

## **Legislation and disability rights In education in some countries in Asia**

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### **Introduction**

In the last seventeen years, there have been many international declarations and proclamations recognizing the rights of people with disabilities including those with visual impairment to equal educational opportunities in mainstream settings whenever possible. The most prominent are the 1989 United Nations Convention on the Rights of the Child, the 1990 World Declaration for All, the 1994 UNESCO Salamanca Statement and Framework for Action on Special Needs Education, Rule Six of the Standard Rules and the Final Declaration of the 1995 United Nations World Summit for Social Development. These international policies are the bases for the varied legislations on education for people with disabilities developed by the different Asian countries.

This paper is an attempt to synthesize these legislations and their implementation status in the educational system in countries like China, Cambodia, India, Japan, Taiwan, and Thailand, with longer discussions on the Philippine experience on how these are being carried out to address the educational needs. The information and data contained in this paper are as of Year 2002 to 2005.

### **Current Disability Legislations on Education**

There are a variety of national laws that guaranteed the rights of people with disabilities to education as shown in the table below.

Table 1: Disability Legislations with Educational Provisions

Country	Specific Laws on Disability	Educational Provisions
China	Law on Basic Protection of Disabled Persons, adopted in 1990 and enacted in 1991	Article 18 establishes that “the State guarantees the right to education for disabled persons ... and provides compulsory education for children and youth with disabilities ... and the State charges no tuition for those disabled students receiving compulsory education.”
Cambodia	Draft Law on Rights of People with Disabilities as of 2002	It covers specific areas as quality of life, rehabilitation, health, and the prevention of disabilities, accessibility, education, training, employment, incentive programs, elections, etc.
India	Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Bill for Persons with Disabilities) Act of 1995	The Act establishes the right to education in a conducive and appropriate learning environment, for children with disabilities. It requires that 3% of seats in all educational institutions be reserved for children with disabilities.
Japan	Fundamental Law for Persons with Disabilities enacted in 1970 and amended in 2004	There is a strong effort in the compliance of Special Support Education throughout the school system.
Taiwan	Special Education Law, revised 2004 Welfare Protection Law for the Disabled Individuals, 2004	The laws centered on the importance of inclusion and former law clearly states that all children with special needs at age 3 could receive the free and appropriate education and the education settings should be in regular kindergarten with regular children.
Thailand	The Rehabilitation of Disabled Persons Act in 1991	The Act establishes the right to free education for people with physical, mental, intellectual, and emotional and communication disabilities or impairments. Children with disabilities are also entitled to early intervention strategies, accessible educational materials and facilities, and government-supported home schooling. The Act also encourages inclusive

		education as the best option for education of children with disabilities.
Philippines	Republic Act 7277 or Magna Carta for Disabled Persons in 1992	The law provides that the State shall (i) ensure that disabled persons are provided with adequate access to quality education and ample opportunities to develop their skills, (ii) take appropriate steps to make such education accessible to all disabled persons, and (iii) take into consideration the special requirements of disabled persons in the formulation of education policies and programs.

All countries have their own laws protecting the rights of persons with disabilities. Their national Constitution mandates the States' obligation to people with disabilities. Japan had the earliest disability law to specify that children with disabilities should receive education, either through general or specialized classes. The other countries have enacted their disability laws in the 1990s. These national disability laws on education express a commitment to equalizing opportunities to education for people with disabilities. They are designed to remove and prevent social and environmental barriers and increase access to special and mainstream and inclusive education.

### **Implementation Status on Disability Legislations on Education**

The status on the provision of educational opportunities based on the above laws is captured for each country. Likewise, the common issues and concerns that hinder the full implementation of the laws are identified.

Table 2: Provision of Education Based on the Disability Legislations

Country	Provisions for Education	Common Issues and Concerns
China	Inclusive education as well as integrated and special education has increased educational opportunities for people with disabilities. Special education is available primarily for learners who are blind, deaf or have severe intellectual disabilities although some students have the option to go to regular schools.	There are still school-aged children with disabilities who did not have access to education due to poverty.
Cambodia	Programs for people with disabilities have been implemented by NGOs with programs concentrated in urban	Children with disabilities are at greater risk of not receiving education since general

