



# Teaching Material of B. Ed. in Special Needs Education

International in Convention and Practices  
in Special Needs / Inclusive Education

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**International Convention and Practices in Special  
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## Unit I: International Conventions on Special Needs/Inclusive Education

The right of children to have access to inclusive education is widely supported in international human rights law, international conventions ratified by its members and the majority of human rights instruments. The concept and practice of inclusive education has gained worldwide attention in the past few decades. From the launching of the Universal Declaration of Human Rights in 1948 to the more recent UN Convention on the Rights of Persons with Disabilities, the global community has supported the vision of transforming policy and practice toward educating all children. There are several key instruments that support the goal of creating inclusive environments for learning without discrimination on any grounds.

### 1.1 The UN Charter

The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

The preamble consists of two principal parts. The first part contains a general call for the maintenance of peace and international security and respect for human rights. The second part of the preamble is a declaration in a contractual style that the governments of the peoples of the United Nations have agreed to the Charter and it is the first international document regarding human rights.

UN charter consists of 19 Chapters and 111 Articles. Second part consists of Statue of the International Court of Justice (ICJ) which consists of 5 chapters and 70 Articles. The UN Charter is the basic international provision for ensuring all type of human rights and regulating the world through binding legal provisions applicable to the countries of the world.

The purposes of the UN Charter are to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. It also has to develop friendly relations among nations based on respect for the principle of equal rights and self-

determination of peoples, and to take other appropriate measures to strengthen universal peace. To be a center for harmonizing the actions of nations in the attainment of these common ends is another purpose of the United Nations.

In the Article 1, To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. The Charter has provisions of memberships of the United Nations to the countries of the world without any discrimination. The Charter is the fundamental of all type of human rights, non-discrimination, respects and dignity. The UN Charter has the following important provisions:

For example, in Article 8, there is no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs. Although, The UN Charter is the document for settling peace and harmony in the world, consequently it fundamentally gives the message for the world about ensuring the rights of people and country without any discrimination.

### **1.1.1 Non-Discrimination**

Non-discrimination is about ensuring the participation of any person, people, group or organization in any type of activities which are concerned with their interests. Discrimination is not allowed in any name, caste, religion, region, race, color, sex, gender and other else. United Nations has ensured this provision in its preamble of The Charter. In its Article 3, it is stated that to achieve an international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, the United Nations will work with non-discrimination, equality and considering equal vale to all members of the United Nation.

### **1.1.2 Providing equal educational opportunities**

In the preamble of The Charter of United Nations, it is stated that succeeding generations to be saved from the scourge to mankind and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and nations large and small. The Charter further states about establishing the conditions under which justice and respect for the obligations arising from



treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.

When there is the chance of equal freedom to enjoy fundamental rights, education is one of these rights. To ensure social justice and freedom of life, education is the most important to receive. Hence the educational rights are tried to ensure by The UN Charter through ensuring human rights.

## 1.2 UN Declaration of Universal Human Rights (1948)

The Universal Declaration of Human Rights (UDHR) is a historic document that was adopted by the United Nations General Assembly at its third session on 10 December 1948 as Resolution 217 at the Palais de Chaillot in Paris, France. Of the then 58 members of the United Nations, 48 voted in favor, none against, eight abstained, and two did not vote.

The Declaration consists of 30 articles affirming an individual's rights which, although not legally binding in themselves, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. The Declaration was the first step in the process of formulating the International Bill of Human Rights, which was completed in 1966, and came into force in 1976, after a sufficient number of countries had ratified them.

The Declaration consists of a preamble and thirty articles:

- **The preamble** sets out the historical and social causes that led to the necessity of drafting the Declaration.
- **Articles 1—2** established the basic concepts of dignity, liberty, equality, and brotherhood.
- **Articles 3—11** established other individual rights, such as the right to life and the prohibition of slavery.
- **Articles 6—11** refer to the fundamental legality of human rights with specific remedies cited for their defense when violated.
- **Articles 12—17** established the rights of the individual towards the community (including such things as freedom of movement).
- **Articles 18—21** sanctioned the so-called "constitutional liberties", and with spiritual, public, and political freedoms, such as freedom of thought, opinion, religion and conscience, word, and peaceful association of the individual.
- **Articles 22—27** sanctioned an individual's economic, social and cultural rights, including healthcare. Article 25 states: "Everyone has the right to a standard of living adequate for the health and well-

being of himself and of his family, including food, clothing, housing and medical care and necessary social services." It also makes additional accommodations for security in case of physical debilitation or disability, and makes special mention of care given to those in motherhood or childhood.

- **Articles 28—30** established the general ways of using these rights, the areas in which these rights of the individual cannot be applied, and that they cannot be overcome against the individual.

During World War II, the Allies adopted the Four Freedoms—freedom of speech, freedom of religion, freedom from fear, and freedom from want—as their basic war aims.<sup>[7][8]</sup> The United Nations Charter "reaffirmed faith in fundamental human rights, and dignity and worth of the human person" and committed all member states to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

When the atrocities committed by Nazi Germany became fully apparent after World War II, the consensus within the world community was that the United Nations Charter did not sufficiently define the rights to which it referred. A universal declaration that specified the rights of individuals was necessary to give effect to the Charter's provisions on human rights.

### 1.2.1 Educational rights

Education is intrinsically valuable as humankind's most effective tool for personal empowerment. Education takes on the status of human right because it is integral to and enhances human dignity through its fruits of knowledge, wisdom and understanding. Moreover, for instrumental reasons education has the status of a multi-faceted social, economic and cultural human right. It is a social right because in the context of the community it promotes the full development of the human personality. It is an economic right because it facilitates economic self-sufficiency through employment or self-employment. It is a cultural right because the international community has directed education toward the building of a universal culture of human rights. In short, education is the very prerequisite for the individual to function fully as a human being in modern society.

In positing a human right to education, the framers of the Universal Declaration of Human Rights (UDHR) axiomatically relied on the notion that education is not value-neutral. In this spirit, Article 26 lays out a set of educational goals analyzed in this essay along with discussion focusing on education about human rights in the light of Article 26. The Universal Declaration of Human Rights is a very important international document for ensuring educational rights of the person. In the preamble of this document, every person have dignity and respect, equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. This document further

highlights on the worth of human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

The Universal Human Rights document has proclaimed that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children. Hence, the Universal Declaration of Human Rights provided the clear guidelines for the world that education is one of the fundamental human right of human kind. The respective nations must provide reasonable education to their citizens. Education is the means to develop an individual in full potential. Considering this fact, the human right declaration has been high prioritized in the document.

### **1.3 UN Declaration on the Rights of Mentally Retarded Person (1971)**

The states members of the United Nations under the Charter to take joint and separate action in co-operation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development. This has been reaffirmed faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and of social justice proclaimed in the Charter. Recalling the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration of the Rights of the Child and the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labor Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Children's Fund and other organizations concerned, Emphasizing that the Declaration on Social Progress and Development has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged children.

Bearing in mind, the necessity of assisting mentally retarded persons to develop their abilities in various fields of activities and of promoting their integration as far as possible in normal life. Aware that certain countries, at their present stage of development, can devote only limited efforts to this end, proclaims this Declaration on the Rights of Mentally Retarded Persons and calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

1. The mentally retarded person has, to the maximum degree of feasibility, the same rights as Declaration on the Rights of Mentally Retarded Persons or other human beings.
2. The mentally retarded person has a right to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential.
3. The mentally retarded person has a right to economic security and to a decent standard of living. He has a right to perform productive work or to engage in any other meaningful occupation to the fullest possible extent of his capabilities.
4. Whenever possible, the mentally retarded person should live with his own family or with foster parents and participate in different forms of community life. The family with which he lives should receive assistance. If care in an institution becomes necessary, it should be provided in surroundings and other circumstances as close as possible to those of normal life.
5. The mentally retarded person has a right to a qualified guardian when this is required to protect his personal well-being and interests.
6. The mentally retarded person has a right to protection from exploitation, abuse and degrading treatment. If prosecuted for any offence, he shall have a right to due process of law with full recognition being given to his degree of mental responsibility.
7. Whenever mentally retarded persons are unable, because of the severity of their handicap, to exercise all their rights in a meaningful way or it should become necessary to restrict or deny some or all of these rights, the procedure used for that restriction or denial of rights must contain proper legal safeguards against every form of abuse. This procedure must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic review and to the right of appeal to higher authorities.

In a nutshell, mentally retarded children deserve to get medical treatment, therapy, education, training and other opportunities to extend their capabilities. Mentally retarded person should be arranged to

live with their families, they need qualified guardians, and the law fully protects them from being exploited, abused and degrading treatment. They have rights to receive legal safeguards in the case they are unable to receive their rights due to their severity of handicap.

## 1.4 UN Convention on the Rights of Children (1989), (Major Educational Provisions for Disabled Children)

### History

The United Nations Convention on the Rights of the Child (commonly abbreviated as the CRC or UNCRC) is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation. Nations that ratify this convention are bound to it by international law. Compliance is monitored by the UN Committee on the Rights of the Child, which is composed of members from countries around the world. Once a year, the Committee submits a report to the Third Committee of the United Nations General Assembly, which also hears a statement from the CRC Chair, and the Assembly adopts a Resolution on the Rights of the Child.

Governments of countries that have ratified the Convention are required to report to, and appear before, the United Nations Committee on the Rights of the Child periodically to be examined on their progress with regards to the advancement of the implementation of the Convention and the status of child rights in their country. Their reports and the committee's written views and concerns are available on the committee's website. The UN General Assembly adopted the Convention and opened it for signature on 20 November 1989 (the 30th anniversary of its Declaration of the Rights of the Child). It came into force on 2 September 1990, after it was ratified by the required number of nations. Currently, 196 countries are party to it, including every member of the United Nations except the United States.

Two optional protocols were adopted on 25 May 2000. The First Optional Protocol restricts the involvement of children in military conflicts, and the Second Optional Protocol prohibits the sale of children, child prostitution and child pornography. Both protocols have been ratified by more than 160 states. A third optional protocol relating to communication of complaints was adopted in December 2011 and opened for signature on 28 February 2012. It came into effect on 14 April 2014.

### **Major educational provisions**

The CRC 1989, consists of 54 Articles on the rights of children. The rights include various types of rights; such as educational right, right of health, right to participate, right to survive, right to be protected, right to development and right to get love and affection etc. Out of these rights, we will discuss about educational rights of the children.

#### **Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described here to fore, and, as appropriate, for judicial involvement.

#### **Article 23**

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible

social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### **Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

**Article 29**

1. States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

**Article 31**

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Therefore, the CRC (1989) has provided the ground for the state parties to make arrangements of legislative provisions to provide education for the children. The CRC document has also spoken out the educational rights of disabled children. The CRC document is a cornerstone for ensuring the rights of children. According to this document, children are eligible of the following four rights: a) Right to live b) Right to be protected c) Right to participate and d) Right to develop their personalities. However, children get these rights, educational right is the vital.



## 1.5 UN Standard Rules (resolution adopted by the general assembly), (1993)

Among the major outcomes of the Decade of Disabled Persons was the adoption of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities by the General Assembly on 20 December 1993. Although not a legally binding instrument, the Standard Rules represent a strong moral and political commitment of Governments to take action to attain equalization of opportunities for persons with disabilities. The rules serve as an instrument for policy-making and as a basis for technical and economic cooperation. The Standard Rules consists of 22 rules summarizing the message of the World Program of Action. The Rules incorporate the human rights perspective which had developed during the Decade. The 22 rules concerning persons of disabilities consist of four chapters:

1. Preconditions for equal participation
  - Rule 1. Awareness-raising
  - Rule 2. Medical care
  - Rule 3. Rehabilitation
  - Rule 4. Support services
2. Target areas for equal participation
  - Rule 5. Accessibility
  - Rule 6. Education
  - Rule 7. Employment
  - Rule 8. Income maintenance and social security
  - Rule 9. Family life and personal integrity
  - Rule 10. Culture
  - Rule 11. Recreation and sports
  - Rule 12. Religion
3. Implementation measures
  - Rule 13. Information and research
  - Rule 14. Policy-making and planning
  - Rule 15. Legislation
  - Rule 16. Economic policies

- Rule 17. Coordination of work
- Rule 18. Organizations of persons with disabilities
- Rule 19. Personnel training
- Rule 20. National monitoring and evaluation of disability programmes in the implementation of the Rules
- Rule 21. Technical and economic cooperation
- Rule 22. International cooperation

4. The monitoring mechanism and cover all aspects of life of persons with disabilities.

There are persons with disabilities in all parts of the world and at all levels in every society. The number of persons with disabilities in the world is large and is growing. Both the causes and the consequences of disability vary throughout the world. Those variations are the result of different socio-economic circumstances and of the different provisions that States make for the well-being of their citizens. Present disability policy is the result of developments over the past 200 years. In many ways it reflects the general living conditions and social and economic policies of different times.

In the disability field, however, there are also many specific circumstances that have influenced the living conditions of persons with disabilities. Ignorance, neglect, superstition and fear are social factors that throughout the history of disability have isolated persons with disabilities and delayed their development. Over the years disability policy developed from elementary care at institutions to education for children with disabilities and rehabilitation for persons who became disabled during adult life. Through education and rehabilitation, persons with disabilities became more active and a driving force in the further development of disability policy. Organizations of persons with disabilities, their families and advocates were formed, which advocated better conditions for persons with disabilities. After the Second World War the concepts of integration and normalization were introduced, which reflected a growing awareness of the capabilities of persons with disabilities.

Towards the end of the 1960s organizations of persons with disabilities in some countries started to formulate a new concept of disability. That new concept indicated the close connection between the limitation experienced by individuals with disabilities, the design and structure of their environments and the attitude of the general population. At the same time the problems of disability in developing countries were more and more highlighted. In some of those countries the percentage of the

population with disabilities was estimated to be very high and, for the most part, persons with disabilities were extremely poor.

### **Purpose and content of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities**

The Standard Rules on the Equalization of Opportunities for Persons with Disabilities have been developed on the basis of the experience gained during the United Nations Decade of Disabled Persons (1983-1992). The International Bill of Human Rights, comprising the Universal Declaration of Human Rights the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the World programed of Action concerning Disabled Persons, constitute the political and moral foundation for the Rules.

Although the Rules are not compulsory, they can become international customary rules when they are applied by a great number of States with the intention of respecting a rule in international law. They imply a strong moral and political commitment on behalf of States to take action for the equalization of opportunities for persons with disabilities. Important principles for responsibility, action and cooperation are indicated. Areas of decisive importance for the quality of life and for the achievement of full participation and equality are pointed out. The Rules offer an instrument for policy-making and action to persons with disabilities and their organizations. They provide a basis for technical and economic cooperation among States, the United Nations and other international organizations.

The purpose of the Rules is to ensure that girls, boys, women and men with disabilities, as members of their societies, may exercise the same rights and obligations as others. In all societies of the world there are still obstacles preventing persons with disabilities from exercising their rights and freedoms and making it difficult for them to participate fully in the activities of their societies. It is the responsibility of States to take appropriate action to remove such obstacles. Persons with disabilities and their organizations should play an active role as partners in this process. The equalization of opportunities for persons with disabilities is an essential contribution in the general and worldwide effort to mobilize human resources. Special attention may need to be directed towards groups such as women, children,

the elderly, the poor, migrant workers, persons with dual or multiple disabilities, indigenous people and ethnic minorities. In addition, there are a large number of refugees with disabilities who have special needs requiring attention.

### **Rule 6. Education**

States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system.

1. General educational authorities are responsible for the education of persons with disabilities in integrated settings. Education for persons with disabilities should form an integral part of national educational planning, curriculum development and school organization.
2. Education in mainstream schools presupposes the provision of interpreter and other appropriate support services.
3. Adequate accessibility and support services, designed to meet the needs of persons with different disabilities should be provided.
4. Parent groups and organizations of persons with disabilities should be involved in the education process at all levels.
5. In States where education is compulsory it should be provided to girls and boys with all kinds and all levels of disabilities, including the most severe.

Special attention should be given in the following areas

- Very young children with disabilities
  - Pre-school children with disabilities
  - Adults with disabilities, particularly women.
6. To accommodate educational provisions for persons with disabilities in the mainstream, States should:
    - Have a clearly stated policy, understood and accepted at the school level and by the wider community;
    - Allow for curriculum flexibility, addition and adaptation;
    - Provide for quality materials, ongoing teacher training and support teachers.

7. Integrated education and community-based programs should be seen as complementary approaches in providing cost-effective education and training for persons with disabilities. National community-based programs should encourage communities to use and develop their resources to provide local education to persons with disabilities.
8. In situations where the general school system does not yet adequately meet the needs of all persons with disabilities, special education may be considered. It should be aimed at preparing students for education in the general school system. The quality of such education should reflect the same standards and ambitions as general education and should be closely linked to it. At a minimum, students with disabilities should be afforded the same portion of educational resources as students without disabilities. States should aim for the gradual integration of special education services into mainstream education. It is acknowledged that in some instances special education may currently be considered to be the most appropriate form of education for some students with disabilities.
9. Owing to the particular communication needs of deaf and deaf/blind persons, their education may be more suitably provided in schools for such persons or special classes and units in mainstream schools. At the initial stage, in particular, special attention needs to be focused on culturally sensitive instruction that will result in effective communication skills and maximum independence for people who are deaf or deaf/blind.

The UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993) is the foundation for the rights of peoples with disabilities. The Rules consist of several rights for the PWD, however, educational rights are crucial to enjoy other rights. Hence, educational rights are the most important right to be achieved.

### **1.6 Salamanca Statement and Framework for Action (1994)**

The Salamanca Statement and Framework for Action on Special Needs Education, the World Conference on Special Needs Education was held in Salamanca, Spain on 7-10 June 1994. The theme of the conference was to increase on Access and Quality of education across the world. Main provisions of the conference were as following:

1. Reaffirming the right to education of every individual, as enshrined in the 1948 Universal Declaration of Human Rights, and renewing the pledge made by the world community at the 1990

World Conference on Education for All to ensure that right for all regardless of individual differences

2. Recalling the several United Nations declarations culminating in the 1993 United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities, which urges States to ensure that the education of persons with disabilities is an integral part of the education system.
3. Noting with satisfaction the increased involvement of governments, advocacy groups, community and parent groups, and in particular organizations of persons with disabilities, in seeking to improve access to education for the majority of those with special needs still unreached; and recognizing as evidence of this involvement the active participation of high level representatives of numerous governments, specialized agencies and intergovernmental organizations in this World Conference.

#### **Framework for action on special needs education introduction**

1. This Framework for Action on Special Needs Education was adopted by the World Conference on Special Needs Education organized by the Government of Spain in co-operation with UNESCO and held in Salamanca from 7 to 10 June 1994. Its purpose is to inform policy and guide action by governments, international organizations, national aid agencies, non-governmental organizations and other bodies in implementing the Salamanca Statement on Principles, Policy and Practice in Special Needs Education. The Framework draws extensively upon the national experience of the participating countries as well as upon resolutions, recommendations and publications of the United Nations system and other intergovernmental organizations, especially the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. It also takes account of the proposals, guidelines and recommendations arising from the five regional seminars held to prepare the World Conference.
2. The right of every child to an education is proclaimed in the Universal Declaration of Human Rights and was forcefully reaffirmed by the World Declaration on Education for All. Every person with a disability has a right to express their wishes with regard to their education, as far as this can be ascertained. Parents have an inherent right to be consulted on the form of education best suited to the needs, circumstances and aspirations of their children.
3. The guiding principle that informs this Framework is that schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions.

## **I. New thinking in special needs education**

6. The trend in social policy during the past two decades has been to promote integration and participation and to combat exclusion. Inclusion and participation are essential to human dignity and to the enjoyment and exercise of human rights. Within the field of education, this is reflected in the development of strategies that seek to bring about a genuine equalization of opportunity.
11. Educational planning by governments should concentrate on education for all persons, in all regions of a country and in all economic conditions, through both public and private schools.
12. Because in the past relatively few children with disabilities have had access to education, especially in the developing regions of the world, there are millions of adults with disabilities who lack even the rudiments of a basic education. A concerted effort is thus required to teach literacy, numeracy and basic skills to persons with disabilities through adult education programs.
13. It is particularly important to recognize that women have often been doubly disadvantaged, bias based on gender compounding the difficulties caused by their disabilities. Women and men should have equal influence on the design of educational programs and the same opportunities to benefit from them. Special efforts should be made to encourage the participation of girls and women with disabilities in educational programs.

## **II. Guidelines for action at the national level A.**

### ***A. Policy and organization***

15. Integrated education and community-based rehabilitation represent complementary and mutually supportive approaches to serving those with special needs. Both are based upon the principles of inclusion, integration and participation, and represent well-tested and cost-effective approaches to promoting equality of access for those with special educational needs as part of a nationwide strategy aimed at achieving education for all. Countries are invited to consider the following actions concerning the policy and organization of their education systems.

16. Legislation should recognize the principle of equality of opportunity for children, youth and adults with disabilities in primary, secondary and tertiary education carried out, in so far as possible, in integrated settings.
20. Special attention should be paid to the needs of children and youth with severe or multiple disabilities. They have the same rights as others in the community to the achievement of maximum independence as adults and should be educated to the best of their potential towards that end.

### **E. Priority areas**

#### ***Girls' education***

55. Girls with disabilities are doubly disadvantaged. A special effort is required to provide training and education for girls with special educational needs. In addition to gaining access to school, girls with disabilities should have access to information and guidance as well as to models which could help them to make realistic choices and preparation for their future role as adult women.

#### ***Adult and continuing education***

57. Persons with disabilities should be given special attention in the design and implementation of adult and continuing education programs. Persons with disabilities should be given priority access to such programs. Special courses should also be designed to suit the needs and conditions of different groups of adults with disabilities.

### **F. Community perspectives**

58. Realizing the goal of successful education of children with special educational needs is not the task of the Ministries of Education and schools alone. It requires the co-operation of families, and the mobilization of the community and voluntary organizations as well as the support of the public at large. Experience from countries or areas that have witnessed progress in equalizing educational opportunities for children and youth with special educational needs suggests several useful lessons.



### **III. Guidelines for action at the regional and international level**

International co-ordination should exist to support universal accessibility specifications in communication technology underpinning the emerging information infrastructure.

#### **1.7 No Child Left Behind (NCLB) 2004**

The No Child Left Behind Act of 2001(NCLB) was a U.S. Act of Congress that reauthorized the Elementary and Secondary Education Act it included Title I provisions applying to disadvantaged students. It supported standard-based education reform based on the premise that setting high standards and establishing measurable goals could improve individual outcomes in education. The Act required states to develop assessments in basic skills. To receive federal school funding, states had to give these assessments to all students at select grade levels.

The act did not assert a national achievement standard—each state developed its own standards. NCLB expanded the federal role in public education through further emphasis on annual testing, annual academic progress, report cards, and teacher qualifications, as well as significant changes in funding. The bill passed in the Congress with bipartisan support. By 2015, criticism from right, left, and center had accumulated so much that a bipartisan Congress stripped away the national features of No Child Left Behind. Its replacement, the Every Student Succeeds Act, turned the remnants over to the states.

NCLB was the product of a collaboration between civil rights and business groups, as well as both Democrats and Republicans on Capitol Hill and the Bush administration, which sought to advance American competitiveness and close the achievement gap between poor and minority students and their more advantaged peers. Since 2002, it's had an outsized impact on teaching, learning, and school improvement—and become increasingly controversial with educators and the general public.

#### **Provisions of the NCLB Act**

No Child Left Behind requires all public schools receiving federal funding to administer a statewide standardized test annually to all students. Schools that receive Title I funding through the Elementary and Secondary Education Act of 1965 must make Adequate Yearly Progress (AYP) in

test scores (e.g. each year, fifth graders must do better on standardized tests than the previous year's fifth graders).

If the school's results are repeatedly poor, then steps are taken to improve the school.

- Schools that miss AYP for a second consecutive year are publicly labeled as "In Need of Improvement," and must develop a two-year improvement plan for the subject that the school is not teaching well. Students have the option to transfer to a better school within the school district, if any exists.
- Missing AYP in the third year forces the school to offer free tutoring and other supplemental education services to students who are struggling.
- If a school misses its AYP target for a fourth consecutive year, the school is labeled as requiring "corrective action," which might involve wholesale replacement of staff, introduction of a new curriculum, or extending the amount of time students spend in class.
- A fifth year of failure results in planning to restructure the entire school; the plan is implemented if the school unsuccessfully hits its AYP targets for the sixth consecutive year. Common options include closing the school, turning the school into a charter school, hiring a private company to run the school, or asking the state office of education to run the school directly.

States must create AYP objectives consistent with the following requirements of the law.

1. States must develop AYP statewide measurable objectives for improved achievement by all students and for specific groups: economically disadvantaged students, students with disabilities, and students with limited English proficiency.
2. The objectives must be set with the goal of having all students at the proficient level or above within 12 years (i.e. by the end of the 2013–14 school year).
3. AYP must be primarily based on state assessments, but must also include one additional academic indicator.
4. The AYP objectives must be assessed at the school level. Schools that failed to meet their AYP objective for two consecutive years are identified for improvement.
5. School AYP results must be reported separately for each group of students identified above so that it can be determined whether each student group met the AYP objective.
6. At least 95% of each group must participate in state assessments.

7. States may aggregate up to three years of data in making AYP determinations.

The act requires states to provide "highly qualified" teachers to all students. Each state sets its own standards for what counts as "highly qualified." Similarly, the act requires states to set "one high, challenging standard" for its students. Each state decides for itself what counts as "one high, challenging standard," but the curriculum standards must be applied to all students, rather than having different standards for students in different cities or other parts of the state.

### **Effects on teachers, schools, and school districts**

#### **Increased accountability**

Supporters of the NCLB claim one of the strong positive points of the bill is the increased accountability that is required of schools and teachers. According to the legislation, schools must pass yearly tests that judge student improvement over the fiscal year. These yearly standardized tests are the main means of determining whether schools live up to required standards. If required improvements are not made, the schools face decreased funding and other punishments that contribute to the increased accountability. According to supporters, these goals help teachers and schools realize the significance and importance of the educational system and how it affects the nation. Opponents of this law say that the punishments only hurt the schools and do not contribute to the improvement of student education.

In addition to and in support of the above points, proponents claim that No Child Left Behind:

- Links state academic content standards with student outcomes
- Measures student performance: a student's progress in reading and math must be measured annually in grades 3 through 8 and at least once during high school via standardized tests
- Provides information for parents by requiring states and school districts to give parents detailed report cards on schools and districts explaining the school's AYP performance; schools must inform parents when their child is taught by a teacher or para-professional who does not meet "highly qualified" requirements
- Establishes the foundation for schools and school districts to significantly enhance parental involvement and improved administration through the use of the assessment data to drive decisions on instruction, curriculum and business practices

The commonwealth of Pennsylvania has proposed tying teacher's salaries to test scores. If a district's students do poorly, the state cuts the district's budget the following year and the teachers get a pay

cut. Critics point out that if a school does poorly, reducing its budget and cutting teacher salaries will likely hamper the school's ability to improve.

### **School Choice**

- Gives options to students enrolled in schools failing to meet AYP. If a school fails to meet AYP targets two or more years running, the school must offer eligible children the chance to transfer to higher-performing local schools, receive free tutoring, or attend after-school programs.
- Gives school districts the opportunity to demonstrate proficiency, even for subgroups that do not meet State Minimum Achievement standards, through a process called "safe harbor," a precursor to growth-based or value-added assessments.

### **Effects on student assessment**

Several analyses of state accountability systems that were in place before NCLB indicate that outcomes accountability led to faster growth in achievement for the states that introduced such systems. The direct analysis of state test scores before and after enactment of NCLB also supports its positive impact. A primary criticism asserts that NCLB reduces effective instruction and student learning by causing states to lower achievement goals and motivate teachers to "teach to the test." A primary supportive claim asserts that systematic testing provides data that shed light on which schools don't teach basic skills effectively, so that interventions can be made to improve outcomes for all students while reducing the achievement gap for disadvantaged and disabled students.<sup>1</sup>

At the core of the No Child Left Behind Act are a number of measures designed to drive broad gains in student achievement and to hold states and schools more accountable for student progress. They represent significant changes to the education landscape (U.S. Department of Education, 2001).

- **Annual testing.** By the 2005-06 school year, states must begin testing students in grades 3-8 annually in reading and mathematics. By 2007-08, they must test students in science at least once in elementary, middle, and high school. The tests must be aligned with state academic standards. A sample of 4th and 8th graders in each state must also participate in the National Assessment of Educational Progress testing program in reading and math every other year to provide a point of comparison for state test results.

- **Academic progress.** States must bring all students up to the "proficient" level on state tests by the 2013-14 school year. Individual schools must meet state "adequate yearly progress" targets toward this goal (based on a formula spelled out in the law) for both their student populations as a whole and for certain demographic subgroups. If a school receiving federal Title I funding fails to meet the target two years in a row, it must be provided technical assistance and its students must be offered a choice of other public schools to attend. Students in schools that fail to make adequate progress three years in a row must also be offered supplemental educational services, including private tutoring. For continued failures, a school would be subject to outside corrective measures, including possible governance changes.
- **Report cards.** Starting with the 2002-03 school year, states must furnish annual report cards showing a range of information, including student-achievement data broken down by subgroup and information on the performance of school districts. Districts must provide similar report cards showing school-by-school data.
- **Teacher qualifications.** By the end of the 2005-06 school year, every teacher in core content areas working in a public school must be "highly qualified" in each subject he or she teaches. Under the law, "highly qualified" generally means that a teacher is certified and demonstrably proficient in his or her subject matter. Beginning with the 2002-03 school year, all new teachers hired with federal Title I money must be "highly qualified." By the end 2005-06 school year, all school paraprofessionals hired with Title I money must have completed at least two years of college, obtained an associate's degree or higher, or passed an evaluation to demonstrate knowledge and teaching ability. That requirement is already in effect for newly hired paraprofessionals.
- **Reading First.** The act creates a new competitive-grant program called Reading First, funded at \$1.02 billion in 2004, to help states and districts set up "scientific, research-based" reading programs for children in grades K-3 (with priority given to high-poverty areas). A smaller early-reading program seeks to help states better prepare 3- to 5-year-olds in disadvantaged areas to read.
- **Funding changes.** Through an alteration in the Title I funding formula, the No Child Left Behind Act is expected to better target resources to school districts with high concentrations of poor children. The law also includes provisions intended to give states and districts greater flexibility in how they spend a portion of their federal allotments.

## 1.8 United Nations Conventions on the Rights of People with Disabilities (UNCRPD, 2006) (Articles 3, 5, 7,9,12,13,24,26, and 30 only)

The Convention on the Rights of Persons with Disabilities is an international human rights treaty of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that they enjoy full equality under the law. The Convention has served as the major catalyst in the global movement from viewing persons with disabilities as objects of charity, medical treatment and social protection towards viewing them as full and equal members of society, with human rights. It is also the only UN human rights instrument with an explicit sustainable development dimension. The Convention was the first human rights treaty of the twenty-first century.

The text was adopted by the United Nations General Assembly on 13 December 2006, and opened for signature on 30 March 2007. Following ratification by the 20th party, it came into force on 3 May 2008. As of April 2018, it has 161 signatories and 177 parties, which includes 172 states and the European Union (which ratified it on 23 December 2010 to the extent responsibilities of the member states were transferred to the European Union). In December 2012, a vote in the United States Senate fell six votes short of the two-thirds majority required for ratification. The Convention is monitored by the Committee on the Rights of Persons with Disabilities.

### **What is the Convention on the Rights of Persons with Disabilities?**

The Convention is an international treaty that articulates the rights of persons with disabilities. Specifically, States that become parties to the Convention agree to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

The Convention is a paradigm shift in approaches to disability, moving from a model where persons with disabilities are treated as objects of medical treatment, charity and social protection to a model where persons with disabilities are recognized as subjects of human rights, active in the decisions that affect their lives and empowered to claim their rights. This approach views the societal barriers – such as physical obstacles and negative attitudes – confronting persons with disabilities as the main obstacles to the full enjoyment of human rights.

**Why is it needed?**

Though all of the international human rights treaties extend to persons with disabilities, this large group of persons continues to suffer from discrimination and often does not enjoy respect for their human rights on an equal basis with others. This Convention:

- Explicitly defines and applies existing human rights principles to persons with disabilities
- Provides an authoritative, internationally agreed basis for the development of domestic law and policy
- Establishes national and international mechanisms for more effective monitoring of the rights of persons with disabilities, including periodic reporting on the Convention's implementation and Conferences of States parties
- Recognizes the especially vulnerable circumstances of children and women with disabilities.

**What rights are included?**

The Convention is comprehensive, and States parties are obliged to ensure and promote the full realization of all civil, cultural, economic, political and social rights of persons with disabilities.

Civil and political rights are rights that an individual can exercise in his/her role as a citizen, such as the right to vote, the right to participate in Government decision-making, the right to a fair trial and the right to equal protection of the law. Cultural rights protect a person's enjoyment of his/her own culture. Social rights protect and promote the person in society, such as the right to education and the right to health. Economic rights protect and promote the economic security and independence of a person, such as the right to work.

