

<b>CSIE</b>	<b>Centre for Studies on Inclusive Education</b>
	1 Redland Close Elm Lane Redland Bristol BS6 6UE United Kingdom
	<i>Telephone</i> +44 117 923 8450 <i>Fax</i> +44 117 923 8460

# UNESCO Survey on Special Needs Education Law 1996

## CSIE summary

- Introduction
- The Report
- Summary of the Integration Aspects of UNESCO's Report

### Introduction

In 1996 UNESCO published the results of a world-wide survey of the laws relating to special educational needs in 52 countries. The report, *Legislation Pertaining to Special Needs Education*, is a useful indicator of how a range of countries have approached this area of education. This free CSIE Summary focuses on the integration aspects of the report.

The full list of countries is given below and shows a mixture of developed and developing nations. UNESCO said such a study was timely because of the number of important landmark developments in this field of education in recent years.

These include:

- the International Year of Disabled Persons in 1981;
- the Decade of Disabled Persons 1983-92;
- the World Programme of Action in Favour of Disabled Persons in 1983;
- the UN Convention on the Rights of the Child in 1989;
- the UN Standard Rules on Equalisation of Opportunities for Disabled Persons in 1993;
- the World Conference on Special Needs Education in Salamanca, Spain in 1994 which resulted in the all-important Salamanca Statement that same year.

### The Report

**Analysis:** UNESCO received replies from 52 members states and *Part 1* of the report analyses the information under eight headings, integration being one of them. The eight headings are:

- The nature and extent of the legislation pertaining to special needs education.
- Responsibility and organisation.
- Identification, assessment and orientation (placement).
- Age range covered by the legislation.
- Integration.
- Curriculum entitlement.
- Post 16 years - vocational education.
- Parents.

**The countries:** *Part 2* contains the summaries of the information received from each of the 52 countries. The countries are: Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Holland, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Jordan, Malaysia, Malta, Mexico, Namibia, New Zealand, Nicaragua, Norway, Pakistan, Philippines, Portugal, Qatar, Romania, Spain, Sri Lanka, Sweden, Tanzania, Tunisia, Uganda, Venezuela, Zaire, Zambia and Zimbabwe.

## **Summary of the Integration Aspects of UNESCO's Report**

The main definition of integration of pupils with disabilities and/or learning difficulties in mainstream schools identified by the survey is given as 'mandatory pedagogic integration' or school-based integration. This type of integration, as specified in law, relates directly to 'teaching and learning' in schools. Legislation in 27 countries (52%) provided for this type of integration (either wholly or partially). 'Above all, integration in this sense involves dealing with the individual needs of each child, subject to the capacity of a mainstream school to meet those needs'.

UNESCO's analysis of the many different laws found a recurring alternative to the notion of 'special needs' in the expression 'exceptional needs'. 'Because special needs are "exceptional" they are not "ordinary". The issue therefore is whether all children (with and without exceptional needs) should in principle be educated in an "ordinary" school, thereby integrating the learning experience of exceptional children into a mainstream framework.

It follows that exceptional educational provision is blended into an ordinary school's range of provision. Where integration applies, there remains still the practical question as to the extent to which in ordinary schools it is possible to provide facilities (i.e. adapted accommodation, specialist teachers, equipment, and multi-disciplinary professional support) which are suitable for each child's special needs.

The survey says the principle of school-based integration ('mandatory pedagogic integration') acknowledges that 'some children have such disabilities and/or learning difficulties that education in a special school is necessary'. The majority of countries

expressed this proviso in school-based integration in two distinct ways: 'i) the prima facie right of a child with special needs to be educated in an ordinary school, subject to ii) an ordinary school having the capacity to meet those needs'.

A review of special education in the State of Victoria, Australia (1984) had offered a 'useful focus' of specific principles underlying integration and the UNESCO report listed them as:

- the right of every child to be educated in a regular school
- provision to be organised according to student needs rather than disability
- resources and school services should be school based
- decision-making should be collaborative
- all children can learn and be taught, and
- integration is a curriculum issue.

The survey goes on to explain an important circular letter from the Minister of Education of the Flemish Community in Belgium in 1994 which accepted the 'equivalence' principle in integration. In other words, although some pupils could not follow all the lessons of the regular programme due to their disability, they could graduate with approved replacement lessons.

It adds:

One of the main points of a 1990 law in Spain is the attention to the diversity of interests, abilities and aptitudes of students, foreseeing measures to adjust the curriculum and organisation of (ordinary) schools to the needs of all students, special education only being authorised if the student's needs are not met in a regular school.

