

## Chapter 2

### Defining Disability and Levels of Need

2.1 Much hangs on the definition of a disability, or even whether a disability is defined at all. Depending on the scope of the definition, rights are protected; funds are allocated; research commissioned, and policy evaluated. The definition of disability becomes particularly important when it provides a mechanism to compete for funds. Traditionally, the term disability has covered a range of conditions: vision and hearing impairments, intellectual disabilities, physical disabilities, socio-emotional disorders and multiple disabilities. Students with these disabilities comprise some 3 to 5 per cent of the school population. More recently, the diagnosis and subsequent labelling of moderate or educational disabilities, such as learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD) and Aspergers Syndrome has increased the number of students competing for special education resources. While the number of students diagnosed with these conditions is unknown, evidence suggests that they make up a significant proportion of total student numbers. For example a recent study published in the *Medical Journal of Australia* estimated that among 6–17 year olds, the prevalence of ADHD was 11.2 per cent.<sup>1</sup> The committee agrees that this represents a significant policy challenge for governments.

2.2 This chapter focuses on the school sector. It will explore the criteria used to define disability, and to access funded support. It will consider the various funding allocation models used by state governments, and the ways in which students' disability related needs are assessed.

#### Commonwealth definitions of disability

2.3 The definition of disability under the *Disability Discrimination Act 1992* is very broad. This ensures that people with a wide range of disabilities are protected from discriminatory practices in the areas of employment, accommodation, the disposal of land, the activities of clubs, sport, the administration of Commonwealth laws and programs and in requests for certain information. Section 4 of the Act defines disability as follows:

**disability**, in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or

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1 Sawyer, M. *et al*, 'Use of Medication by Young People with Attention-Deficit/Hyperactivity Disorder', *Medical Journal of Australia*, Vol. 177, 1 July 2002, p. 23

- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (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:

- (h) presently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future; or

is imputed to a person.<sup>2</sup>

2.4 Under this definition students with HIV/AIDS, social and emotional difficulties, brain injury, medical conditions or psychiatric illness or who learn differently are protected from discriminatory practices.<sup>3</sup> The definition is wide enough to include a person whose disability is not yet apparent but which may occur at sometime in the future.

2.5 Historically, and in the education context, definitions of disability have only included sensory, physical and intellectual disabilities. Students with these 'traditional' disabilities are targeted by the Commonwealth for specific funding under the Commonwealth's Strategic Assistance for Increasing Student Outcomes (SAISO) program. In 2001, 3.4 per cent of the total number of school age students were eligible for per capita funding under this program.<sup>4</sup> The Department of Education Science and Training estimates that, in 2002, \$11.3 million will be provided to government education authorities and \$11.8 million to non-government authorities as per capita funding under this program.<sup>5</sup>

2.6 Access to Commonwealth per capita funding is dependent upon funding eligibility under a state education department disability program. This does not

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2 *Disability Discrimination Act 1992*, section 4

3 Keefe-Martin, M. 'Legislation, Case Law and Current Issues in Inclusion: an Analysis of Trends in the United States and Australia', *Australia & New Zealand Journal of Law & Education*, Vol. 6, 2001, p. 33

4 Submission No. 178, Department of Education, Science and Training, p. 8

5 *ibid.*, p. 12

necessarily guarantee per capita Commonwealth funding because Commonwealth funding is restricted to intellectual, sensory, physical, social, and emotional impairments. For instance, the Commonwealth definition excludes students with specific learning difficulties.<sup>6</sup>

2.7 To be eligible for this funding a student must satisfy the criteria defined in *States Grant (Primary and Secondary Education Assistance) Act 2000*, where:

***child with disabilities*** means a child for whom a disability assessment has been made and to whom one of the following paragraphs applies:

(a) if the child is of school age:

(i) his or her attendance at a school, a government centre or a non-government centre is not appropriate because of his or her disabilities; or

(ii) although attending a school, a government centre or a non-government centre, the child is unable (because of his or her disabilities) to receive a substantial part of the benefits ordinarily available to children enrolled there;

(b) if the child has not reached school age, it is likely that, on reaching that age:

(i) his or her attendance at a school, a government centre or a non-government centre would not be appropriate because of his or her disabilities; or

(ii) if he or she attended a school, a government centre or a non-government centre, the child would be unable (because of his or her disabilities) to receive a substantial part of the benefits ordinarily available to children enrolled there.