**Major Provisions of the UNCRPD (2006)****Article 3: General principles**

The principles of the present Convention shall be:

1. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
2. Non-discrimination
3. Full and effective participation and inclusion in society

4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
5. Equality of opportunity
6. Accessibility
7. Equality between men and women
8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

#### **Article 5: Equality and non-discrimination**

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

#### **Article 7: Children with disabilities**

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

#### **Article 9: Accessibility**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on



an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces; (b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to: (a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public; (b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities; (c) Provide training for stakeholders on accessibility issues facing persons with disabilities; (d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms; (e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public; (f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information; (g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet; (h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

#### **Article 12: Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity

respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property

#### **Article 13: Access to justice**

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

#### **Article 24: Education**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to: (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity; (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; (c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that: (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability; (b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live; (c) Reasonable accommodation of the individual's requirements is provided; (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education; (e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including: (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring; (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community; (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.
5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

**Article 26: Habilitation and rehabilitation**

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programs, particularly in the areas of health, employment, education and social services, in such a way that these services and programs: (a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths; (b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.
3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

**Article 30: Participation in cultural life, recreation, leisure and sport**

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities: (a) Enjoy access to cultural materials in accessible formats; (b) Enjoy access to television programs, films, theatre and other cultural activities, in accessible formats; (c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:
  - (a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
  - (b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
  - (c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
  - (d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
  - (e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

## Let Us Sum Up

UN charter is the major and pioneering international document for human right. Its provisions on non-discrimination, equal educational opportunities are the fundamentals to make other documents regarding human rights. UN declaration of Human Rights (1948) is the most important document in the international sector to secure the rights of an individual person. It consists of 30Articles with separate title regarding individual rights. Similarly, UN Declaration on the Mentally Retarded Person (1971) has emphasized that the Declaration on social progress and development has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged children. UN has another convention called UN convention on the Rights of Children (1989) has many provisions on the rights of children with disabilities. It consists of educational rights, right to survive, protect, participate etc. It consists of 54 articles regarding rights of the children. Among the major outcomes of the Decade of Disabled Persons was the adoption of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities by the General Assembly on 20 December 1993. Although not a legally binding instrument, the Standard Rules represent a strong moral and political commitment of Governments to take action to attain equalization of opportunities

for persons with disabilities. Similarly, No Child Left Behind (2004), UNCRPD (2006) etc. are also the milestone documents in international arena.

## Unit-end Activities

### Group "A"

Tick (✓) mark the best answer

#### Objective questions:

1. How many chapters and articles does the UN Charter consists of?
  - a. **19 chapters and 111 articles**
  - b. 18 chapters and 110 articles
  - c. 19 chapters and 110 articles
  - d. 18 chapters and 111 articles
2. UN Declaration of Human Rights (1989) in its article 26 consists of the.....
  - a. Right to live
  - b. Right to participate
  - c. **Right to education**
  - d. Right to health
3. What is the major motto of education?
  - a. To be an educated person
  - b. To make the life through earning
  - c. For better academic achievement
  - d. **Develop full human potentiality and the strengthening of respect for human rights and fundamental freedoms**
4. UN General Assembly adopted the Convention on the Rights of Children (CRC) and came into force on.....
  - a. 1 September 1989
  - b. **2 September 1990**
  - c. 20 November 1990
  - d. 1 November 1990

5. Which right is not included in the Convention on the Rights of Children, CRC (1989)?
  - a. Right to live
  - b. Right to be protected
  - c. Right to develop their personalities
  - d. **Right to movement**

#### **Group "B"**

##### **Short answer questions:**

1. What was the purpose of UN Charter? Describe.
2. What are the special features of UN Declaration of Human Rights, 1948?
3. State educational provision for children as stated in CRC 1989?
4. State the theme of UN Standard Rules. How many rules are there in the Standard Rules?
5. State and explain the areas highlighted by Salamanca Statements and Framework for Action, 1994.

#### **Group "C"**

##### **Long answer questions:**

1. Salamanca Statement and Statement for Action (1994) is a complementary document of Universal Declaration of Human Rights in terms of educational rights. How? Explain.
2. State and explain UN Standard Rules. How these Rules contribute in implementing inclusive education in the schools?
3. State and explain the major provisions stated in UN Declaration on the Mentally Retarded Person (1971)?

### **Points of Discussion**

- History of human rights movements
- International provisions on educational rights
- A comparison on legal provisions of Nepal and international provisions

## Unit II: International Provisions on Special Needs/Inclusive Education

### 2.1 Jomtein Declaration on Education for All (EFA) (1990)

In 1990, the International Literacy Year, about 1,500 delegates from 155 countries and representatives of some 150 governmental, non-governmental and intergovernmental organizations met at the World Conference on Education for All in Jomtien, Thailand, and called upon all countries to universalize adequate basic education. The Conference participants adopted the World Declaration on Education for All and a Framework for Action: Meeting Basic Learning Needs.

The Declaration begins by stating that every person child, youth and adult shall be able to benefit from educational opportunities designed to meet their basic learning needs. In that sense, Education for All is an expanded vision encompassing programs, activities and services in the public and private sectors aimed at meeting the basic needs of children, youth and adults both within and outside school.

The World Declaration on Education for All was a historic demonstration of the will and commitment of countries to establish in the area of child, adult and family education a new basis for overcoming inequality and generating new opportunities for eradicating poverty. Emphasis was placed not only on access to basic education, but also on the quality of education and actual learning outcomes.

The Education for All program was launched at the international level in 1990 with contributions from the five intergovernmental agencies promoting the program (United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Children's Fund (UNICEF), United Nations Population Fund (UNFPA), United Nations Development Program (UNDP) and World Bank), as well as various foundations, international and non-governmental organizations and the mass media. The International Consultative Forum on Education for All, with its secretariat located at UNESCO headquarters in Paris, was established as an interagency body to guide and monitor follow-up actions to the World Conference in Jomtien.



## **Provisions of education on the World Declaration on Education for All**

### **Article I: Meeting basic learning needs**

1. Every person - child, youth and adult - shall be able to benefit from educational opportunities designed to meet their basic learning needs. These needs comprise both essential learning tools (such as literacy, oral expression, numeracy, and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning. The scope of basic learning needs and how they should be met varies with individual countries and cultures, and inevitably, changes with the passage of time.
2. The satisfaction of these needs empowers individuals in any society and confers upon them a responsibility to respect and build upon their collective cultural, linguistic and spiritual heritage, to promote the education of others, to further the cause of social justice, to achieve environmental protection, to be tolerant towards social, political and religious systems which differ from their own, ensuring that commonly accepted humanistic values and human rights are upheld, and to work for international peace and solidarity in an interdependent world.
3. Another and no less fundamental aim of educational development is the transmission and enrichment of common cultural and moral values. It is in these values that the individual and society find their identity and worth.
4. Basic education is more than an end in itself. It is the foundation for lifelong learning and human development on which countries may build, systematically, further levels and types of education and training.

### **Article II: Shaping the vision**

To serve the basic learning needs of all requires more than a recommitment to basic education as it now exists. What is needed is an "expanded vision" that surpasses present resource levels, institutional structures, curricula, and conventional delivery systems while building on the best in current practices. New possibilities exist today which result from the convergence of the increase in information and the unprecedented capacity to communicate. We must seize them with creativity and a determination for increased effectiveness.

As elaborated in Articles III-VII, the expanded vision encompasses:

- Universalizing access and promoting equity;
- Focusing on learning;
- Broadening the means and scope of basic education;
- Enhancing the environment for learning;
- Strengthening partnerships.

The realization of an enormous potential for human progress and empowerment is contingent upon whether people can be enabled to acquire the education and the start needed to tap into the ever-expanding pool of relevant knowledge and the new means for sharing this knowledge.

#### **Article III - Universalizing access and promoting equity**

1. Basic education should be provided to all children, youth and adults. To this end, basic education services of quality should be expanded and consistent measures must be taken to reduce disparities.
2. For basic education to be equitable, all children, youth and adults must be given the opportunity to achieve and maintain an acceptable level of learning.
3. The most urgent priority is to ensure access to, and improve the quality of, education for girls and women, and to remove every obstacle that hampers their active participation. All gender stereotyping in education should be eliminated.
4. An active commitment must be made to removing educational disparities. Underserved groups: the poor; street and working children; rural and remote populations; nomads and migrant workers; indigenous peoples; ethnic, racial, and linguistic minorities; refugees; those displaced by war; and people under occupation, should not suffer any discrimination in access to learning opportunities.
5. The learning needs of the disabled demand special attention. Steps need to be taken to provide equal access to education to every category of disabled persons as an integral part of the education system.

#### **Article IV: Focusing on learning**

Whether or not expanded educational opportunities will translate into meaningful development - for an individual or for society - depends ultimately on whether people actually learn as a result of those

opportunities, i.e., whether they incorporate useful knowledge, reasoning ability, skills, and values. The focus of basic education must, therefore, be on actual learning acquisition and outcome, rather than exclusively upon enrolment, continued participation in organized programs and completion of certification requirements. Active and participatory approaches are particularly valuable in assuring learning acquisition and allowing learners to reach their fullest potential. It is, therefore, necessary to define acceptable levels of learning acquisition for educational programs and to improve and apply systems of assessing learning achievement.

#### **Article V - Broadening the means and scope of basic education**

The diversity, complexity, and changing nature of basic learning needs of children, youth and adults necessitates broadening and constantly redefining the scope of basic education to include the following components:

- ***Learning begins at birth.*** This calls for early childhood care and initial education. These can be provided through arrangements involving families, communities, or institutional programs, as appropriate.
- ***The main delivery system for the basic education of children outside the family is primary schooling.*** Primary education must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs, and opportunities of the community. Supplementary alternative programs can help meet the basic learning needs of children with limited or no access to formal schooling, provided that they share the same standards of learning applied to schools, and are adequately supported.
- ***The basic learning needs of youth and adults are diverse and should be met through a variety of delivery systems.*** Literacy programs are indispensable because literacy is a necessary skill in itself and the foundation of other life skills. Literacy in the mother-tongue strengthens cultural identity and heritage. Other needs can be served by: skills training, apprenticeships, and formal and non-formal education programs in health, nutrition, population, agricultural techniques, the environment, science, technology, family life, including fertility awareness, and other societal issues.
- ***All available instruments and channels of information, communications, and social action could be used to help convey essential knowledge and inform and educate people on social***

*issues.* In addition to the traditional means, libraries, television, radio and other media can be mobilized to realize their potential towards meeting basic education needs of all.

These components should constitute an integrated system - complementary, mutually reinforcing, and of comparable standards, and they should contribute to creating and developing possibilities for lifelong learning.

#### **Article VI - Enhancing the environment for learning**

Learning does not take place in isolation. Societies, therefore, must ensure that all learners receive the nutrition, health care, and general physical and emotional support they need in order to participate actively in and benefit from their education. Knowledge and skills that will enhance the learning environment of children should be integrated into community learning programs for adults. The education of children and their parents or other caretakers is mutually supportive and this interaction should be used to create, for all, a learning environment of vibrancy and warmth.

#### **Article VII - Strengthening partnerships**

National, regional, and local educational authorities have a unique obligation to provide basic education for all, but they cannot be expected to supply every human, financial or organizational requirement for this task. New and revitalized partnerships at all levels will be necessary: partnerships among all sub-sectors and forms of education, recognizing the special role of teachers and that of administrators and other educational personnel; partnerships between education and other government departments, including planning, finance, labor, communications, and other social sectors; partnerships between government and non-governmental organizations, the private sector, local communities, religious groups, and families. The recognition of the vital role of both families and teachers is particularly important. In this context, the terms and conditions of service of teachers and their status, which constitute a determining factor in the implementation of education for all, must be urgently improved in all countries in line with the joint ILO/ UNESCO Recommendation Concerning the Status of Teachers (1966). Genuine partnerships contribute to the planning, implementing, managing and evaluating of basic education programs. When we speak of "an expanded vision and a renewed commitment", partnerships are at the heart of it.

**Article VIII - Developing a supportive policy context**

1. Supportive policies in the social, cultural, and economic sectors are required in order to realize the full provision and utilization of basic education for individual and societal improvement. The provision of basic education for all depends on political commitment and political will backed by appropriate fiscal measures and reinforced by educational policy reforms and institutional strengthening. Suitable economic, trade, labor, employment and health policies will enhance learners' incentives and contributions to societal development.
2. Societies should also insure a strong intellectual and scientific environment for basic education. This implies improving higher education and developing scientific research. Close contact with contemporary technological and scientific knowledge should be possible at every level of education.

**Article IX - Mobilizing resources**

1. If the basic learning needs of all are to be met through a much broader scope of action than in the past, it will be essential to mobilize existing and new financial and human resources, public, private and voluntary. All of society has a contribution to make, recognizing that time, energy and funding directed to basic education are perhaps the most profound investment in people and in the future of a country which can be made.
2. Enlarged public-sector support means drawing on the resources of all the government agencies responsible for human development, through increased absolute and proportional allocations to basic education services with the clear recognition of competing claims on national resources of which education is an important one, but not the only one. Serious attention to improving the efficiency of existing educational resources and programs will not only produce more, it can also be expected to attract new resources. The urgent task of meeting basic learning needs may require a reallocation between sectors, as, for example, a transfer from military to educational expenditure. Above all, special protection for basic education will be required in countries undergoing structural adjustment and facing severe external debt burdens. Today, more than ever, education must be seen as a fundamental dimension of any social, cultural, and economic design.

### **Article X - Strengthening international solidarity**

1. Meeting basic learning needs constitutes a common and universal human responsibility. It requires international solidarity and equitable and fair economic relations in order to redress existing economic disparities. All nations have valuable knowledge and experiences to share for designing effective educational policies and programs.
2. Substantial and long-term increases in resources for basic education will be needed. The world community, including intergovernmental agencies and institutions, has an urgent responsibility to alleviate the constraints that prevent some countries from achieving the goal of education for all. It will mean the adoption of measures that augment the national budgets of the poorest countries or serve to relieve heavy debt burdens. Creditors and debtors must seek innovative and equitable formulae to resolve these burdens, since the capacity of many developing countries to respond effectively to education and other basic needs will be greatly helped by finding solutions to the debt problem.
3. Basic learning needs of adults and children must be addressed wherever they exist. Least developed and low-income countries have special needs which require priority in international support for basic education in the 1990s.
4. All nations must also work together to resolve conflicts and strife, to end military occupations, and to settle displaced populations, or to facilitate their return to their countries of origin, and ensure that their basic learning needs are met. Only a stable and peaceful environment can create the conditions in which every human being, child and adult alike, may benefit from the goals of this Declaration.

### **2.2 Dakar Framework for Action (2000)**

Education for All (EFA) is a global movement led by UNESCO (United Nations Educational, Scientific and Cultural Organization), aiming to meet the learning needs of all children, youth and adults by 2015. EFA was adopted by The Dakar Framework in April 2000 at the World Education Forum in Senegal, Africa, with the goal in mind that all children would receive primary education by 2015. Not all children receive the education they need or want, therefore this goal was put in place to help those children. UNESCO has been mandated to lead the movement and coordinate the international efforts to reach Education for All. Governments, development agencies, civil society, non-government organizations and the media are but some of the partners working toward reaching these goals.

The EFA goals also contribute to the global pursuit of the eight Millennium Development Goals (MDGs), especially MDG 2 on universal primary education and MDG 3 on gender equality in education, by 2015.B

In 2000, ten years later, the international community met again at the World Education Forum in Dakar, Senegal, and an event which drew 1100 participants. The forum took stock of the fact that many countries were far from having reached the goals established at the World Conference on Education for All in 1990. The participants agreed on the Dakar Framework for Action which re-affirmed their commitment to achieving Education for All by the year 2015, and identified six key measurable education goals which aim to meet the learning needs of all children, youth and adults by 2015. In addition, the forum reaffirmed UNESCO's role as the lead organization with the overall responsibility of coordinating other agencies and organizations in the attempts to achieve these goals. The six goals established in The Dakar Framework for Action, Education for All: Meeting Collective Commitments are:

- **Goal 1:** Expand early childhood care and education
- **Goal 2:** Provide free and compulsory primary education for all
- **Goal 3:** Promote learning and life skills for young people and adults
- **Goal 4:** Increase adult literacy by 50 percent
- **Goal 5:** Achieve gender parity by 2005, gender equality by 2015
- **Goal 6:** Improve the quality of education

The Dakar Framework sets six major EFA goals and proposes twelve major strategies. It puts forward twelve major strategies informed by the experience of the past decade and the changing global context. These include the international development targets for education to which national governments and the international community are already committed.

#### **Summary of the Dakar Framework Education for All: Meeting Our Collective Commitments**

1. Meeting in Dakar, Senegal, in April 2000, we, the participants in the World Education Forum, commit ourselves to the achievement of education for all (EFA) goals and targets for every citizen and for every society.
2. The Dakar Framework is a collective commitment to action. Governments have an obligation to ensure that EFA goals and targets are reached and sustained. This is a responsibility that will be met most effectively through broad-based partnerships within countries, supported by co-operation with regional and international agencies and institutions.