	<p>areas. There is limited number of special schools and classes and few community-based programs especially in remote areas. All special schools have integration in the mainstream of society as the main focus.</p>	<p>education is very limited in terms of both resources and capacity. There are few training opportunities for teachers in the area of special education.</p>
India	<p>Inclusive, integrated and non-formal education have been promoted in schools which receive financial assistance from government for the costs related to scholarships, uniforms, books and school-related transport facilities. The percentage of children with disabilities enrolled in rural areas is higher than in urban areas.</p>	<p>Integrated schools remain under-funded and understaffed and lack facilities and appropriate resources and materials.</p>
Japan	<p>Students who are disabled are properly educated at schools for the blind, schools for the deaf, and schools for the other disabled persons or in special classes at the elementary or lower secondary schools depending upon the type and extent of disability, or attend both ordinary schools and special support services in resource rooms. The country has achieved the right for all children with disabilities to receive education.</p>	
Taiwan	<p>Special classes, special schools and resource room programs still exist for the education of persons with disabilities but the country is in a transition period from integration to inclusion. Children with special needs at age 3 to 5 years can attend both the public and private kindergarten for all children.</p>	<p>The need to provide pre- and on-service ongoing training for regular teachers to know about special education. Lack of technology devices in schools. Resistance to change by both the regular and special education teachers, administrators and even parents in favor of inclusion.</p>
Thailand	<p>Education for students with disabilities is available at public</p>	<p>Regular schools where children with disabilities are enrolled are</p>

	schools throughout the country and in special schools but these special schools tend to be located only in major cities. Inclusive education is considered as the best option for education of children with disabilities.	not accessible, lack adequate materials or lack trained teachers.
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These countries have educational policies promoting integration, mainstreaming and inclusive education although special schools are still existing. How the educational services are provided to the students with disabilities including those with visual impairment varies from country to country. But it still remains that attendance of persons with disabilities in school is substantially lower than the regular children.

Major barriers to effective education include inaccessible schools, insufficient trained teachers and concentration of special education in urban areas. These problems could be attributed to lack of financial resources in special education which is being experienced by most Asian countries except Japan which has achieved the right for all children with disability to receive education. There is a need to strengthen partnership and collaboration among government and non-government agencies, civic organizations, parents and others. Likewise, government agencies should ensure that the policy on inclusive education is backed up with the support systems ensuring the maximum development of children with disabilities along with their regular peers.

Education of People with Visual Impairment: Philippine Experience

The adoption of the policy on inclusive education after the World Conference on Special Needs Education in 1994 has increased the educational opportunities for persons with disabilities including the blind and those with low vision. The main strategy for inclusion is the creation of Special Education (SPED) Centers in all school divisions located in either cities or province. This Center is located in a regular school and manned by the regular principal with trained special education teachers in the different types of disabilities. It offers an array of educational services appropriate to the needs and capacities of children with visual impairment. It starts with the organization of special classes which will develop the basic academic and social skills necessary for blind children to cope with regular instruction. For children who are low vision or blind attending regular classrooms upon enrolment, a resource room with a SPED teacher is available for these children.

The Center functions as a resource center for inclusion tasked with the following: 1) conduct continuous assessment of children with visual impairment; 2) provide in-service training to school personnel, parents and others involved in the child’s life on the “why” and “how” of creating inclusive schools as well as other relevant educational trends and

practices; 3) produce and provide appropriate teaching and student materials; 4) provide support to the children included in the regular classrooms in terms of planning instruction and providing a range of educational services (e.g. resource room teaching, itinerant teaching, special and cooperative teaching) in collaboration with the regular teachers. The Center does not only focus on enrolling the blind and low vision children in the regular classrooms but also attempts to assist the regular education teacher and other personnel to respond to the diverse needs and abilities of these children through the provision of appropriate educational programs along with curricular modification and individualized support services.

For school year 2005-2006, there are 151 Special Education Centers and 1,998 regular schools offering educational services to 2,675 visually impaired all over the country. This data represents 2.06 % of the targeted 130,000 Filipino blind, ages 0 to 19 years old (Third National Survey of Blindness in the Philippines, 2002).

The expansion of the services to students with visual impairment can be attributed to the support of non-government organizations, namely, Christoffel-Blindenmission Inc. and Resources for the Blind which have been funding the training of teachers conducted in three main islands of the country: Luzon, Visayas and Mindanao since 1992. Likewise, Hilton Perkins International has provided training of teachers who are handling blind children with additional disabilities or those with multiple handicaps and ON-NET (Overbrook Nippon Network on Educational Technology) for the training of secondary teachers and students and adults on Braille computer. KAMPI (Kapisanan ng May Kapansanan sa Pilipinas, Ink. – Organization of Disabled Persons in the Philippines) has been providing training to receiving teachers of children with visual impairment in regular schools. This is a formal training cum mentoring provided by the Special Education teachers. The Local Government Units, civic organizations like Rotary Clubs, Lion Clubs and business establishments along with parents also support the educational programs for children with visual impairment. .

With about eight years experience in the implementation of inclusion (since 1997) for children with visual impairment, the following issues and challenges are being tackled:

- ❖ Prolong the holding power of regular schools over blind children
- ❖ Make existing facilities, instructional materials, curriculum, teaching approaches, school organization and management, and other support systems adaptable and suitable to their needs of inclusive education
- ❖ Provide adequately trained special education teachers to work with regular teachers in providing services to these children
- ❖ Provide resources, both financial and logistical, to sustain services needed
- ❖ Strengthen parents organizations and organizations of people with disabilities as advocates and together with the community, provide support to inclusion.

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