***disability assessment***, for a child or a student, means an assessment, by a person with relevant qualifications, that the child or student has an intellectual impairment, a sensory impairment, a physical impairment, a social impairment, an emotional impairment or more than one of those impairments to a degree that:

(a) for a child of school age or a student—satisfies the criteria for enrolment in special education services, or special education programs, provided by the Government of the State in which the child or student resides; or

(b) for a child who is not of school age—would satisfy those criteria if the child had reached that age.<sup>7</sup>

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6 *Commonwealth Programs for Schools Quadrennial Administrative Guidelines 2001–2004*, Department of Education Science and Training, p. 106

7 *States Grant (Primary and Secondary Education Assistance) Act 2000*, section 4

2.8 Per capita funding only represents a small portion of the total Commonwealth funding available to support students with disabilities and it is meant to support those students with high support needs. The majority of funds under the SAISO program are allocated to education authorities to improve the educational outcomes of educationally disadvantaged students. Included in this group are students with high support needs and students with moderate disabilities or learning difficulties. Decisions about the use of funds, however, are left to the discretion of government and non-government educational authorities. The committee recognises that while there may be administrative reasons for subsuming all special needs students into one funding category; this approach makes it hard to determine whether the needs of any one sub group are being given appropriate attention. Nevertheless, the committee has noted that the Commonwealth's funding definition of disability and the definition of disability under the Disability Discrimination Act, allows flexible use of SAISO funds by states and territories. It sees the real issue as the extent to which total Commonwealth funding for special needs students had kept pace with demand.

2.9 The committee recognises that the education of students with disabilities is a state responsibility. The evidence suggests, however, that in supporting the education of students with disabilities, the Commonwealth has given scant regard to the obligations imposed on education authorities since the introduction of the Commonwealth's anti-discrimination legislation:

The original funding distribution was established during the mid nineteen eighties when independent schools across Australia enrolled few students with disabilities. The same historical formula is being used in 2002 and the Department of Education Science and Training has admitted, when questioned, that the funding has 'no formula but only a history'. The allocation certainly does not take into account the cost of complying with the DDA, the increase in numbers of students with disabilities enrolled in the sector and the costs of providing for these students.<sup>8</sup>

2.10 As previously discussed, this act uses a very broad definition of disability and this has increased the cohort of students who are potentially eligible for additional funded support in schools. This has had significant resource implications for schools and the broad and untested definition of disability under the Disability Discrimination Act has been one of the stumbling blocks to finalising education standards. This issue is explored in detail in the next chapter.

2.11 Significant increases in the number of diagnosed conditions such as Aspergers Syndrome, ADHD and learning disabilities has further increased the demand for educational resources, yet there has not been a commensurate increase in Commonwealth funding to support these students. The committee notes that ADHD is now the most commonly diagnosed disorder amongst Australian children.<sup>9</sup>

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8 Submission No. 118, Association of Independent Schools, Western Australia, p. 5

9 Prosser, B., Reid, R. *et al*, 'Attention Deficit Hyperactivity Disorder: Special Education Policy and Practice in Australia', *Australia Journal of Education*, Vol. 46, No. 1, 2002, p. 66

2.12 The Autism Association of New South Wales has provided information on the increased number of students being diagnosed with an autism spectrum disorder:

In New South Wales there has been a tremendous growth in the realisation of how many children there are with autism. For instance, we estimate that in New South Wales between 5,000 to 15,000 children have an autism spectrum disorder. If that is converted nationally it ranges from approximately 16,000 to 48,000 students across the country. That figure is based on a range of epidemiological studies that have been done over the last few years around the world.<sup>10</sup>

2.13 The committee supports the principle that all people should have the same right to education. It agrees that the Commonwealth should take a proactive role in realising this ideal. The introduction of national anti-discrimination legislation in 1992 was one step. The committee agrees, however, that it is timely that the Commonwealth take a leadership role in finalising education standards in support of the legislation. This issue is explored at length in the last chapter.