3. We re-affirm the vision of the World Declaration on Education for All (Jomtien 1990), supported by the Universal Declaration of Human Rights and the Convention on the Rights of the Child, that all children, young people and adults have the human right to benefit from an education that will meet their basic learning needs in the best and fullest sense of the term, an education that includes learning to know, to do, to live together and to be. It is an education geared to tapping each individual's talents and potential, and developing learners' personalities, so that they can improve their lives and transform their societies.
4. We welcome the commitments made by the international community to basic education throughout the 1990s, notably at the World Summit for Children (1990), the United Nations Conference on Environment and Development (1992), the World Conference on Human Rights (1993), the World Conference on Special Needs Education: Access and Quality (1994), the International Conference on Population and Development (1994), the World Summit for Social Development (1995), the Fourth World Conference on Women (1995), the Mid-Term Meeting of the International Consultative Forum on Education for All (1996), the Fifth International Conference on Adult Education (1997), and the International Conference on Child Labor (1997). The challenge now is to deliver on these commitments.
5. The EFA 2000 Assessment demonstrates that there has been significant progress in many countries. But it is unacceptable in the year 2000 that more than 113 million children have no access to primary education, 880 million adults are illiterate, gender discrimination continues to permeate education systems, and the quality of learning and the acquisition of human values and skills fall far short of the aspirations and needs of individuals and societies. Youth and adults are denied access to the skills and knowledge necessary for gainful employment and full participation in their societies. Without accelerated progress towards education for all, national and internationally agreed targets for poverty reduction will be missed, and inequalities between countries and within societies will widen.
6. Education is a fundamental human right. It is the key to sustainable development and peace and stability within and among countries, and thus an indispensable means for effective participation in the societies and economies of the twenty-first century, which are affected by rapid globalization. Achieving EFA goals should be postponed no longer. The basic learning needs of all can and must be met as a matter of urgency.
7. International community is committed to the attainment of the following goals: (i) expanding and improving comprehensive early childhood care and education, especially for the most vulnerable



and disadvantaged children; (ii) ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete, free and compulsory primary education of good quality; (iii) ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life-skills programs; (iv) achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults; (v) eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality; (vi) improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

8. To achieve these goals, we the governments, organizations, agencies, groups and associations represented at the World Education Forum pledge ourselves to: (i) mobilize strong national and international political commitment for education for all, develop national action plans and enhance significantly investment in basic education; (ii) promote EFA policies within a sustainable and well integrated sector framework clearly linked to poverty elimination and development strategies; (iii) ensure the engagement and participation of civil society in the formulation, implementation and monitoring of strategies for educational development; (iv) develop responsive, participatory and accountable systems of educational governance and management; (v) meet the needs of education systems affected by conflict, natural calamities and instability and conduct educational programs in ways that promote mutual understanding, peace and tolerance, and that help to prevent violence and conflict; (vi) implement integrated strategies for gender equality in education which recognize the need for changes in attitudes, values and practices; (vii) implement as a matter of urgency education programs and actions to combat the HIV/AIDS pandemic; (viii) create safe, healthy, inclusive and equitably resourced educational environments conducive to excellence in learning, with clearly defined levels of achievement for all; (ix) enhance the status, morale and professionalism of teachers; (x) harness new information and communication technologies to help achieve EFA goals; (xi) systematically monitor progress towards EFA goals and strategies at the national, regional and international levels; and (xii) build on existing mechanisms to accelerate progress towards education for all.
9. Drawing on the evidence accumulated during the national and regional EFA assessments, and building on existing national sector strategies, all States will be requested to develop or

strengthen existing national plans of action by 2002 at the latest. These plans should be integrated into a wider poverty reduction and development framework, and should be developed through more transparent and democratic processes, involving stakeholders, especially peoples' representatives, community leaders, parents, learners, nongovernmental organizations (NGOs) and civil society. The plans will address problems associated with the chronic under-financing of basic education by establishing budget priorities that reflect a commitment to achieving EFA goals and targets at the earliest possible date, and no later than 2015. They will also set out clear strategies for overcoming the special problems facing those currently excluded from educational opportunities, with a clear commitment to girls' education and gender equity. The plans will give substance and form to the goals and strategies set out in this Framework, and to the commitments made during a succession of international conferences in the 1990s. Regional activities to support national strategies will be based on strengthened regional and sub-regional organizations, networks and initiatives.

10. Political will and stronger national leadership are needed for the effective and successful implementation of national plans in each of the countries concerned. However, political will must be underpinned by resources. The international community acknowledges that many countries currently lack the resources to achieve education for all within an acceptable time-frame. New financial resources, preferably in the form of grants and concessional assistance, must therefore be mobilized by bilateral and multilateral funding agencies, including the World Bank and regional development banks, and the private sector. We affirm that no countries seriously committed to education for all will be thwarted in their achievement of this goal by a lack of resources.
11. The international community will deliver on this collective commitment by launching with immediate effect a global initiative aimed at developing the strategies and mobilizing the resources needed to provide effective support to national efforts. Options to be considered under this initiative will include: (i) increasing external finance for education, in particular basic education; (ii) ensuring greater predictability in the flow of external assistance; (iii) facilitating more effective donor co-ordination; (iv) strengthening sector-wide approaches; (v) providing earlier, more extensive and broader debt relief and/or debt cancellation for poverty reduction, with a strong commitment to basic education; and (vi) undertaking more effective and regular monitoring of progress towards EFA goals and targets, including periodic assessments.
12. There is already evidence from many countries of what can be achieved through strong national strategies supported by effective development co-operation. Progress under these strategies

could — and must — be accelerated through increased international support. At the same time, countries with less developed strategies — including countries in transition, countries affected by conflict, and post-crisis countries — must be given the support they need to achieve more rapid progress towards education for all.

13. We will strengthen accountable international and regional mechanisms to give clear expression to these commitments and to ensure that the Dakar Framework for Action is on the agenda of every international and regional organization, every national legislature and every local decision-making forum.
14. The EFA 2000 Assessment highlights that the challenge of education for all is greatest in sub-Saharan Africa, in South Asia, and in the least developed countries. Accordingly, while no country in need should be denied international assistance, priority should be given to these regions and countries. Countries in conflict or undergoing reconstruction should also be given special attention in building up their education systems to meet the needs of all learners.
15. Implementation of the preceding goals and strategies will require national, regional and international mechanisms to be galvanized immediately. To be most effective these mechanisms will be participatory and, wherever possible, build on what already exists. They will include representatives of all stakeholders and partners and they will operate in transparent and accountable ways. They will respond comprehensively to the word and spirit of the Jomtien Declaration and this Dakar Framework for Action. The functions of these mechanisms will include, to varying degrees, advocacy, resource mobilization, monitoring, and EFA knowledge generation and sharing.
16. The heart of EFA activity lies at the country level. National EFA Forums will be strengthened or established to support the achievement of EFA. All relevant ministries and national civil society organizations will be systematically represented in these Forums. They should be transparent and democratic and should constitute a framework for implementation at subnational levels. Countries will prepare comprehensive National EFA Plans by 2002 at the latest. For those countries with significant challenges, such as complex crises or natural disasters, special technical support will be provided by the international community. Each National EFA Plan will: (i) be developed by government leadership in direct and systematic consultation with national civil society; (ii) attract coordinated support of all development partners; (iii) specify reforms addressing the six EFA goals; (iv) establish a sustainable financial framework; (v) be time-bound and action-oriented; (vi) include mid-term performance indicators; and (vii) achieve a synergy of

all human development efforts, through its inclusion within the national development planning framework and process.

17. Where these processes and a credible plan are in place, partner members of the international community undertake to work in a consistent, coordinated and coherent manner. Each partner will contribute according to its comparative advantage in support of the National EFA Plans to ensure that resource gaps are filled.
18. Regional activities to support national efforts will be based on existing regional and sub-regional organizations, networks and initiatives, augmented where necessary. Regions and sub-regions will decide on a lead EFA network that will become the Regional or Sub-regional Forum with an explicit EFA mandate. Systematic involvement of, and co-ordination with, all relevant civil society and other regional and sub-regional organizations are essential. These Regional and Sub-regional EFA Forums will be linked organically with, and be accountable to, National EFA Forums. Their functions will be: co-ordination with all relevant networks; setting and monitoring regional/sub-regional targets; advocacy; policy dialogue; the promotion of partnerships and technical co-operation; the sharing of best practices and lessons learned; monitoring and reporting for accountability; and promoting resource mobilization. Regional and international support will be available to strengthen Regional and Sub-regional Forums and relevant EFA capacities, especially within Africa and South Asia.
19. UNESCO will continue its mandated role in coordinating EFA partners and maintaining their collaborative momentum. In line with this, UNESCO's Director-General will convene annually a high-level, small and flexible group. It will serve as a lever for political commitment and technical and financial resource mobilization. Informed by a monitoring report from the UNESCO International Institute for Educational Planning (IIEP), the UNESCO International Bureau of Education (IBE), the UNESCO Institute for Education (UIE) and, in particular, the UNESCO Institute for Statistics, and inputs from Regional and Sub-regional EFA Forums, it will also be an opportunity to hold the global community to account for commitments made in Dakar. It will be composed of highest-level leaders from governments and civil society of developing and developed countries, and from development agencies.
20. UNESCO will serve as the Secretariat. It will refocus its education program in order to place the outcomes and priorities of Dakar at the heart of its work. This will involve working groups on each of the six goals adopted at Dakar. This Secretariat will work closely with other organizations and may include staff seconded from them.

21. Achieving Education for All will require additional financial support by countries and increased development assistance and debt relief for education by bilateral and multilateral donors, estimated to cost in the order of \$8 billion a year. It is therefore essential that new, concrete financial commitments be made by national governments and also by bilateral and multilateral donors including the World Bank and the regional development banks, by civil society and by foundations.

### 2.3 Biwako Millennium Framework for Actions toward Inclusion (2002)

The Commission, at its fifty-eighth session, adopted resolution 58/4 of 22 May 2002 on promoting an inclusive, barrier-free and rights-based society for people with disabilities in the Asian and Pacific region in the twenty-first century, by which it proclaimed the extension of the Asian and Pacific Decade of Disabled Persons, 1993-2002, for another decade, 2003-2012. The present document sets out a draft regional framework for action that provides regional policy recommendations for action by Governments in the region and concerned stakeholders to achieve an inclusive, barrier-free and rights-based society for persons with disabilities in the new decade, 2003-2012. The regional framework for action identifies seven areas for priority action in the new decade. Each priority area contains critical issues, targets and the action required. The regional framework for action explicitly incorporates the millennium development goals and their relevant targets to ensure that concerns relating to persons with disabilities become an integral part of efforts to achieve the goals.

In May 2002, ESCAP adopted the resolution “Promoting an inclusive, barrier-free and rights based society for people with disabilities in the Asian and Pacific regions in the 21st century”. The resolution also proclaimed the extension of the Asian and Pacific Decade of Disabled Persons 1993-2002, for another decade, 2003-2012. In October 2002, Governments at the High-level Intergovernmental Meeting to Conclude the Asian and Pacific Decade of Disabled Persons 1993-2002, adopted the “Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific” as the regional policy guideline for the new decade. The “Biwako Millennium Framework” outlines issues, action plans and strategies towards an inclusive, barrier free and rights-based society for persons with disabilities. To achieve the goal, the framework identifies seven priority areas for action, in which critical issues, targets with specific timeframe and actions are specified.

In all, 21 targets and 17 strategies supporting the achievement of all the targets are identified. The new decade (2003-2012) will ensure the paradigm shift from a charity-based approach to a rights-based approach to protect the civil, cultural, economic, political and social rights of persons with disabilities. To pursue the targets and strategies, consultations with and involvement of civil societies, inter alia, self-help organizations and concerned NGOs are essential. The following summarizes the seven priority areas for action, the targets, strategies, timeframe and supporting/monitoring mechanisms.

1. Self-help organizations of persons with disabilities and related family and parent associations.
2. Women with disabilities.
3. Early detection, early intervention and education.
4. Training and employment, including self-employment.
5. Access to build environment and public transport.
6. Access to information and communications, including information, communication and assertive technologies.
7. Poverty alleviation through social security and livelihood programs.
8. Highlights of item (5): Access to build environment and public transport.

Inaccessibility to the built environment, including public transport systems, is still the major barrier for persons with disabilities. This problem will only be exacerbated, as the number of older people with disabilities increases in the region. Universal design approaches benefit all people in society, including older persons, pregnant women and parents with young children. Its economic benefits have been legitimized, yet substantive initiatives at policy level have not been taken. Three targets are set to improve the situation:

- The Government should adopt and enforce accessibility standards for planning of public facilities, infrastructure and transport, including those in rural/ agricultural contexts.
- Existing public transport systems and all new and renovated public transport systems should be made accessible as soon as practicable.
- All international and regional funding agencies for infrastructure development should include universal and inclusive design concepts in their loan/grant award criteria.

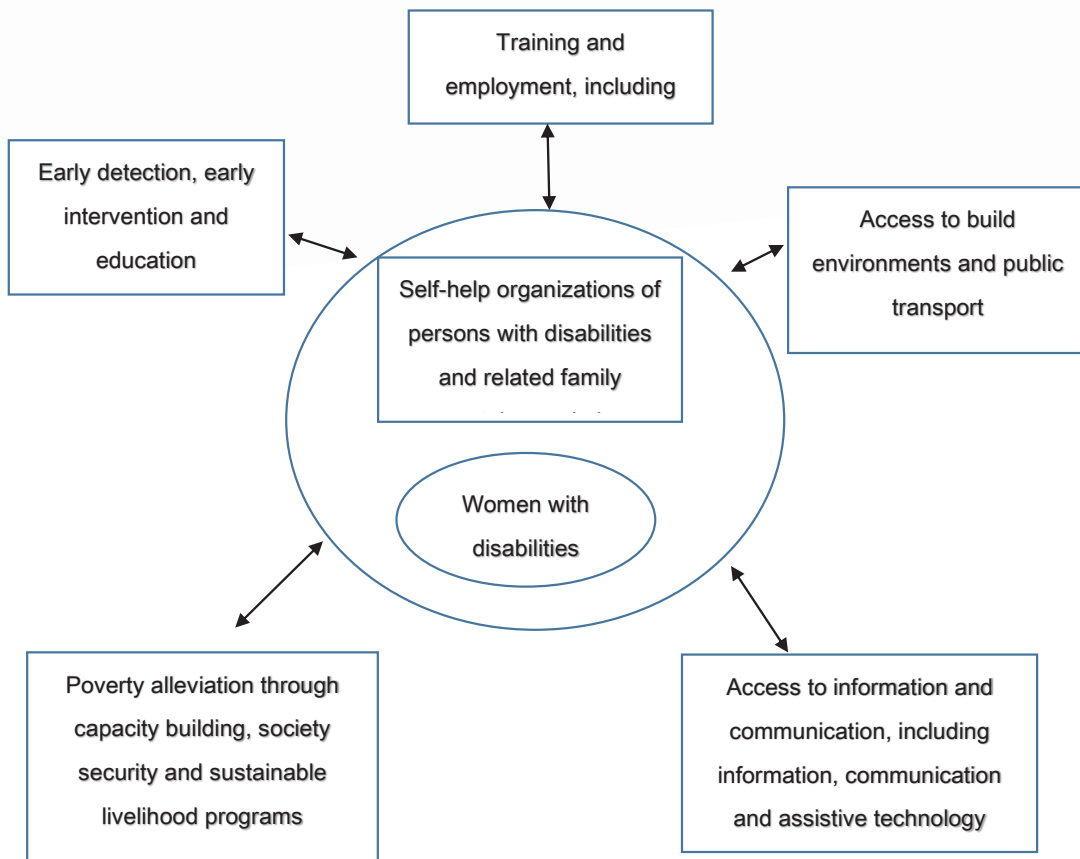
**Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Right Based Society for Persons with Disabilities in Asia and Pacific**

It is the framework declared in the intergovernmental meeting 25-28 October 2002 Otsu city, Shiga, Japan organized by United Nations Economic and Social Council. It proclaimed the extension of the Pacific Decade of Disabled Persons, 1993-2002, for another decade, 2003-2012. Majority of the 400 million persons with disabilities in the Asian and Pacific region are still thrown away from education, employment and other economic and social opportunities. There should be ceaseless dedication of Governments in the Asian and Pacific region to the promotion of full participation and equality of persons with disabilities in the Asian and Pacific region. Though there is significant improvement in bringing parity in the case of differently abled children, still has to go a long.

***Principles and policy directions of BMF***

The governments in the signatories of BMF should pass and implement legislations and policies regarding to the equal opportunities to differently abled people in all the areas like education, health, employment etc. The governments in the signatories of BMF should establish national co-ordination committees on disability to monitor the implementation of such legislations and policies. The governments in the signatories of BMF should support the organizations of differently abled people and should consult such organizations when constructing new policies. The government should ensure accurate and reliable data on the statistics of the differently abled people in their countries. These countries should make early interventions to ensure equal participation of such people in all fields of life. The government also should accept community approach to prevent causes which leads to disability and such problems.

**Priority areas of BMF**



Three sub-areas on which focus should be given are identified:





a. **self-help organizations**

**Critical issues**

**Issue 1:** Disabled people are the most suitable to support, inform and advocate for themselves.

**Issue 2:** Due regard should be given to the right of persons with disabilities to self-representation and to strengthen their capacity.