The report makes it clear that various pronouncements by Spain over the years strongly favour the development of integrated education for disabled pupils; the 1990 law 'emphasises the principles of normalisation and integration'. However, there are also a number of provisos in legislation and other declarations to keep a minority of such pupils in separate special schools. These provisos are common in most, if not all, of the countries reviewed in the report.

In a number of other countries integration is accomplished by a phased method of approach, according to the student's needs and disability.

Chile achieves integration of children with mental, sensory or motor deficiencies either in special education courses in parallel to regular classes or by integration workshops, in each case with the assistance of special educators. Children with mild or moderate disabilities follow common courses at every level.

In Chile, Law No. 19.284 established the conditions for the social integration of people with disabilities; Article 27 mentions the right of people with special needs to have access to education in regular schools.

In China regular primary and secondary schools must admit disabled students 'who are able to participate in the regular classes' and parents may appeal to the school authorities if their child is not admitted.

France adopted a very similar approach to Chile in 1983 and then eight years later in 1991, France established 'classes of school integration' with the intention of allowing disabled students to transfer to mainstream classes. And a variation of that approach was found in the Philippines where the concept of a 'school within a school' has been developed; there, a special education centre can be part of a mainstream school preparing disabled children, physically and psychologically, to shift into the regular class on either a part-time or full-time basis.

In 1987 the Philippine Government proclaimed: 'The ultimate goal of special education shall be the integration or mainstreaming of learners with special needs into the regular school system and eventually in the community'.

The UNESCO survey says the circumstances for successful integration at a school level were best illustrated by a French Government Circular as far back as 1976 which said integration 'will be most successful if it is supported by the child, the teachers and the administration'.

In the Canadian Province of New Brunswick the survey says Bill 85 prohibited local school boards from refusing to admit certain children to the school system. Bill 85 calls for special education to be based on a student's individual needs, rather than a categorisation of handicap.

School boards are instructed to place exceptional pupils in the same classrooms as non-exceptional pupils as long as it is not detrimental to the needs of the child. A case must be made to remove an exceptional child from a regular class.

Denmark is reported as linking integration 'to the principles of normalisation and decentralisation' and that it believes integration can not be promoted directly through legislation. 'Normalisation and decentralisation are embodied in (Danish) laws which pave the way for integration'. Former pieces of legislation which related to 'the handicapped' have been repealed as part of this process and a number of Ministries which previously catered for disabled people have been transferred to general Ministries. Following the principle of progressive integration, the report says there are now various degrees of integration in Denmark, ranging from total integration in the mainstream class to segregation in a special school. The only political decision which mentions integration is a Danish Parliamentary resolution from 1969 which said: 'The primary and lower secondary school should be expanded so as to provide for the teaching of handicapped pupils, to the greatest possible extent, in an ordinary school environment'.

Over the last decade, significant moves have been made in Germany to include more and more disabled children in the mainstream. The UNESCO report says the following factors are seen in Germany as a priority in order to achieve inclusive education:

- a high standard of competence for teaching and training staff
- comprehensive knowledge of all rehabilitation measures, and
- co-ordinated collaboration between vocational training, regular schools, social welfare and medical services.

A number of Resource Centres ('Forder-zentren') have been set up in Germany to help bring about a more effective inclusive provision for all pupils with special educational needs. They function in close co-operation with other services and their tasks include:

- providing expertise and remedial programmes
- preparing and arranging meetings of remedial committees
- taking care of the necessary assistance for teachers with competence in special education
- giving advice to parents of disabled children, and
- bringing together, in a multidisciplinary way, all the provision the disabled child depends on in the classroom and school.

In principle the demand for integrated support in regular schools is now legally ensured in most of the (German) Lander.

A number of education acts in Iceland all stress that pupils with disabilities 'should obtain their education alongside non-disabled students wherever possible'. However, while a 1990 Circular stressed integration and said: 'Integration of handicapped and non-handicapped children shall be an aim of systematic school development', education law in Iceland assumes special schools will continue to function for those pupils 'whose home schools fail to provide appropriate education for them'.

Italian law states that disabled pupils and students may be enrolled in a regular school with assistance and if they are, the class they go into 'shall not be composed of more than 20 pupils'. The same law states there will be a support teacher in each class and that they can 'teach a child with special needs individually for six hours a week'. Such classes shall also have support from specialised personnel.