### **State and territory definitions of disability**

2.14 The definitions used by state governments to define disability typically take a categorical approach, with a set of criteria defining each category. These categories vary between states and territories but all include intellectual, sensory and physical disabilities. Many states also recognise behavioural or socio-emotional disorders and severe language and communication impairments. Figure 1.1 summarises these categories and further details about the criteria that define each category can be found in Appendix 5.

2.15 The committee notes that the Department of Education in Western Australia is in the process of reviewing current structures and support services following the introduction of *School Education Act 1999*. Definitions in Western Australia have previously included autism spectrum disorders and intellectual, physical and sensory disabilities. However, in line with the more inclusive definition under the Disability Discrimination Act, the School Education Act widened its definition to include neurological, cognitive and psychiatric conditions.<sup>11</sup> This is consistent with the trend to define students with disabilities more widely and includes all those students who have special education needs.

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10 Mr Adrian Ford, Chief Executive Officer, Autism Association of NSW, *Hansard*, Sydney, 3 July 2002, p. 128

11 *Review of Educational Services for Students with Disabilities in Government Schools*, Department of Education Discussion Paper, December 2001, p. 3

**Figure 1.1 Disability funding categories**

State	Disability categories
Department of Education (New South Wales) <sup>12</sup>	Sensory impairment, intellectual, physical and psychological functioning and language disorders
Education Queensland <sup>13</sup>	Physical impairment, speech - language impairment, hearing impairment, intellectual impairment, visual impairment and autism spectrum disorder
Department of Education and Training (Victoria) <sup>14</sup>	Physical disabilities, severe language disorder, severe emotional disorder, hearing impairment, intellectual disability, visual impairment and autism spectrum disorder
Department of Education, Tasmania <sup>15</sup>	Vision impairment, deafness and hearing impairment, autism, intellectual disability, physical disability, psychiatric disorder, and multiple disabilities
Department of Education (Western Australia) <sup>16</sup>	Autism, intellectual, hearing, visual, language and physical disabilities
Department of Education and Children's Services (South Australia) <sup>17</sup>	Physical, intellectual or sensory impairments and /or disabilities in communication, multiple disabilities
Department of Employment, Education and Training (Northern Territory) <sup>18</sup>	Intellectual, sensory, physical social/emotional, language /communication disability, a specific learning disability or multiple disabilities
Department of Education and Community Services, Australian Capital Territory <sup>19</sup>	Sensory, physical, psychological, intellectual, communication disorder, severe disturbed behaviour, multiple disabilities

12 NSW Department of Education, answer to question on notice taken Sydney, 3 July 2002

13 Submission No. 213, Education Queensland, p. 3

14 *Program for Students with Disabilities 2003 Handbook*, July 2002, Department of Education and Training, pp. 11–15

15 Submission No. 184, Tasmanian Department of Education, p. 88

16 Submission No. 244, Department of Education Western Australia, p. 9

17 Submission No. 238, South Australian Government, p. 6

18 Submission No. 222, Department of Employment, Education and Training (Northern Territory), p. 3

19 Jenkinson, J. *Special Education: A Matter of Choice*, Australian Education Review No. 46, ACER, 2001, p. 51

2.16 State and territory definitions are as much about deciding who is eligible for disability program funding as they are about defining a particular disability. The Tasmanian Department of Education had the following to say in relation to definitions:

We accept that any definition is actually a continuum—you have really got a continuum of special educational need. Where you draw a line to say, ‘This is the group we will fund,’ will always, to a certain degree, depend on funding and other factors. There will never be a definitive definition of disability; it will depend on a number of other things.<sup>20</sup>