**Issue 3:** Self-help organizations of persons with disabilities should include groups from rural areas and marginalized disabled persons such as women with disabilities.

**Targets for self-help organizations**

**Target 1:** Governments, international funding agencies and non-governmental organizations (NGOs) should, by 2004, establish policies to support the development and formation of self-help organizations of persons with disabilities in all areas, and with a specific focus on slum and rural dwellers. Government should take steps for the formation of parent association at local level.

**Target 2:** there should be full inclusion of organizations and associations of persons of disabilities by 2005. Government and social organizations should be committed for the same.

**Actions required**

**Action 1:** Governments should execute measures following the guidelines of the national coordination committee on disability to create useful communication among self-helping organizations, different ministries and social organizations.

**Action 2:** Governments should implement a strategy review panel within the national coordination committee on disability consisting of representatives of persons with diverse disabilities. The panel should review all policies and their implementation which directly or indirectly affect persons with disabilities.

**Action 3:** Governments should take action to increase the representation of persons with disabilities in all areas of public life, including government, at all levels from national to local, as well as the legislature and judicial bodies. This should be promoted by means of confirmatory action and anti-discrimination legislation.

**Action 4:** International funding agencies and NGOs should give special consideration in funding and other support to endorse and enhance self-help organizations of people with disabilities.

**b. Critical issues on women with disabilities**

**Issue 1:** Women with disabilities are one of the most marginalized groups in society, as they are multiply disadvantaged through their status as women, as persons with disabilities, and are over-represented among persons living in poverty.

**Issue 2:** Women with disabilities face extra inequity because there is bigger possibility of physical and sexual misuse, rejection of their reproductive rights, and lack of opportunity to have a family life by getting married.

**Issue 3:** Even inside the setup of some self-help organizations of people with disability, women of such kind often face discrimination, as they are considered inferior members of such organizations.

**Issue 4:** Even the so called feminist groups in the region have forgotten or neglected women with disabilities because such organizations do not give memberships to women of this kind nor raise voice for them.

**Targets for women with disabilities**

**Target 1:** By 2005, government should take necessary actions to eradicate discrimination, to protect the rights of women with disabilities.

**Target 2:** National self-help organizations of people with disadvantages should provide full participation and representation to women with disadvantages.

**Target 3:** The women associations of the mainstream should ensure the membership for women with disabilities by 2005.

**Actions for women with disabilities**

**Action 1:** Governments should implement measures to uphold the rights of women with disabilities ensuring equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

**Action 2:** Awareness programs should be organized by government and non-government organizations to enhance the status of women.

**Action 3:** Self-help organizations of persons with disabilities should ensure that women with disabilities are represented at the local, national and regional levels of the organizations.

**Action 4:** Self-help organizations should ensure that women with disabilities constitute at least half of their delegations at meetings, workshops and seminars.

**Action 5:** Women with disabilities should be provided special leadership training classes by government and non-government organizations.

**c. Critical issues on early detection, early intervention and education**

**Issue 1:** Studies show that only less than 10% of people with disabilities get access to any sort of at the Asian and Pacific Region education, though there is an international concept of education for all.

**Issue 2:** The exclusion of children and youth with disabilities from education results in their exclusion from opportunities for further development such as to vocational training, employment, income generation and business development.

**Issue 3:** Infants and young children with disabilities require access to early intervention services, including early detection and identification with support and training to parents to facilitate the maximum development of their disabled children.

**Issue 4:** Currently education for children and youth with disabilities is predominantly provided in special schools in urban centers and is available to limited numbers of children in many countries of the Asia and Pacific region.

**Targets for early detection, early intervention and education**

**Target 1.** Children and youth with disabilities will be an integral part of the population targeted by the millennium development goal of ensuring that by 2015 all boys and girls will complete a full course of primary schooling.

**Target 2.** At least 75 per cent of children and youth with disabilities of school age will, by 2010, be able to complete a full course of primary schooling.

**Target 3.** By 2012, all infants and young children (birth to four years old) will have access to and receive community-based early intervention services, which ensure survival, with support and training for their families.

**Target 9.** Governments should ensure detection of disabilities as early age as possible.

### **Actions for early detection, early intervention and education**

**Action 1:** Governments should enact legislation, with enforcement mechanisms, to mandate education for all children, including children with disabilities, to meet the goals of the Dakar Framework for Action and the millennium development goal of primary education for all children by 2015.

**Action 2:** Ministries of Education should formulate educational policy and planning in consultation with families and organizations of persons with disabilities

**Action 3:** A range of educational options should be available to allow the selection of a school, . Adequate public budgetary allocation specifically for the education of children with disabilities

**Action 4:** should establish adequate early detection and identification services in hospitals, primary health care, center and community-based health care services, with referral systems to early intervention services for all disabled infants and children

**Action 5:** Governments should implement a progressive programs towards achieving barrier-free and accessible schools and accessible school transport by 2012.

**Action 6:** Governments should encourage programs of research at tertiary institutions to develop further effective methodologies for teaching children and youth with diverse abilities.

**Action 7:** Organizations of and for disabled persons should place advocacy for the education of children with disabilities as a high priority item on their agenda.

**Action 8:** Regional cooperation needs to be strengthened to facilitate the sharing of experiences and good practices and to support the development of inclusive education initiatives.

#### **d. Training and employment, including self-employment**

**Issue 1:** Despite international standards and the implementation of exemplary training and employment legislation, policies and practices in some countries, persons with disabilities, and especially women, youth and those in rural areas, remain disproportionately undereducated, untrained, unemployed, underemployed and poor.

**Issue 2:** Persons with disabilities have unique differences and abilities and they should have the right to choose what they want to do based on their abilities, not on their disabilities. They require the same educational, vocational training, employment and business development opportunities available to all

**Issue 3:** Vocational training and employment issues must be considered within the context of the full participation of persons with disabilities in community life and within the macro context of changing demographics and workplaces.

**Issue 4:** Generally, there is a lack of trained and competent staff working with persons with disabilities. Persons with disabilities must also be regularly and actively involved in initiatives related to employment and training, not just as consumers but also as advocates, designers and providers of services.

#### **Targets of training and employment, including self-employment**

**Target 1:** At least 30 per cent of the signatories (member States) will ratify the International Labor Organization Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159), 1983, by 2012.

**Target 2:** By 2012, at least 30 per cent of all vocational training programs in signatory countries will be inclusive of persons with disabilities and provide appropriate support and job placement or business development services for them.

**Target 3:** By 2010, reliable data that measure the employment and self-employment rates of persons with disabilities will exist in all countries.

#### **Actions required to achieve targets**

**Action 1:** Governments should examine, ratify and implement the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159), 1983.

**Action 2:** Governments should have policies, a written plan, a coordinating body and some mechanism to evaluate the success of including persons with disabilities in training, employment, self-employment and poverty alleviation programs

**Action 3:** Governments should develop and implement employer incentives and strategies to move persons with disabilities into open employment and recognize that government, as a major employer in most countries, should be a model employer with regard to the hiring, retention and advancement of workers with disabilities.

**Action 4:** Governments should examine and/or enact anti-discrimination legislation, where appropriate,

**Action 5:** Governments, international organizations, NGOs, training institutions and other should hire the persons with disabilities, recruit and include in such training programs and hired as staff.

**Action 6:** Governments, with the assistance of NGOs, should ensure that persons with disabilities have the support services they require to participate in mainstream vocational training and employment,

and allocate the additional funds required to remove barriers to inclusion, with the full recognition that the price tag related to exclusion is higher.

**Action 7:** Governments, NGOs and disabled persons organizations should collaborate more with employers, trade unions and other social partners to develop partnerships, policies, mutual understanding and more effective vocational training and employment services.

**Action 8:** Governments, in collaboration with employers organizations, workers organizations, organizations of and for persons with disabilities and other social partners should review current policies, practices and outcomes related to the vocational training of persons with disabilities

**Action 9:** Funds must be allocated to meet the needs of those with the most extensive disabilities to provide training and employment services in dignified and inclusive settings to the extent possible, by using strategies such as transitional and production workshops and community-based and supported employment.

**Action 10:** Recognizing the lack of formal job opportunities in many countries, Governments, international agencies, donors, NGOs and others in civil society must ensure that persons with disabilities and organizations of and for persons with disabilities have equitable access and are included in programs related to business development, entrepreneurship and credit distribution.

**Action 11:** Regional organizations, including those of persons with disabilities, in collaboration with national governments and international agencies, should develop mechanisms for the collection and dissemination of information related to good practices in all aspects of training and employment, especially those that reflect regional and cultural needs.

e. **Access to build environments and public transport**

**Issues**

**Issue 1:** Inaccessibility to the built environment, including the public transport system

**Issue 2:** lack of access to build environments and public transport for people with disabilities and a large number of elderly people with disabilities.

**Issue 3:** The universal/inclusive design approaches provide safer environments for all by reducing the rate of accidents

**Targets**

**Target 13:** Governments should adopt and enforce accessibility standards for planning of public facilities, infrastructure and transport, including those in rural/agricultural contexts.

**Target 14:** All new and renovated public transport systems, including road, water, light and heavy mass railway and air transport systems, should be made fully accessible by persons with disabilities

and older persons; existing land, water and air public transport systems (vehicles, stops and terminals) should be made accessible and usable as soon as practicable.

**Target 15:** All international and regional funding agencies for infrastructure development should include universal and inclusive design concepts in their loan/grant award criteria.

**Action required to achieve targets**

**Action 1:** Governments, in collaboration with disabled persons organizations, civil society groups such as professional architecture and engineering associations and others in the corporate sector, should support the establishment of national and/or regional mechanisms to exchange information on means to realize accessible environments, with display, library and research facilities, and information centers and should network with research and/or educational architectural and engineering establishments.

**Action 2:** Ensure that professional education and academic courses in architecture, planning and landscape and building and engineering contain inclusive design principles; teaching the teachers courses in effective teaching of practical accessible design are established for all design schools in the region, including travelling workshops which involve the active participation of persons with disabilities; and support continuing education professional development courses on best practices in inclusive design techniques for experienced practitioners, including those professionals who work closely with the end-users, such as community-based rehabilitation personnel.

**Action 3:** Encourage innovative techniques, such as through design competitions, architectural and other awards and various other forms of support, to identify particular applications that enhance accessibility and apply local knowledge and materials

**Action 4:** Support the establishment of appraisal mechanisms on how codes and standards have been developed, applied and enforced and how they have increased accessibility in various countries.

**Action 5:** Ensure that the accessibility needs of persons with disabilities be included in all rural/agricultural development programs, including but not limited to access and use of sanitation facilities and water supply through a process of consultation that includes disabled user-groups.

**Action 6:** Create access officers or posts which include the function of access officers at local, provincial and national levels whose functions include providing architects/designers/developers with technical advice and information on access codes and application of inclusive design, and appropriate technology in the natural and built environments in rural, peri-urban and urban contexts.

**Action 7:** Disabled persons organizations should implement confidence-building and advocacy measures to present their needs collectively and effectively in the built environment.

## 2.4 Individuals with Disability Education Act, IDEA (2004)

Before the Education for All Handicapped Children Act was enacted in 1975, U.S. public schools accommodated only 1 out of 5 children with disabilities. Breakthrough: Federal Special Education Legislation 1965-1981, Edwin W, Martin, Bardolf & Co., 2013. Until that time, many states had laws that explicitly excluded children with certain types of disabilities from attending public school, including children who were blind, deaf, and children labeled "emotionally disturbed" or "mentally retarded. At the time the EHA was enacted, more than 1 million children in the U.S. had no access to the public school system. Many of these children lived at state institutions where they received limited or no educational or rehabilitation services. As of 2006, more than 6 million children in the U.S. receive special education services through IDEA.

In 1990, the EHA was replaced by the Individuals with Disabilities Education Act in order to place more focus on the individual, as opposed to a condition that individual may have. The IDEA also had many improvements on the EHA, such as promoting research and technology development, details on transition programs for students' post-high school and programs that educate children in their neighborhood schools, as opposed to separate schools.

### Six pillars of IDEA

1. **Individualized Education Program (IEP):** The basis for the handicapped child's entitlement to an individualized and appropriate education is the individualized educational program ("IEP"), that a school system must design to meet the unique needs of each child with a disability. The act requires that public schools create an Individualized Education Program (IEP) for each student who is found to be eligible under both the federal and state eligibility/disability standards. The IEP is the cornerstone of a student's educational program. It specifies the services to be provided and how often, describes the student's present levels of performance and how the student's disabilities affect academic performance and specifies accommodations and modifications to be provided for the student.
2. **Free and appropriate public education:** Guaranteed by the Individuals with Disabilities Education Act (IDEA), FAPE is defined as "special education and related services that A) are provided at the public's expense, under public supervision and direction, and without charge, B) meet the standards of the State educational agency, C) include an appropriate preschool, elementary, or secondary school



education in the State involved; and D) are provided in conformity with the individualized education program under section 614(d). Some of the criteria specified in various sections of the IDEA statute includes requirements that schools provide each disabled student an education that:

- Is designed to meet the unique needs of that one student
- Provides "...access to the general curriculum to meet the challenging expectations established for all children" (that is, it meets the approximate grade-level standards of the state educational agency).
- Is provided in accordance with the Individualized Education Plan (IEP) as defined in 1414(d)(3).
- Results in educational benefit to the child

3. **Least restrict environment (LRE):** To determine what an appropriate setting is for a student, an Individualized Education Plan (IEP) team will review the student's strengths, weaknesses, and needs, and consider the educational benefits from placement in any particular educational setting. By law the team is required to include the student's parent or guardian, a general education teacher, a special education teacher, a representative of the local education agency, someone to interpret evaluation results and if appropriate the student. It is the IEP team's responsibility to determine what environment is the LRE for any given student with disabilities, which varies between every student
4. **Appropriate environment:** Children are placed in special education services through an evaluation process. If the evaluation is not appropriately conducted or does not monitor the information that is needed to determine placement it is not appropriate. The goal of IDEA's regulations for evaluation is to help minimize the number of misidentifications, to provide a variety of assessment tools and strategies, to prohibit the use of any single evaluation as the sole criterion of which a student is placed in special education services, and to provide protections against evaluation measures that are racially or culturally discriminatory. Overall, the goal of appropriate evaluation is to get students who need help, extra help that is appropriate for the student and helps that specific student to reach his or her goals set by the IEP team.
5. **Parent and teacher participation:** A good family-professional partnership is key for a student to receive the education necessary for success. Parents and teachers need to be willing to work together and communicate to determine the best ways of working with and providing information for a student. Both the family and the teacher work together on the IEP team to determine goals, the LRE, and to discuss other important considerations for each individual student. Throughout the whole IEP and special education process parents and families should be updated and kept informed of any decisions made about their specific student. Parents should also be able to provide valuable input about their student

to determine placement and other educational goals. Parents, as well as teachers, are able to challenge any decisions that they feel are inappropriate for the student.

6. **Procedural safeguards:** IDEA includes a set of procedural safeguards designed to protect the rights of children with disabilities and their families, and to ensure that children with disabilities receive a FAPE. The procedural safeguards include the opportunity for parents to review their child's full educational records; full parent participation in identification and IEP team meetings; parent involvement in placement decisions; Prior Written Notice; the right of parents to request independent educational evaluations at public expense; Notice of Procedural Safeguards; Resolution Process; and objective mediation funded by the state education agency and impartial Due Process Hearings. IDEA guarantees the following rights to parents:

- Access to educational records
- Parent Participation (In any and all meetings regarding placement and educational decisions)
- Prior Written Notice (Anytime anything will be changed in a student's IEP their parents must first be notified)
- Procedural Safeguards Notice (A written copy should be provided to parents under federal and state law)
- Understandable language (Translators must be provided when needed)
- Informed Consent (Before any evaluations or services are provided the student's parents must be informed and agree in writing before the school can move forward)
- "Stay Put" Rights (If parents disagree with the school's decision the student can stay put while the parents and school go through dispute resolution)
- Due Process (If a parent has a dispute with the school about their student's special education placement or teaching a process called due process is used to resolve issues; both parties are then able to tell their sides of the story in a court like setting)
- Civil Action (If due process results are not to the liking of the parent or the school a civil lawsuit can be filed)
- Mediation (An alternative to due process hearings)

### Other Important relevant issues

- **Confidentiality of information:** Throughout the entire IEP process the school has to protect the confidentiality of the student. Some schools may think that providing a teacher with the IEP is a violation of the student's confidentiality, but the Family Educational Rights and Privacy Act States that "if the disclosure is to other school officials, including teachers, within the educational institution or local education agency who have been determined by the agency or institution to have legitimate educational interests" the school does not need written consent from a parent.
- **Transition services:** At the age of 16 students are required to attend IEP meetings to discuss transition services with the IEP team. Transition services can be started earlier if the IEP team deems it necessary, but the student must be at the meeting or appropriate measures must be taken to account for student preference.<sup>[19]</sup> Transition services coordinate the transition between school and post-school activities, such as secondary education, vocational training, employment, independent living, etc. These transitional decisions should be based on the students strengths/weaknesses, preferences, and the skills possessed by the individual. Once a decision has been made on the transition service a plan should be formed to allow the student to be able to fully reach this goal. In order for this to happen objectives, instruction needed, and other skills should be assessed and taken into account to prepare the individual for this transition.
- **Discipline of a child with a disability:** Pursuant to IDEA, when disciplining a child with a disability, one must take that disability into consideration to determine the appropriateness of the disciplinary actions. For example, if a child with Autism is sensitive to loud noises, and she runs out of a room filled with loud noises due to sensory overload, appropriate disciplinary measure for that behavior (running out of the room) must take into account the child's disability; such as avoiding punishments that involve loud noises. Moreover, an assessment should be made as to whether appropriate accommodations were in place to meet the needs of the child. According to the United States Department of Education, in cases of children with disabilities who have been suspended for 10 or more days for each school year (including partial days), the local education agency (LEA) must hold a manifestation determination hearing within 10 school days of any decision to change the placement of a child resulting from a violation of code of student conduct.