A 1993 law in Jordan stresses the principle of 'the right of disabled persons to be integrated into the general life of the society'. Special education is defined as a service which fulfils the needs of disabled people, develops their capabilities and helps them integrate into society. One of the main principles of Norwegian compulsory education has always been integration, that is, mixed ability teaching and the integration of pupils with special needs in ordinary schools. Only 0.7 per cent of the total school population is enrolled in special institutions outside the local school system.

Neighbouring Sweden has 'almost all disabled pupils integrated into ordinary schools' as a result of policies from the 1980's. However, there are still special schools for pupils 'who study by sign language, are mentally handicapped or are multi-handicapped'.

The community benefits of integration are stressed in the policy of Tanzania's policy from its Ministry of Education and Culture which states that disabled children should be integrated in regular schools, near their home so that they share school resources and joint experiences with their able-bodied peer group.

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The UNESCO survey also identified another definition of integration in law which related to 'integration into society, the world of work, leisure or the community'; the

report concludes that this type of legislation - where it existed - had a wider end goal than just education and UNESCO described it as 'socio-economic integration'. This was an objective in law in 20 countries (38%) and the survey said this emphasis was consistent with the predominant emphasis on disability or handicap as being part of the 'classification of special needs' in the legislation of 40 countries.

The two definitions of integration 'are not mutually exclusive' according to the report, which adds that 15 countries refer to both. The school-based integration law was the most dominant and five more countries had legislation to this effect in draft or in process. Socio-economic integration should be seen as setting goals or objectives which do not have measurable outcomes, but which nevertheless could be regarded as having a statutory obligation, it says.

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*As well as analysing information under the heading of 'integration' the report gives analysis under the seven other headings. (See the section headed 'The Report' for those headings). Below we give a brief reference to UNESCO's comments under the seven:*

The **nature and extent of special needs legislation** was illustrated by the fact that 48 countries (92%) have brought in laws covering special educational needs; it is mandatory in 47 of them. Special needs education is the **responsibility** of central government in 47 countries and is the function of a local authority in just four countries.

There was less information available on the detail of **identification, assessment and placement**, but returns from 22 countries reveal a wide variety of approaches with the dominant theme being assessment. And within the realm of assessment of children with special educational needs, a major common feature is the inter-disciplinary cooperation amongst professionals, in consultation with parents and, in four cases, with the pupil. Three of these four are named as Belgium, Denmark and France.

Categorisation remains the prime method of determining the placement for the child; however in five countries the decision is made by the parents, by the school in three countries and by an inspector/adviser in a further three countries.

The analysis of the **age range** covered reveals that 22 countries (42%) provided pre-primary or nursery special needs education (defined as under the age of six); there was primary special needs provision in 44 countries (85%) and secondary provision in 42 (81%) countries.

When it came to the **curriculum entitlement**, UNESCO found that 22 countries (42%) based it on a regular or mainstream curriculum and in a further 12 countries there was express provision for a special curriculum for children with disabilities and/or learning difficulties.

For **post-16 vocational education** the dominant objective was integration into the world of work and the acquisition of skills (expressed by 15 countries). But there was

also an important emphasis on equal opportunities as a citizen and specific education to help a student with his or her wider, personal development.

The survey reported on references in law to **parents**, to their rights and their duties. On the one hand it found that 24 countries (46%) made specific references in their legislation to parents' rights and duties in identification, assessment, placement and integration; on the other, it also found that in a further 26 countries (50%) there was 'no reference to parents' (21 countries) and five where there was 'only a general recognition of parental rights' in respect of special needs education.

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*Legislation Pertaining to Special Needs Education* (February 1996, UNESCO)

Full report available from:

*Special Education Programme, 7 Place de Fontenoy, 75352 Paris 07-SP, France*

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See also:

CSIE's home page

What is inclusion?

CSIE - UK education law

Inclusive Further Education - CSIE's summary of the Tomlinson Report

*Developing an Inclusive Policy for your School* - a new guide promoting inclusive education in ordinary schools

The Newham Story - new report from CSIE - a step-by-step account by two of the leading figures in a London education authority's de-segregation programme to bring disabled children into mainstream schools.

CSIE's UK inclusion news cuttings 1995

CSIE's UK inclusion news cuttings 1996

Useful addresses (for UK use)

CSIE International Perspectives on Inclusion:

The UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities

The UNESCO Salamanca Statement (1994)

The UN Convention on the Rights of the Child (1989)

Provision for Children with Special Educational Needs in the Asia Region (1994)

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