2.17 Many submissions were critical of a categorical approach in defining disability, arguing that by their nature, the use of categories will exclude some groups. The Australian Education Union argues:

...categories exclude certain types of disability by defining them too narrowly, and by not keeping up to date with current knowledge and understanding. Disabilities such as learning difficulties (which itself includes a wide range such as mild intellectual disabilities and dyslexia); acquired brain injury; ADD/ADHD; behavioural disorders; foetal alcohol syndrome; and significant medical conditions are generally not included.<sup>21</sup>

2.18 State education authorities argued that special education policy provides for all students with special needs. Various numeracy and literature programs are used to support those with special needs who might not meet criteria for specific disability funding, but nevertheless have a learning difficulty. It was argued that all students with educational needs receive necessary assistance without the use of labels, but in reality increasing competition from a growing number of students identified as having special education needs is seriously stretching finite resources.

2.19 The evidence suggested that schools are notably failing to meet the needs of students with learning disabilities such as dyslexia, neurofibromatosis, and scoptic sensitivity. Learning disabilities can be defined as severe and prolonged difficulties in the acquisition and development of expected literacy, numeracy and reasoning skills given at least average intelligence and the absence of other casual factors. They are presumed to arise from neurological impairments, are intrinsic to the individual and are lifelong. They are not caused by low intellectual ability, inappropriate learning background or emotional difficulties, although these may coexist with learning difficulties.<sup>22</sup>

2.20 The Disability Discrimination Act obliges educational authorities to make reasonable adjustments for students who have been diagnosed with a learning disability. The Attorney-General’s Department advised:

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20 Ms Alison Jacob, Deputy Secretary, Department of Education, Tasmania, *Hansard*, Hobart, 3 September 2002, p. 386

21 Submission No. 198, Australian Education Union, p. 6

22 Submission No. 200, Australian Federation of SPELD Associations (AUSPELD), p. 2

Not every learning difficulty will necessarily be regarded as a ‘disability’ for the purposes of the DDA. Whether a learning difficulty will be considered a “disability” for the purposes of the DDA will depend on the circumstances of the particular case and any medical evidence that is available to demonstrate whether the difficulty is a disorder or malfunction. In a recent case before the Federal Magistrates Service concerning disability discrimination in the employment context, dyslexia was considered by the Federal Magistrate to be a “disability” for the purposes of the DDA.<sup>23 24</sup>

2.21 The committee heard much evidence about the mismanagement and misdiagnosis of learning disabilities. A disability teacher from a New South Wales Technical and Further Education (TAFE) college told the committee that there were a significant number of students enrolling in TAFE colleges with undiagnosed learning disabilities. There were also some students, who despite having a diagnosed learning disability had received little support during the schooling years. Having experienced considerable frustration and failure in secondary school, these students leave school early and enrol in TAFE.<sup>25</sup>

2.22 This view was supported by the Tasmanian Tertiary Education Disability Advisory Committee:

Hearing the traumatic stories of students with Learning Disability’s schooling experiences and then witnessing their struggles and eventual academic successes in the tertiary environment leads us to conclude that we are only seeing a few “survivors” of the system. We are aware that many others do not finish their schooling. Early intervention assessment and support processes are urgently required.<sup>26</sup>

2.23 It is not surprising therefore that many witnesses advocated that learning disabilities should be defined as a specific disability. This would provide a means of securing scarce resources:

With regard to learning disability, in terms of awareness and understanding, ALDA’s [Australian Learning Disability Association] main agenda is to get learning disability on the agenda—out from under the learning difficulties label and definition and the level of support that is provided—and up-front as a legitimate disability that requires similar support mechanisms, identification and understanding as other disabilities.<sup>27</sup>

2.24 While the committee accepts the view that the urgent attention is required to address the needs of students with learning disabilities, defining the group may be

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23 See *Randell v Consolidated Bearing Company (SA) Pty Ltd* [2002] FMCA 44, 3 April 2002