- **Prohibition on mandatory medication:** Due to allegations that school officials coerced parents into administering medication such as Ritalin to their child, an amendment to the IDEA was added called prohibition on mandatory medication. Schools may not require parents to obtain a controlled substance as a condition of.
  - attending school
  - receiving an evaluation or reevaluation
  - receiving special education services

#### **Alignment with No Child Left Behind**

The reauthorization of IDEA in 2004 revised the statute to align with the requirements of the No Child Left Behind Act (NCLB). NCLB allows financial incentives to states who improve their special education services and services for all students. States who do not improve must refund these incentives to the federal government, allow parents' choice of schools for their children, and abide by other provisions. Some states are still reluctant to educate special education students and seek remedies through the courts. However, IDEA and NCLB are still the laws of the land to date.

#### **Early intervention**

The Education for All Handicapped Children Act of 1975 started the course of action for early intervention programs. In this act, public schools that received federal funding were required to provide equal access to education for children with disabilities. Services for infants and toddlers were not included in the Act until the reauthorization in 1986.

On September 6, 2011, the US Department of Education updated the IDEA to include specific interventions for children of ages 2 and under that have disabilities. This section of the IDEA is entitled Part C and serves children with developmental delays or children that have conditions that may lead to developmental delays in the future. The regulations are effective on October 28, 2011. Major changes in the regulations are detailed below:

- The definition of multidisciplinary has been revised to respect aspects of an updated individualized family service plan (IFSP) team.
- Native language is the language normally used by the parents of the child for any child that is deemed limited English proficient
- State's applications to must include how the State plans to follow the payer of last resort requirements in Section 303.511
- Distinguishes between pre-referral, referral, and post-referral IFSP activities such as screening, evaluations, assessments, IFSP development, etc.

- Specifies that early identification information is provided in the native languages of various population groups in the State
- State must report to the public the performance of each Early Intervention System program in relation to the State's Annual Performance Report

### **Individualized Family Service Plan (IFSP)**

An Individualized Family Service Plan (IFSP) is the plan which is based on a child and family assessment of strengths and needs as well as the results of multidisciplinary evaluations administered by qualified professionals meeting their state's certification guidelines. The IFSP is similar to an IEP in that it addresses specific services, who will provide them and when/where, how often, etc. and the plan is monitored and updated frequently. Unlike an IEP, however, the IFSP addresses not only the needs of the child but also the needs of the family to meet their family goals and specified outcomes as related to assisting in their child's development. All infants and toddlers receiving early intervention services under Part C of IDEA are required to have an IFSP in order to receive services. Part C of IDEA is the program that awards grants to every state in the United States to provide early intervention services to children from birth to age 3 who have disabilities and to their families. Part C of IDEA also allows states to define "developmental delay" (either as a standard deviation or a percent delay in chronological months) for eligibility. States provide early intervention services to the children who have medically diagnosed disabilities as well as children who exhibit developmental delays. In order to receive funding, participating states must provide early intervention to every eligible child and the respective family, regardless of pay source. Lastly, services from Part C are not necessarily free – early intervention programs, as the payor of last resort, make use of public and private insurance, community resources, and some states implement a "sliding scale" of fees for services not covered by public or private insurance.

## **2.5 Incheon Declaration 2015 (Education 2030)**

The Incheon declaration was held on education 2030 in Incheon of South Korea from 19-22 may 2015. The slogan of the declaration was "Towards inclusive and equitable quality education and lifelong learning for all." UNESCO together with UNICEF, the World Bank, UNFPA, UNDP, UN Women and UNHCR organized the World Education Forum 2015 in Incheon, Republic of Korea. Over 1,600 participants from 160 countries, including over 120 Ministers, heads and members of delegations, heads of agencies and officials of multilateral and bilateral organizations, and representatives of civil

society, the teaching profession, youth and the private sector, adopted the Incheon Declaration for Education 2030, which sets out a new vision for education for the next fifteen years.

**a. Towards 2030: a new vision for education**

- The vision is to transform lives through education, recognizing the important role of education as a main driver of development and in achieving the other proposed SDGs. With a sense of urgency to a single, renewed education agenda that is holistic, ambitious and aspirational, leaving no one behind. This new vision is fully captured by the proposed SDG 4 “Ensure inclusive and equitable quality education and promote life-long learning opportunities for all” and its corresponding targets. It is transformative and universal, attends to the ‘unfinished businesses of the EFA agenda and the education-related MDGs, and addresses global and national education challenges. It is inspired by a humanistic vision of education and development based on human rights and dignity; social justice; inclusion; protection; cultural, linguistic and ethnic diversity; and shared responsibility and accountability. It is reaffirmed that education is a public good, a fundamental human right and a basis for guaranteeing the realization of other rights. It is essential for peace, tolerance, human fulfilment and sustainable development. Education is recognized as key to achieving full employment and poverty eradication. We will focus our efforts on access, equity and inclusion, quality and learning outcomes, within a lifelong learning approach.
- Motivated by the significant achievements in expanding access to education over the last 15 years, it is ensured the provision of 12 years of free, publicly funded, equitable quality primary and secondary education, of which at least nine years are compulsory, leading to relevant learning outcomes. Encouraging the provision of at least one year of free and compulsory quality pre-primary education and that all children have access to quality early childhood development, care and education. Providing meaningful education and training opportunities for the large population of out-of-school children and adolescents, who require immediate, targeted and sustained action ensuring that all children are in school and are learning.
- Inclusion and equity in and through education is the cornerstone of a transformative education agenda, and therefore it is committed to addressing all forms of exclusion and marginalization, disparities and inequalities in access, participation and learning outcomes. No education target should be considered met unless met by all. Making the necessary changes in education policies and focusing efforts on the most disadvantaged, especially those with disabilities, to ensure that no one is left behind.

- The importance of gender equality in achieving the right to education for all. It is committed to support gender-sensitive policies, planning and learning environments; mainstreaming gender issues in teacher training and curricula; and eliminating gender-based discrimination and violence in schools.
- Commitment is in quality education and to improving learning outcomes, which requires strengthening inputs, processes and evaluation of outcomes and mechanisms to measure progress. It is ensured that teachers and educators are empowered, adequately recruited, well-trained, professionally qualified, motivated and supported within well-resourced, efficient and effectively governed systems. Quality education fosters creativity and knowledge, and ensures the acquisition of the foundational skills of literacy and numeracy as well as analytical, problem-solving and other high-level cognitive, interpersonal and social skills. It also develops the skills, values and attitudes that enable citizens to lead healthy and fulfilled lives, make informed decisions, and respond to local and global challenges through education for sustainable development (ESD) and global citizenship education (GCED). In this regard, we strongly support the implementation of the Global Action Programme on ESD launched at the UNESCO World Conference on ESD in Aichi-Nagoya in 2014. Stress is also provided the importance of human rights education and training in order to achieve the post-2015 sustainable development agenda.
- Commitment is for promoting quality lifelong learning opportunities for all, in all settings and at all levels of education. This includes equitable and increased access to quality technical and vocational education and training and higher education and research, with due attention to quality assurance. In addition, the provision of flexible learning pathways, as well as the recognition, validation and accreditation of the knowledge, skills and competencies acquired through non-formal and informal education, is important. We further commit to ensuring that all youth and adults, especially girls and women, achieve relevant and recognized functional literacy and numeracy proficiency levels and acquire life skills, and that they are provided with adult learning, education and training opportunities. Commitment are also to strengthening science, technology and innovation. Information and communication technologies (ICTs) must be harnessed to strengthen education systems, knowledge dissemination, information access, quality and effective learning, and more effective service provision.
- Commitment is to developing more inclusive, responsive and resilient education systems to meet the needs of children, youth and adults in these contexts, including internally displaced persons and refugees. The meeting also highlights the need for education to be delivered in safe, supportive

and secure learning environments free from violence. We recommend a sufficient crisis response, from emergency response through to recovery and rebuilding; better coordinated national, regional and global responses; and capacity development for comprehensive risk reduction and mitigation to ensure that education is maintained during situations of conflict, emergency, post-conflict and early recovery. The Incheon Declaration set the following agendas, commitments and affirmations under these two major titles:

**b. Implementing our common agenda**

- Reaffirmation is that the fundamental responsibility for successfully implementing this agenda lies with governments. Establish legal and policy frameworks that promote accountability and transparency as well as participatory governance and coordinated partnerships at all levels and across sectors, and to uphold the right to participation of all stakeholders.
- A strong global and regional collaboration, cooperation, coordination and monitoring of the implementation of the education agenda based on data collection, analysis and reporting at the country level, within the framework of regional entities, mechanisms and strategies.
- The success of the 2030 education agenda requires sound policies and planning as well as efficient implementation arrangements. It is also clear that the aspirations encompassed in the proposed SDG 4 cannot be realized without a significant and well-targeted increase in financing, particularly in those countries furthest from achieving quality education for all at all levels. It has been determined to increase public spending on education in accordance with country context, and urge adherence to the international and regional benchmarks of allocating efficiently at least 4 - 6% of Gross Domestic Product and/or at least 15 - 20% of total public expenditure to education.
- Noting the importance of development cooperation in complementing investments by governments, developed countries, traditional and emerging donors, middle income countries and international financing mechanisms are called upon to increase funding to education and to support the implementation of the agenda according to countries' needs and priorities. It has been recognized that the fulfilment of all commitments related to official development assistance (ODA) is crucial, including the commitments by many developed countries to achieve the target of 0.7 per cent of gross national product (GNP) for ODA to developing countries.
- WEF 2015 co-convenors, and in particular UNESCO, as well as on all partners, to individually and collectively support countries in implementing the 2030 education agenda, by providing



technical advice, national capacity development and financial support based on their respective mandates and comparative advantages, and building on complementarity.

- It is further entrusted UNESCO, as the United Nations' specialized agency for education, to continue its mandated role to lead and coordinate the 2030 education agenda, in particular by: undertaking advocacy to sustain political commitment; facilitating policy dialogue, knowledge sharing and standard setting; monitoring progress towards the education targets; convening global, regional and national stakeholders to guide the implementation of the agenda; and functioning as a focal point for education within the overall SDG coordination architecture.
- It is to develop comprehensive national monitoring and evaluation systems in order to generate sound evidence for policy formulation and the management of education systems as well as to ensure accountability. WEF 2015 co-convenors and partners are requested to support capacity development in data collection, analysis and reporting at the country level. Countries should seek to improve the quality, levels of disaggregation and timeliness of reporting to the UNESCO Institute for Statistics.
- Building on the legacy of Jomtien and Dakar, this Incheon Declaration is an historic commitment by all of to transform lives through a new vision for education, with bold and innovative actions, to reach ambitious goal by 2030.

## 2.6 Sustainable Development Goals (SDG 2030)

### Introduction

The Sustainable Development Goals (SDGs) are a collection of 17 global goals set by the United Nations. The broad goals are interrelated though each has its own targets to achieve. The total number of targets is 169. The SDGs cover a broad range of social and economic development issues. These include poverty, hunger, health, education, climatechange, genderequality, water,sanitation, energy, urbni-zation, environment and social justice.

The SDGs are also known as "*Transforming our World: the 2030 Agenda for Sustainable Development*" or **2030 Agenda** in short. They are also known as the Global Goals for Sustainable Development. The goals were developed to replace the Millennium Development Goals (MDGs) which ended in 2015. Unlike the MDGs, the SDG framework does not distinguish between "developed" and "developing" nations. Instead, the goals apply to all countries.

Paragraph 54 of United Nations General Assembly Resolution A/RES/70/1 of 25 September 2015 contains the goals and targets. The UN-led process involved its 193 Member States and global civil society. The resolution is a broad intergovernmental agreement that acts as the Post-2015 Development Agenda. The SDGs build on the principles agreed upon in Resolution A/RES/66/288, entitled **"The Future We Want"**. This was a non-binding document released as a result of Rio+20 Conference held in 2012.

There are 169 targets for the 17 goals. Each target has between 1 and 3 indicators used to measure progress toward reaching the targets. In total, there are 304 indicators that will measure compliance. The United Nations Development Program has been asked to provide easy to understand lists of targets and facts and figures for each of the 17 SDGs. The 17 goals listed below as sub-headings use the 2-to-4 word phrases that identify each goal. Directly below each goal, in quotation marks, is the exact wording of the goal in one sentence. The paragraphs that follow present some information about a few targets and indicators related to each goal.

### **Goal 1: No poverty**

#### **"End Poverty from Everywhere"**

Extreme poverty has been cut by more than half since 1990. Still, more than 1 in 5 people live on less than the target figure of US\$1.25 per day. That target may not be adequate for human subsistence, however. It may be necessary to raise the poverty line figure to as high as \$5 per day. Poverty is more than the lack of income or resources. People live in poverty if they lack basic services such as healthcare, security and education. They also experience hunger, social discrimination and exclusion from decision making processes. Achieving Goal 1 is hampered by growing inequality, increasingly fragile statehood and the impacts of climate change.

### **Goal 2: Zero hunger**

#### ***"End hunger, achieve food security and improved nutrition and promote sustainable agriculture"***

Goal 2 targets state that by 2030 we should end hunger and end all forms of malnutrition. This would be accomplished by doubling agricultural productivity and incomes of small-scale food producers (especially women and indigenous peoples), ensuring sustainable food production systems and progressively improve land and soil quality. Agriculture is the single largest employer in the world, providing livelihoods for 40% of the global population. It is the largest source of income for poor rural

households. Women make up about 43% of the agricultural labor force in developing countries, and over 50% in parts of Asia and Africa. However, women own only 20% of the land.

### **Goal 3: Good health and well-being for people**

#### **"Ensure healthy lives and promote well-being for all at all ages."**

Goal 3 aims to achieve universal health coverage to include access to essential medicines and vaccines. By 2030, it proposes to end preventable death of newborns and children under 5 and end epidemics such as AIDS, tuberculosis, malaria and water-borne diseases, for example. 2016 rates for the third dose of the pertussis vaccine (DTP3) and the first dose of the measles vaccine (MCV1) reached 86 percent and 85 percent, respectively, yet about 20 million children did not receive DTP3 and about 21 million did not receive MCV1. Around 2 in 5 countries will need to accelerate progress in order to reach SDG targets for immunization. Attention to health and well-being also includes targets related to the prevention and treatment of substance abuse, deaths and injuries from traffic incidents and from hazardous chemicals and air, water and soil pollution and contamination.

### **Goal 4: Quality education**

#### **"Ensuring inclusive and equitable quality education and promote lifelong learning opportunities for all."**

Major progress has been made in access to education, specifically at the primary school level, for both boys and girls. Still, At least 22 million children will miss out on pre-primary education unless the rate of progress doubles in 43 countries. Access does not always mean quality of education or completion of primary school. 103 million youth worldwide still lack basic literacy skills, and more than 60% of those are women. More than half of children failed to meet minimum math proficiency standards at the end of primary school in 1 in 4 countries, and at the lower secondary level in 1 in 3 countries.

### **Goal 5: Gender equality**

#### **"Achieve gender equality and empower all women and girls"**

According to the UN, "gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. Providing women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large. A record 143 countries guaranteed equality between men and women in their Constitutions as of 2014. However, another 52 had not taken this step. In many nations, gender discrimination is still woven into

the fabric of legal systems and social norms. Even though SDG5 is a stand-alone goal, other SDGs can only be achieved if the needs of women receive the same attention as the needs of men. Issues unique to women and girls include sex trafficking, sexual exploitation, traditional practices against all women and girls in the public and private spheres, such as forced marriage and female genital mutilation.

### **Goal 6: Clean water and sanitation**

#### **“Ensure availability and sustainable management of water and sanitation”**

The Sustainable Development Goal Number 6 (SDG6) has eight targets and 11 indicators that will be used to monitor progress toward the targets. Most are to be achieved by the year 2030. One is targeted for 2020. The first three targets relate to drinking water supply and sanitation.

