setting.</p> <p>Specialist staff available to support students who are identified through EAP include:</p> <ul style="list-style-type: none"> • specialist teachers • advisory visiting teachers (AVT) • therapists • teacher aides • DET funded nurses. <p>Special education programs (SEP) and services for students with disability are available across early childhood development programs (birth to prior-to-Prep), all primary and secondary schools (Prep to Year 12), and special schools. The programs and services can be provided on-site or as outreach support by staff from special education programs to another school site.</p> <p>SEP are provided for students with disability with significant educational support needs. SEP refers to a clustering of students with disability and specialist teachers with experience and/or qualifications in dedicated area(s) of specialisation to support these students' educational</p>

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	<ul style="list-style-type: none"> • physical impairment • speech-language impairment • vision impairment. 		<p>program.</p> <p>A range of special education services are available to support students and children with disability with significant educational support needs. These services are traditionally provided to support students with disability attending schools that do not have a SEP. The services may include the following:</p> <ul style="list-style-type: none"> • specialist teachers • advisory visiting teachers (AVT) • speech-language pathologists • occupational therapists • physiotherapists • registered nurses • school transition officers • guidance officers • orientation and mobility teachers. <p>Special schools provide highly specialised and individualised programs. These are outlined in the next definition.</p>
<p>Special School</p>	<p>Special schools provide highly specialised and individualised programs to cater for students with intellectual impairment and/or multiple disability.</p> <p>The <i>Education (General Provisions) Act 2006</i> E(GP)A requires an approved policy by the Minister about the criteria to be considered in deciding whether a person is a person with a disability for purposes of enrolment in a state special school</p> <p>For the purposes of deciding whether a person is 'a person with a disability in regards to special school enrolment, the following criteria must be considered:</p> <ul style="list-style-type: none"> • The person must have a diagnosis of, or be likely to be diagnosed with, a severe disability which must include an intellectual impairment • The disability (including the intellectual impairment) must be, or is likely to be, verified according to the Department's EAP disability criteria. 	<p>Based on ICF and EAP</p> <p>Intellectual impairment (EAP criteria) + a highly individualised program + the level and intensity of adjustments is best provided in a special school = special school enrolment criteria.</p>	<p>Highly specialised and individualised programs are provided to support students enrolled in a state special school. These negotiated individual learning plans are developed in collaboration with parents and are documented and regularly reviewed.</p> <p>Students may require significant intensive and ongoing educational adjustments, continuous monitoring and high level support.</p> <p>Support can include:</p> <ul style="list-style-type: none"> • individual learning plans • alternative/augmentative communication programs • small groups or one on one support • therapy programs.

The Department adheres to the DDA definition of disability and requires schools to make reasonable adjustments to ensure that all students with disability are able to participate in education on the same basis as students without disability.

The Department uses the term students with 'disability' rather than students with 'disabilities.' The reason for this is based on the ICF definition of disability that a student may have either one or multiple impairments (at the level of the body), but it is the educational impact of the impairment or impairments (students ability to function within the education context) that determines the severity of the 'disability' for the student. For example:

- one impairment + educational impact = disability
- two impairments + educational impact = disability.

Disability Standards for Education 2005 (the Standards)

The Standards provide a framework to ensure that students with disability are able to access and participate in education on the same basis as other students. The Standards do this by providing clarity and specificity for education and training providers and for students with disability. The Standards are intended to give students with disability the same rights as other students. All students, including students with disability, should be treated with dignity and enjoy the benefits of education and training in a supportive environment which values and encourages participation by all students.

An education provider must make 'reasonable adjustments' to accommodate a student with disability. 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. An adjustment is reasonable if it does this while taking into account the student's learning needs and balancing the interests of all parties affected, including those of the student with disability, the education provider, staff and other students.