24 Submission No. 135, Attorney-Generals Department, p. 2

25 Submission No. 205, Ms Sue Johnston, p. 1

26 Submission No. 60, Tasmanian Tertiary Education Disability Advisory Committee, p. 3

27 Mr Mike Spurr, President, Australian Learning Disability Association, *Hansard*, Hobart, 3 September 2002, p. 334



problematic. The committee accepts that the needs of students with learning disabilities require immediate and significant attention. It agrees that the development of a nationally determined definition of learning disability, including the assessment process, will be the first step in addressing the needs of this group. Importantly, the committee recognises that a national strategy is required to address the needs of all those special needs students with less 'traditional' disabilities. In this way the need to define a particular condition as an educational disability category to enable funding access might be avoided.

## Assessing needs

2.25 The Disability Discrimination Act introduces the concept of 'reasonable accommodation'. This requires education providers to take reasonable steps to implement adjustments that will enable students with disabilities to take part in education and training on the same basis as students without disabilities. This is usually a collaborative process in which parents and schools work together to identify barriers to learning, and ideally decide the adjustments required to minimise these barriers. Most education authorities have systemised this process.

2.26 Victoria uses a questionnaire to determine the level of resources that will be provided to a school following a student's acceptance into the state's disability program. The process establishes the student's functional capacity in the areas of mobility, fine motor skills, receptive and expressive communication, challenging behaviour, safety, hearing, vision, self-care, medical and cognitive skills, but the assessment is based on the child's level of handicap. For instance, in the area of receptive communication, an assessment will be made about a child's ability to understand instructions. This will range from whether a child understands a simple instruction such as 'go to the computer' to having no understanding of simple one-word commands either by voice or gesture.<sup>28</sup> While the system has been designed to provide a transparent and simple process for the allocation of funds it attracted criticism from parents, teachers and disability groups. As one teacher explains:

Basically, parents are asked to fill in a questionnaire and to tick the box which most suitably describes their child's level of communication, level of hearing or whatever. There are many different criteria in this program for students with disabilities. However, although the form is designed to be simple and accessible to parents, for hearing impaired and deaf children the simplicity of the form really fails time and time again to adequately acknowledge the complexity of the issues faced by young, prelingually deaf children. It has resulted in a situation in which deaf children are not adequately funded under this method.<sup>29</sup>

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28 *Program for Students with Disabilities 2003, Booklet 2*, Department of Education and Training, p. 8

29 Ms Marilyn Dann, Secretary, Australian Association of Teachers of the Deaf, *Hansard*, Melbourne, 13 August 2002, p. 284

2.27 Queensland has adopted six levels of education need, but students whose needs are below Level 4 are not considered to need additional support on a regular basis. Funding of students with ascertainment levels of 4, 5 or 6 is determined by staffing formulae.<sup>30</sup> This model was criticised because it did not look at the individual educational needs of the child, nor capture how the disability impacts on lifelong learning considerations.

2.28 The Queensland Parents for People with a Disability had the following comments to make about Queensland's ascertainment process:

The QPPD views ascertainment as a flawed process in that it purports to assess the deficits of a child and largely ignores the strengths of a child. The purpose of education is to gain skills; the whole of school experience is geared towards honing the skills of the individual, preparing us to take our place within our community, to draw on our own strengths to contribute to and participate in our societies and to attain and benefit from the full rights of citizenship. Educational processes, such as ascertainment, which focus on deficit rather than strength do little or nothing to encourage full participation.<sup>31</sup>

2.29 In focussing on a student's deficiencies the Queensland model encouraged an exaggeration of disability to secure better funding. Parents argued that this promoted under education of students with disabilities because teachers and parents had lower than reasonable expectations about the child. Further comment on ascertainment in Queensland will be found in Chapter 3.

2.30 In South Australia levels of support for students with disabilities is based on the curriculum needs of the student with direct support provided to the schools, usually in the form of cash grants and based on those needs. However the committee was told that this model also encouraged an exaggeration of handicap to ensure higher funding provision. The Special Needs Education Network commented in relation to the South Australian model:

This categorisation by diagnosis also puts children in pre-determined "boxes", rather than looking at exactly what the child needs to access the school curriculum.