Worldwide, 6 out of 10 people lack safely managed sanitation services and 3 out of 10 lack safely managed water services. Safe drinking water and hygienic toilets protect people from disease and enable societies to be more productive economically. Attending school and work without disruption is critical to successful education and successful employment. Therefore, toilets in schools and work places are specifically mentioned as a target to measure. "Equitable sanitation" is called for and calls for addressing the specific needs of women and girls and those in vulnerable situations, such as the elderly or people with disabilities. Water sources are better preserved if open defecation is ended and sustainable sanitation systems are implemented.

### **Goal 7: Affordable and clean energy**

#### **“Ensure access to affordable, reliable, sustainable and modern energy for all”**

Targets for 2030 include access to affordable and reliable energy while increasing the share of renewable energy in the global energy mix. This would involve improving energy efficiency and enhancing international cooperation to facilitate more open access to clean energy technology and investment in clean energy infrastructure. Plans call for particular attention to infrastructure support for the least developed countries, small islands and land-locked developing countries.

### **Goal 8: Decent work and economic growth**

**“Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.”**

Attaining at least 7% gross domestic product (GDP) annually in the least developed countries is the economic target. Achieving higher productivity will require diversity and upgraded technology along with innovation, entrepreneurship and the growth of small- and medium-sized enterprises (SMEs). Some targets are for 2030; others are for 2020. By 2020 the target is to reduce youth unemployment and operationalize a global strategy for youth employment. Implementing the Global Jobs Pact of the International Labor Organization is also mentioned.

### **Goal 9: Industry, innovation, and infrastructure**

#### **"Build resilient infrastructures, promote inclusive and sustainable industrialization and foster"**

Manufacturing is a major source of employment. In 2016, the least developed countries had less "manufacturing value added per capita". The figure for Europe and North America amounted to US\$4,621, compared to about \$100 in the least developed countries.<sup>[45]</sup> The manufacturing of high products contributes 80% to total manufacturing output in industrialized economies and barely 10% in the least developed countries.

Mobile-cellular signal coverage has improved a great deal. In previously "unconnected" areas of the globe, 85% of people live in covered areas. Planet-wide, 95% of the population is covered.

### **Goal 10: Reduced inequalities**

#### **"Reduced income inequality within and among countries"**

One target is to reduce the cost of exporting goods from least developed countries. "Duty-free treatment" has expanded. As of 2015, 65% of products coming from the least developed countries were duty-free, as compared to 41% in 2005.

The target of 3% was established as the cost international migrant workers would pay to send money home (known as remittances). However, post offices and money transfer companies charge 6% of the amount remitted. Worse, commercial banks charge 11%. Prepaid cards and mobile money companies charge 2-4% but those services were not widely available as of 2017 in typical "remittance corridors."

### **Goal 11: Sustainable cities and communities**

#### **"Make cities and human settlements inclusive, safe, resilient and sustainable"**

The target for 2030 is to ensure access to safe and affordable housing. The indicator named to measure progress toward this target is the proportion of urban population living in slums or informal

settlements. Between 2000 and 2014, the proportion fell from 39% to 30%. However, the absolute number of people living in slums went from 792 million in 2000 to an estimated 880 million in 2014. Movement from rural to urban areas has accelerated as the population has grown and better housing alternatives are available.

### **Goal 12: Responsible consumption and production**

#### **“Ensure sustainable consumption and production patterns”**

Using eco-friendly production methods and reducing the amount of waste we generate are targets of Goal 12. By 2030, national recycling rates should increase, as measured in tons of material recycled. Further, companies should adopt sustainable practices and publish sustainability reports.

### **Goal 13: Climate change**

#### **“Take urgent action to combat climate change and its impacts by regulating emissions and promoting developments in renewable energy.”**

The UN discussions and negotiations identified the links between the post-2015 SDG process and the Financing for Development process that concluded in Addis Ababa in July 2015 and the COP 21 Climate Change conference in Paris in December 2015.

In May 2015, a report concluded that only a very ambitious climate deal in Paris in 2015 could enable countries to reach the sustainable development goals and targets. The report also states that tackling climate change will only be possible if the SDGs are met. Further, economic development and climate are inextricably linked, particularly around poverty, gender equality, and energy. The UN encourages the public sector to take initiative in this effort to minimize negative impacts on the environment.

### **Goal 14: Life below water**

#### **“Conserve and sustainably use the oceans, seas and marine resources for sustainable development.”**

Oceans cover 71% of the earth's surface. They are essential for making the planet livable. Rainwater, drinking water and climate are all regulated by ocean temperatures and currents. Over 3 billion people depend on marine life for their livelihood. Oceans absorb 30% of all carbon dioxide produced by humans.

The oceans contain more than 200,000 identified species, and there might be thousands of species that are yet to be discovered. Oceans are the world's largest sources of protein. However, there has

been a 26% increase in acidification since the industrial revolution. A full 30% of marine habitats have been destroyed and 30% of the world's fish stocks are over-exploited. Marine pollution has reached shocking levels: each minute 15 tons of plastic are released into the oceans. 20% of all coral reefs have been destroyed irreversibly and another 24% are at an immediate risk of collapse. Approximately 1 million sea birds, 100 000 marine mammals and an unknown number of fish are harmed or die annually due to marine pollution caused by humans. It has been found that 95% of fulmars in Norway have plastic parts in their guts. Micro plastics are another form of marine pollution.

#### **Goal 15: Life on land**

**"Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity."**

This goal articulates targets for preserving biodiversity of forest, desert and mountain eco-systems, as a percentage of total land mass. Achieving a "land degradation-neutral world" can be reached by restoring degraded forests and land lost to drought and flood. Goal 15 calls for more attention to preventing invasion of alien species and more protection of endangered wildlife.

The Mountain Green Cover Index monitors progress toward target 15.4, which focuses on preserving mountain ecosystems. The index is named as the indicator for target 15.4. Similarly, the Red Index (Red List Index or RLI) will fill the monitoring function for biodiversity goals by documenting the trajectory of endangered species.

#### **Goal 16: Peace, justice and strong institution**

**"Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"**

Reducing violent crime, sex trafficking, forced labor and child abuse are clear global goals. The international community values peace and justice and calls for stronger judicial systems that will enforce laws and work toward a more peaceful and just society. By 2017, the UN could report progress on detecting victims of trafficking. More women and girls than men and boys were victimized, yet the share of women and girls has slowly declined. In 2004, 84% of victims were females and by 2014 that number had dropped to 71%. Sexual exploitation numbers have declined but forced labor has increased. One target is to see the end to sex trafficking, forced labor and all forms of violence against and torture of children. However, reliance on the indicator of "crimes reported" makes monitoring and achieving this goal challenging. SDG 16 also targets universal legal identity and birth registration,

ensuring the right to a name and nationality, civil rights, recognition before the law, and access to justice and social services. With more than a quarter of children under 5 unregistered worldwide as of 2015, about 1 in 5 countries will need to accelerate progress to achieve universal birth registration by 2030.

### **Goal 17: Partnership for goals**

**"Strengthen the means of implementation and revitalize the global partnership for sustainable development"**

Increasing international cooperation is seen as vital to achieving each of the 16 previous goals. Goal 17 is included to assure that countries and organizations cooperate instead of compete. Developing multi-stakeholder partnerships to share knowledge, expertise, technology and financial support is seen as critical to overall success of the SDGs. Public-private partnerships that involve civil societies are specifically mentioned.

### **Let Us Sum Up**

The world added another brick on the educational rights of the children with disabilities in Jomtein Declaration on Education for ALL. It was a historic demonstration of the will and commitment of countries to establish in the area of child, adult and family education a new basis for overcoming inequality and generating new opportunities for eradicating poverty. UNESCO led a global movement of 'Education for All' aiming to meet the learning needs of children, youths and adults by 2015. The Dakar Framework for Action announced 6 goals as "meeting collective commitments" focusing mainly on primary education, childhood care, life skills, increasing adult literacy, and gender parity and improve quality education by 2015. "Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific" as the regional policy guideline for the new decade. The "Biwako Millennium Framework" outlines issues, action plans and strategies towards an inclusive, barrier free and rights-based society for persons with disabilities. This framework has mentioned 7 priority areas with their issues, targets and actions. The educational rights of disabled children in the USA is the pioneer for developing special education laws for rest of the world. The six pillars of IDEA are important in ensuring educational rights of the children with disabilities. The Incheon declaration was held on education 2030 in Incheon of South Korea from 19-22 may 2015. The slogan of the declaration was "Towards inclusive and equitable quality education and lifelong learning for all." It set out a new vision for education for next fifteen years. Incheon Declaration announce to implement the common agendas related to educational rights in Asia Pacific region. The Sustainable Development Goals (SDGs) are a collection of 17 global goals set by



the United Nations. The broad goals are interrelated though each has its own targets to achieve. The total number of targets is 169. The SDGs cover a broad range of social and economic development issues. These include poverty, hunger, health, education, climate change, gender, equality, water, sanitation, energy, urbanization, environment and social justice.

## Unit-end activities

### Group "A"

Tick mark (✓) the best answers.

#### Objective answer questions:

1. How many goals are there in The Dakar Framework for Action, Education for All (2000)?
  - a. 5
  - b. 6**
  - c. 7
  - d. 4
2. In Biwako Millinium Framework for Action consists of.....
  - a. 17 targets and 21 strategies
  - b. 21 targets and 17 strategies**
  - c. 20 targets and 15 strategies
  - d. 15 strategies and 20 targets
3. Which organization is working as secretariat of The Dakar framework for Action (2000)?
  - a. FAO
  - b. UNICEF
  - c. UNESCO**
  - d. UNHCR
4. Biwako Millenium Framework for Actions toward Inclusion (2002) on promoting an inclusive, barrier-free and right-based society for people with disabilities in the.....
  - a. The Asia Pacific Region**
  - b. Northern American Region
  - c. Latin American Region
  - d. African continent
5. A strengths-based plan of care for the infant/toddler with a developmental delay or disability is called.....
  - a. International Family Service Plan

- b. Individualized Family Service Program
  - c. Individualized Family Service Plan**
  - d. Individualized Family System plan
6. Incheon declaration was held from 19-22 may 2015 in .....
- a. South Korea**
  - b. Japan
  - c. China
  - d. Mongolia

#### **Group "B"**

##### **Short answer questions:**

1. What are the major objectives of Jomtein Declaration (1990)? State.
2. What do you understand by Individualized Family Service Plan? Explain briefly.
3. What commitment do you find in Incheon Declaration for insuring inclusive education system? State.
4. Mention the strategy stated for quality education in Sustainable Development Goals (2030).

#### **Group "C"**

##### **Long answer questions:**

1. What are the six pillars regarding children rights mentioned in the individuals with Disability Education Act (2004)?
2. State and explain Dakar Framework for Action 2000. What are the goals for education and learning mentioned in the Framework for Action?

### **Points of Discussion**

- Themes of Jomtein Declaration 1990
- Change in special education of Nepal due to the provisions adopted by Dakar Framework for action.
- Looking at contemporary international provisions and development of Nepalese special education

## Unit III: Development of Special Needs/Inclusive Education in Selected Countries: South Korea, Australia and Greece

Inclusive education is the emerging system of education in the world. Almost every states in the world are practicing special needs or inclusive education in their education system. South Korea, Australia and Greece are the developed countries which offer world class education and developed a lot in the field of special needs/inclusive education. The education system of these countries are pioneer to the many developing countries like Nepal. Considering this fact, these three countries are selected to study their special needs/inclusive education system.

### 3.1 Developmental Perspectives on SN/IE

#### **SOUTH KOREA**

As an ancient Korean tradition, people with disabilities have been provided with care and assistance by the governments (e.g., Korea dynasty, Cho-Sun dynasty), as well as by their parents or neighbors, though no systemic education was offered to them until late 19th century. Protestant missionaries introduced special education in South Korea toward the end of the 19th century. In 1884, Rosetta Sherwood Hall, an American missionary and physician, first taught a blind girl Braille, adapted from the New York points system. Four years later, she founded Pyeung Yang Girl's School for the Blind. In 1903, Alice Moffett, another missionary, founded a school for blind boys in Pyeung Yang. In 1909, Hall established a school for deaf children. The first public special education institution to educate blind and deaf children was established in 1913. Some special education classes also were provided in regular elementary schools by 1937.

Following the liberation of South Korea from Japan in 1945, education for all students, based on the principle of equal opportunity, was advocated although not always achieved. The 1949 Education Law mandated the establishment of special schools in each province and special classes in regular schools. Despite this directive, the education of students with disabilities has been implemented mainly in private rather than in public institutions because the mandates of the Education Law generally were not implemented. The Five Year Special Education Plan, adopted in 1967, was designed to improve the government's passive role in special education. However, the implementation of the plan was

incomplete because the government gave higher priority to promoting the national economy than to developing special education programs. In 1961, programs preparing special education teachers were established in Taegu University in its Department of Special Education. The 1977 Act for the Promotion of Special Education for the Handicapped signified a turning point for the development of special education in South Korea. This act mandated free public education for children with disabilities and secured related services (e.g., medical examination, physical therapy, and speech therapy) for them. Many of its important features have been implemented. Although people with disabilities were protected by laws as early as 23 A.D., the public's attitudes toward these people typically showed their indifference, at times even their neglect and hostility. The public often view the handicapped as stubborn, irresponsible, socialized, and incapable. Some Koreans believe that, if they encounter a blind person in the morning, they are destined to have an unlucky day.

## AUSTRALIA

The earliest schools for children with special needs in Australia were opened in the 1860s. They provided an education for children who were deaf or blind. In the 1920s schools for children with other disabilities were opened. In the first half of the 20th century schools for children with specific disabilities were run by charities and voluntary organizations. In the 1970s state governments started to take responsibility for the education provided in special schools. They also established special education units in regular schools. Today the majority of special education is provided in mainstream schools with specialist support services. Special schools are still available for students with disabilities requiring intensive support.

The Disability Standards for Education 2005 intended to give students with disabilities the same rights as other students. The standards state that all students should be able to enjoy their education and be treated with dignity. The standards aim to overcome discrimination based on stereotypes of the abilities of students with disabilities. Current thinking in Australian special needs education is moving towards the quality of the education provided and the support children receive. This is a change from a long term focus on the use of special schools versus inclusion in mainstream schools and represents a desire to ensure that all children get the best education they possibly can.

Special needs education in Australia has an inclusive approach, where a child attends a general school, whenever possible. Education providers are required by law to make reasonable adjustments to allow

a student with disabilities to be educated on the same basis as other students. Special education can be delivered in several ways:

- In regular classrooms with a modified curriculum or additional teaching support
- Special small classes within a regular school
- Placement in a special school

## GREECE

The periodicity of educational policy for individuals with behavioral difficulties, psychological and pervasive developmental disorders in Greece is subject to the rate of development regarding state and private social welfare measures. The approach towards behavior difficulties has varied in form and pace over the different periods of Greek society. Initially, the state considered juvenile delinquents, as those with behavioral or psychological disorders. Later (during the 1930s) 'mentally deficient' people were categorized as psychologically disturbed. During the 1940s autism was considered a psychogenic syndrome. In the 1960s it was considered to be a behavioral problem, and nowadays neurological or genetic factors are not excluded. However, the exact causes of the disorder have yet to be identified (Karandanos 1987). In the early years, the Greek education system considered individuals characterized as 'socially diverting from normal' or delinquent and those with behavioral disorders or psychologically disturbed, as patients dangerous to the security, cohesion and peace of society.

It was perceived appropriate that these people be kept away from society. Indeed the treatment of such people different in western countries, from the 15th century onwards, aimed for strict social separation, and that, according to Foucault (1964), provided mental restoration to the remainder, 'the healthy ones' (44). State care for people with psychological illnesses began after World War II, when social conditions and production process in Greece had drastically changed. Initially, State care did not initially aim towards educational and vocational training and integration. However, during the 1980s the whole perception of special education in Greece changed, the education system was influenced by the technological and economic changes imposed by information technology. Thus, an educational approach for people with special needs prevailed, the charity model was abolished, and the state defined a legal framework regarding special education, which concerned people with pervasive developmental disorders amongst others. During the 1980s and the 1990s, special education was

provided, mainly in special schools, while from 2000 a policy of educational integration and the model of 'one school for all' has been advocated imitating policy of other member countries of the European Union and the USA. Changes in educational policy reflect the scientific and social beliefs of each era.

## 3.2 Classification and Legal Provisions

### SOUTH KOREA

Education in South Korea is provided by both public schools and private schools. Both types of schools receive funding from the government, although the amount that the private schools receive is less than the amount of the state schools. In recent years, Incheon Global Campus (with start-up support) has kick-started, and Yonsei University opened an international college to embrace the full English teaching environment scheme.

#### Primary Education

Education	School/ Level	Grade From	Grade To	Age From	Age To	Years
Primary	Elementary School <i>chodeung haggyo</i>	1	6	8	13	6
Middle	Middle school - <i>jung hakgyo</i>	1	3	13	15	3
Secondary	High School Level <i>godeung haggyo</i>	1	3	16	18	3
Vocational	Vocational High School	2	3	17	18	2
Vocational	Junior Vocational Colleges					2
Tertiary	Bachelor's					4
Tertiary	Master's					2
Tertiary	Doctorate					3

Kindergarten is optional in South Korea and most parents prefer to keep their little ones at home as long as possible. However, at age 6 their child must move on to 6 years compulsory *chodeung-hakgyo* elementary education. There they learn subjects like English, Fine Arts, Korean, Maths, Moral Education, Music, Physical Education, Practical Arts, Science and Social Studies, usually all presented by a single teacher.