Criteria used for this kind of categorisation create division between families of children with disabilities. Competition arises because families 'win' funding and support through 'proving' that their child is more handicapped than someone else's. The definition should be about the needs of the student for equity of access, not what box they fit in to.<sup>32</sup>

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30 Jenkinson, J. *Special Education: A Matter of Choice*, Australian Education Review No. 46, ACER, 2001, p. 78

31 Submission No. 151, Queensland Parents for People with a Disability, p. 4

32 Submission No. 42, Special Needs Individual Network, p. 1

2.31 In contrast, the New South Wales system profiles the educational needs of each student in areas where appropriate adjustments are required. This process was developed following a review of disability education in that state in 1996. Allocations of funding are determined on the basis of the assessed level of need of a student. Funding is only made available when the school or district does not have an existing capacity to meet those needs. While this process focuses on the types of adjustments that a school will need to make to support the student it also drew its critics. The Australia Guidance and Counselling Association was concerned that budgetary constraints, rather than assessed needs, played too much of a role in determining the level of funding support given to individual students:

There is a perception that criteria in the NSW state system change from year to year. Counsellors who are psychologists feel that a clear diagnosis is presented but this is often queried by special education personnel involved in funding decisions.

There is a perception that district offices encourage overly strict definitions of disability and need so that quite disabled students are represented as being less needy than they really are. This appears to be related to too little available funding.

The current guidelines for determining levels of need are too strict. For instance, a student with a mild intellectual disability in a regular class placement may receive little or no funding support. The level of disability and need are defined, but funding does not follow.<sup>33</sup>

2.32 In Tasmania, the Department of Education's model includes a two-tier approach to the identification and researching of students with disabilities. Students with disabilities are supported via either 'central' or 'district' special education resources or processes. This model clearly differentiates between students with most severe level of disability (category A funded students), who undergo a state-wide moderation process, and those with mild to moderate disabilities (category B funded students) who may or may not have a specific diagnosis but are supported on the basis of their educational need.<sup>34</sup> Funds are allocated to students on the category A register on the basis of teacher aide hours.

2.33 Western Australia is currently reviewing the educational services it provides to students with disabilities. It is also trialing new models for identification of student learning needs and placement decisions.<sup>35</sup>

2.34 The committee recognises the value in moving towards a nationally agreed process for funding students with disabilities with a focus on student needs rather than student deficiencies. As a first step, the committee recommends that the Commonwealth commission a study to determine best practice models for allocating

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33 Submission No. 106, Australian Guidance and Counselling Association, p. 4

34 Submission No. 184, Tasmanian Department of Education, pp. 2–3

35 Jenkinson, J., *op. cit.*, p. 49

funds to students with disabilities. This model, which should ensure an equitable and transparent funding process, should be based on sound research and thorough consultation with relevant bodies.

## **Recommendation 2**

**The committee recommends that the Commonwealth commission a study to develop a best practice funding model to support the needs of students with disabilities in schools.**

## **Lack of national consistency in definitions**

2.35 As previously discussed, there is significant variation in the terminology and definitions used to define disability and assess need. Such inconsistencies are reflected in collected data and published statistics, and make useful comparisons difficult. A recent study into literacy, numeracy and students with disabilities by Christa van Kraayenoord *et al* made the following remarks:

Prevalence figures are very difficult to determine from one state to another, and from one system to another, for a variety of reasons. These reasons include: systems and sectors differ in their requirements to provide information on different groups of students with disabilities, the use of different definitions, the different ways a definition has been operationalised, the different groups for which data are reported and the different ways on which data is collected and reported.<sup>36</sup>

2.36 In particular, the committee found that there was a lack of consistency in the criteria used by state education authorities to decide disability program eligibility. Further, because the processes and tools for allocating funds under these various programs were different across the states and territories it is conceivable that the same child could receive two quite different levels of support depending on the state in which they lived.

2.37 Many submissions argued that the inconsistency in the definitions of disability in the school sector, as well as differences in assessment processes across states and territories, was indefensible. The National Council of Independent Schools Association was not alone in citing equity as one reason to develop nationally consistent disability definitions:

The absence of a nationally consistent definition of students with disabilities means that a student might be classified differently, and as a result receive quite different levels of support, depending on where they live in Australia. As an example of inconsistencies in definition, Appendix A sets out the definition of vision impairment across the different states and territories. It

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36 van Kraayenoord, C., Elkins, J. *et al*, *Literacy, Numeracy and Students with Disabilities*, Vol. 4, 2000, p. 78

shows that to meet the criteria for vision impairment the student needs to be “legally blind” (acuity of 6/60 or less) in the Northern Territory and Victoria, while lesser levels of vision impairment satisfy the definition in other states and territories.<sup>37</sup>

2.38 The Australian Blindness Forum was also concerned about the Commonwealth’s inability to measure performance for students with disabilities, and in particular students with a vision impairment:

...the ABF is concerned that the National Reports on Schooling in Australia for 1998 and 1999, published by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA), significantly failed to address the outcomes for students with disabilities, including those with vision impairment. A report on numeracy acquisition<sup>38</sup> released in 2000, did not make a single reference to students with vision impairment and the barriers they face in acquiring numeracy.<sup>39</sup>

2.39 The Adelaide Declaration on National Goals for Schooling in the Twenty First Century states that schooling should develop fully the talents and capacities of all students. More specifically the goals state that students’ outcomes from schooling should be free from the effects of negative forms of discrimination based on sex, language, culture and ethnicity, religion or disability. The goals also state that the learning outcomes of educationally disadvantaged students should improve and, over time, match those of other students. The committee is concerned that until there is a nationally agreed definition of the different types of disabilities it will not be possible to measure progress in meeting these goals for various disability sub-groups.

2.40 One the same issue, ACROD told the committee at the Canberra hearing:

I would like to emphasise that governments are increasingly driven by performance measurement. That which is not measured or subject to measurement is unlikely to be reflected in the allocation of resources or policy priorities. It would seem to us important that the National Goals for Schooling in the 21st Century and the national literacy and numeracy plan should formally acknowledge the needs of students with disabilities and that that should be reflected in performance measures which would then drive state government priorities around the provision of services to these students. As part of that plan there is a national Aboriginal education policy.<sup>40</sup>

2.41 The committee is aware that the Ministerial Council on Education, Employment and Youth Affairs (MCEETYA) Performance Measurement and

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37 Submission No. 175, National Council of Independent Schools Association, p. 16

38 *Numeracy, A Priority for All: Challenges for Australian Schools*, Department of Education, Training and Youth Affairs, 2000

39 Submission No. 127, Australian Blindness Forum, p. 4

40 Dr Ken Baker, Chief Executive, ACROD, *Hansard*, Canberra, 11 September 2002, p. 587

Reporting Taskforce has approved a project to investigate definitions and approaches currently in use as well as identifying issues relevant to nationally comparable reporting of educational outcomes of students with disabilities. The committee believes slow progress on this task to be unsatisfactory.

2.42 The committee agrees that a nationally agreed definition of disability, consistent with the definition of disability under the Disability Discrimination Act is urgently required. The committee accepts that not all disabilities that fall within the latter definition will require significant, if any, adjustments to enable students with disabilities to take part in education on the same basis as students without disabilities. The challenge for education policy makers will be to decide how to define those that do require significant adjustment and consequently require funded support to ensure that all students are afforded equal access to education. The committee argues that this is an important role for MCEETYA that extends beyond the work of the Performance Measurement and Reporting Taskforce.

2.43 The committee recommends that the Commonwealth demonstrate its national leadership role in education policy by securing the agreement of MCEETYA to work toward the objective of establishing nationally agreed definitions of disabilities and to ensure uniformity in nomenclature and in reporting formats.

### **Recommendation 3**

**The committee recommends that MCEETYA develop nationally agreed definitions of disabilities.**