Some parents send their children to private *hagwon* schools after hours, where English may be better taught.

#### Middle Education

Places in secondary schools are awarded by lottery and everybody gets an equal chance. The transition to 3 years of middle school can be difficult because studies are taken far more seriously. Discipline is stricter too with uniforms, haircuts and punctuality strictly enforced. This time though,

specialist teachers move between classrooms teaching core subjects, including English, Korean, Maths, as well Social Science and Pure Science. Optional programs include Art, Ethics, History, Home Economics, Music, Physical Education, Technology, and *Hanja* Chinese Characters.

### **Secondary Education**

The final 3 years of school education take place at high schools. These may specialize according to subjects taught (e.g. Science versus Languages), or present more general academic curricula. Some are state owned and some are privately run. The quality of their results is legendary. Standards are high.

### **Vocational Education**

Approximately 25% of middle school graduates prefer to go on to vocational schools where they are taught skills in 5 fields including Agriculture, Commerce, Fishery, Home Economics and Technology. The 1st of 3 grades follows a common program, where after students specialize.

### **Tertiary Education**

The greater majority of Korean high school students write a college scholastic ability test with a view to studying further. Standards are high and some students start preparing as early as in kindergarten years. The 5 sections of the test investigate knowledge of English, Korean and Math, and also elective subjects such as Social Sciences, Physical Sciences and the Humanities. At university, students encounter unfamiliar standards of excellence and whole families become involved in helping them to pass. At examination times, businesses even open for shorter hours in recognition of this fact. A student who passes though, has a qualification that meets top international standards, and of which he or she may be justifiably proud. Korea - living proof of the power of a knowledge-based economy.

## **AUSTRALIA**

Education in Australia encompasses the sectors of early childhood education (preschool) and primary education (primary schools), followed by secondary education (high schools), tertiary education (universities, TAFE colleges, and vocational education and training providers) and adult education (referred to as adult and community education or ACE. Regulation and funding of education

is primarily the responsibility of the States and territories, but the Federal Government also plays a funding role. Education in Australia is compulsory between the ages of five or six and fifteen, sixteen or seventeen, depending on the State or territory and date of birth.

Age on Entry	Years	Australia Stage
23+	3	Doctorate
	2	
	1	
21+	2	Masters
	1	
17+	4	Bachelors
	3	
	2	
	1	
16	12	High School Diploma
15	11	Upper Secondary School
14	10	Junior High Certificate
13	9	Secondary School
12	8	
11	7	
10	6	
9	5	
8	4	Primary school
7	3	
6	2	
5	1	
4		Early Childhood
3		

(Australian education system)

For primary and secondary education, government schools educate approximately 60% of Australian students, with approximately 40% in private or independent schools. At the tertiary level, the majority of Australia's universities are public, and student fees are subsidized through a student loan program where payment becomes due when graduates reach a certain income level. For primary and secondary schools, a national Australian Curriculum has been progressively developed and implemented since 2010. The Education Index, published with the UN's Human Development Index in 2008, based on data from 2006, lists Australia as 0.993, the highest in the world. In 1966, Australia signed the Convention against Discrimination in Education, which aims to combat discrimination and racial segregation in the field of education.

### Primary Education

Education in Australia is managed by the second tier of government and compulsory through to age 15 to 17 depending on the state or territory. It is provided through a variety of government and private schools some with religious affiliations. All are required to adhere to government curricula. The process



begins with non-compulsory kindergartens where children often have their first experience of socializing with strangers. Primary school begins at age 6 or 7 and continues for 6 grades.

### **Secondary Education**

There is no distinctive middle-school phase and post-primary pupils go on directly to high school. Here they follow a common curriculum with an academic bias. After reaching the prescribed age they may remain on to complete their university preparation, switch across into the TAFE system, or enter society.

### **Vocational Education**

Every state or territory administers its own permutation of vocational education & training, and technical & further education. The former provides hands-on job skills while the latter manages vocational tertiary education.

### **Tertiary Education**

Tertiary education takes place at university or technical college of which there are many - some religious, some private and some centrally controlled. There are many foreign tertiary students in Australia (particularly from Asia) as this is a conduit to a successful migration. This inflow of foreign funds balances the cost of the Australian system to some extent. The oldest tertiary institution in Australia is the University of Sydney established in 1850 and with a total student population in excess of 50,000.

## **GREECE**

- The education system in Greece is centralized, with all levels falling under the responsibility of the Ministry of Education, Lifelong Learning and Religious Affairs (“Ypourgeio Paideias, dia Biou Mathisis kai Thriskeumaton”).
- The Greek Educational System comprises of three consecutive levels: Primary; Secondary; Tertiary.
- Education from Grades 1-9, ages 6-15, is free and compulsory.

- Primary (“Dimotiko”) education is sub-divided into Pre-school Education and Compulsory Primary Education. The Pre-school Education is offered by kindergarten classes and the Compulsory Primary Education is given by Primary schools.
- Secondary education is divided into two stages, stage 1 is the Compulsory Lower Level Secondary Education provided in Gymnasiums and stage 2 is the Post-compulsory or Upper Secondary Education which is offered by the Unified Lyceums (“Eniaio Lykeio”) and Technical Vocational Educational Schools (“Techniko Epaggelmatiko Ekpaideftirio – TEE”).
- The duration of studies in “Eniaia Lykeia” is three years and in the Technical Vocational Educational Schools (TEE) two years (a’ level) or three years (b’ level).
- The Ministry of Education has overall responsibility for course development and approval, and also supervises most of these schools. Certain TEE are supervised by the Ministry of Health and Welfare, the Ministry of Agriculture and the Ministry of Development.
- Tertiary education is divided into university education offered by universities and non-university education offered by Higher Technological Educational Institutes and Higher Education Institutes.
- Higher Education institutions in Greece are fully self-administered legal entities under public law, and are funded and supervised by the Hellenic Ministry of National Education and Religious Affairs in accordance with Provision 16 of the Constitution.
- There are 22 Universities, including Polytechnic Schools, the School of Fine Arts and the Hellenic Open University (EAP), 14 Technological Educational Institutes (T.E.I.) and the School of Pedagogic and Technological Education (ASPETA).
- There are also Higher Ecclesiastical Schools, supervised by the Ministry of Education and other higher education institutions mainly supervised by other Ministries (for example Merchant Marine Academies are under the supervision of the Ministry of Mercantile Marine, Higher Military Education Schools that are under the supervision of the Ministry of Defense, and Higher Police Academies are under the supervision of the Ministry of Public Order).
- Students who successfully complete their studies in universities and T.E.I. are awarded a “Ptychio” (degree) which leads to employment or further study at the post-graduate level.
- University and T.E.I. graduates can continue their studies to attain an M.Sc and a Ph.D. provided they meet the criteria set by each department running the courses.
- Doctorate degrees are obtained after a minimum of three years of original research, including the preparation and writing of a thesis. In some doctoral programs, theoretical courses are compulsory and are taken prior to individual research.

- Students wishing to study at the tertiary level receive scholarships from the State Scholarships Foundation (IKY) which also grants scholarships to graduates of universities and technical education institutions for post-graduate or post-doctoral studies in Greece and abroad based on academic achievement of undergraduate studies. In addition, students (at any level) can receive grants to study at other European Higher Education Institutes under the Lifelong Learning Programs (LLP).

### 3.3 Policies and Practices

#### SOUTH KOREA

Even though the Korean experience with special education in the public education system is limited, inclusive education for special education needs (SEN) students has been at the center of attention at the national policy level since the mid-1990s. Since then, Korean educators and administrators have put an emphasis on the revision and regulation of special education policies, guaranteeing the rights of SEN students to learn, and fostering the quality of teachers to strengthen inclusive education. These efforts have led to progress supporting inclusive education. However, there is still much to be achieved. The author examined the current practices and policies of inclusive education and the challenges to implementing successful inclusive education in Korea and found that what is needed is to transform the existing climate of the schools from being competition-driven to being more cooperative and human-centered.

#### **Legislation and Implementation of the Act on Special Education for Persons with Disabilities**

With a view to realizing the rights of persons with disabilities to education, the Act on Special Education for Persons with Disabilities took effect on May 25, 2008, replacing the Act on Promotion of Special Education which was legislated in 1977. The new Act established a system to provide educational support customized for the different life stages of disabled people. Under the Act, disabled infants and toddlers are eligible for free education, and education from kindergarten to high school is compulsory for disabled students. The Act also provides stronger support for higher and lifelong education of disabled people.

The Act also established legal grounds for making the Special Education Support Center, which was an ad hoc institution that belonged to 180 local offices of education, an official educational body. The

transition made it possible to dispatch education professionals to the Special Education Support Centers and establish a special education support system on a local level, thus expanding services provided to students with disabilities.

### **Mandatory education system for children with disabilities**

Since 2010, special education for children with disabilities over five become mandatory due to the idea that early intervention can prevent their disabilities from becoming worse. Korea will take greater responsibility for educating disabled children by expanding the mandatory education system to include younger groups of disabled children, with children over four included by 2011 and those over 3 included by 2012.

\* *Age group subject to mandatory education for general Korean population: 5-17 years old (2010), 4-17 years old (2011), 3-17 years old (2012)*

### **Schools in hospitals and the distance learning system**

Korea has established 30 schools in hospitals and 4 distance learning centers across the country in order to ensure that *children with health issues* and *children in need of protection*, who cannot attend school due to their ill health, can continue to learn and enjoy their right to education.

- *Children with health issues*: children who cannot attend school because they have to receive long-term medical care for chronic diseases more than three months (hospitalization or outpatient treatment).
- *Children in need of protection*: children who cannot attend school because they have to receive long-term medical care for more than three months due to severe injuries caused by fire or automobile accidents.

### **Assistance services for college student with disabilities**

In order to provide effective individualized support measures such as mobility aid and learning aid services, the Korean government dispatched more than 2,000 care staff members for college students with disabilities. Those services aim to improve both disabled persons' access to higher education and

the academic performance of disabled students. The staff is divided into three categories, each differing according to student needs:

- mobility care staff: more than two mobility care staff can be dispatched for one student with severe disabilities;
- specialized care staff: Braille translators and sign language translators for students with visual or hearing impairments;
- distance learning care staff: staff who help students with hearing impairments to understand lectures and communicate with classmates.

### **Improving inclusion programs on children with and without disabilities**

In order to improve the quality of inclusion programs for children with and without disabilities, Korea has increased the number of special education classes within the general education system by more than 700 per year since 2008 and dispatched 1,091 special education teachers and 644 teaching assistants to support students with disabilities in inclusion programs.

## **GREECE**

There are primary schools established specifically for students with special needs in Greece, though they are mostly found in urban areas. Integrated programs are also found within mainstream primary schools to accommodate special needs students. There are now 23 Special needs education schools. Among these are nine special needs vocational high schools in Athens, Orestiada, Kavala, Messolongi, Kastoria, Skydra, Rethymno, Loutraki-Perachora-Ag. Theodoroi and Kalamata.

Greece has ratified most of the major international conventions with provisions relating to access to education and employment for people with special needs. The Greek Constitution ensures that all citizens receive free education, and obliges the State to provide support to students with special needs.

### **Provisions for Special Needs Education**

**Six official categories of special needs exist:**

1. Mental retardation
2. Sensor motor disabilities (blind and deaf)

3. Motor impairments and other help problems
4. Speech and language problems
5. Learning disabilities
6. Emotional disturbances

Up to the age of 22, people with special educational needs can receive an education in a variety of schools using adapted programs. Before entry to the school, children with disabilities are evaluated at an assessment center.

**Special needs education in public schools can be offered in one of the following settings:**

- In inclusive classes within the mainstream school
- In mainstream classes with one-to-one support
- In special schools
- In special classes within hospitals or institutions
- At home

While education for children with disabilities is offered in both mainstream and special schools, the emphasis is on inclusion within public schools, so that children with disabilities can integrate with other students. Support teaching for weaker pupils consists of their attendance in a special program in language, mathematics, physics, chemistry and foreign language. This program begins at the start of the second three-month term.

**Enrolling a child for special education**

In order for a child to be placed in a Greek program for special needs, including Dyslexia and Attention Deficit Disorder (ADD/ADHD) programs, they must be assessed at an evaluation center (Differential Diagnosis, Diagnosis and Support for Special Educational Needs (*Kentro Diaforodiagnosis, Diagnosis kai Ypostirixsis Eidikon Ekpaideutikon Anagon*, KEDDY) or at an approved pediatric or psychiatric facility, to obtain certification of their problems.

**KEDDY Differential Diagnosis, Diagnosis and Support for Special Educational Needs Centers**

The KEDDY centers provide and coordinate services for children with special educational needs at the local level, operating as decentralized units of the Ministry of Education. They are the main body responsible for:

- Providing diagnoses for the purpose of determining special educational needs
- Recommending the placement of children with special educational needs in the appropriate school
- Providing advisory services and guidance to pupils, parents and teachers
- Providing special pedagogical support at home (in special cases)
- Providing early intervention services

By law, every prefecture in Greece (54 in total) has an evaluation team consisting of elementary and secondary school teachers, a psychologist and a medical doctor, as well as physiotherapists and school workers. In addition, school administrators, parents, and physical education teachers often decide on the participation of special needs students in physical education classes. The KEDDYs of the two major cities (Athens and Thessaloniki) are also expected to include specialists in Greek sign language, in mobility training, and vocational guidance for people with vision problems.

#### **Schools for children with special needs**

In Greece there are separate public schools for some categories of people with disabilities. They include elementary and secondary schools for the deaf, for the blind, and for children with cerebral palsy. For a complete list of schools for children with special needs, apply to the Ministry of Education and Religion Directorate of Special Education

#### **Special needs in private education**

For the non-Greek speaker or for those seeking private education in Greece, the American Community Schools (ACS) of Greece has an Optimum Match Program for children with special needs: mild learning difficulties, specific learning disabilities and also exceptional abilities. Applicants for such programs are assessed by a psychologist. Lists of qualified examiners and tutors are available through the school or through embassies. Other foreign and private schools have special education teachers who can give the child one-on-one help while integrating them into the mainstream system. Copies of past diagnosis, translated into English, are usually required. Check with individual schools directly for details.

### **The City of Athens – Social policy and initiatives for people with disabilities**

Included are initiatives in the following areas:

- Roads and walkway access
- Accessibility to city offices (lifts, toilets, ramps)
- Playgrounds for children with disabilities
- Help line for individuals with reduced mobility
- The "Help at Home" program
- Support of the Greek Athletic Federation for People with Disabilities
- Centre for intellectually impaired youth
- Leaflet on City Disability Program, free from:
  - Volunteers
  - Accessibility to cultural events
  - See the City of Athens website

### **Travel and tourism for people with disabilities**

- Matt Barrett's Travel Guides publishes useful information on disabled travel, with many links to travel and tourism organizations, as well as useful articles and news: [Greece for the physically disabled](#)

## **AUSTRALIA**

A child's access to education is considered to be a universal right. Under article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), everyone is stated to have a right to education, which is 'directed to the full development of the human personality and the sense of its dignity', and which 'strengthens the respect for human rights and fundamental freedoms'. With a view to realizing this right, State parties are directed that primary education should be compulsory and available free to all.

The CRPD which Australia has ratified, enshrines the right to an 'inclusive' education system. State parties are directed to ensure that children with disabilities are not excluded from free and compulsory primary education, and that they can access such education on an equal basis with others in the communities in which they live (art 24(2)(a)). State parties are also required to ensure that reasonable



accommodation of individuals' requirements is provided, that they receive the support they require to facilitate their effective education, and that these support measures be individualized to maximize their academic and social development.

Consistent with this, attendance at school is compulsory for all Australian children. Education is an area of State responsibility. Each State and Territory has an Education Act, but each one of them is different from the others. None of the Education Acts provide children with a legal right to receive special education services, or to receive an appropriate or inclusive education. The Australian Capital Territory may provide an exception. In 2012, a new provision was added to the Human Rights Act 2004 (ACT) which states that 'Every child has the right to have access to free, school education appropriate to his or her needs.' This section has not yet been tested in the courts, but it certainly has the capacity to result in a legally enforceable right to special needs education for children. In some States and Territories, legislation states that a child should ordinarily be enrolled at their local school, however this is not framed as an enforceable right of a child to attend their local school.

Education legislation in most States and Territories states that education should be made available to all children. Some Acts further state that education should be of the highest possible quality, and this may include a reference to meeting the needs of all children, or a recognition that some children may need to be provided with special services. However, these provisions do not provide a legislative requirement that schooling be accessible to, or inclusive of, children with special needs.

Most of the Australian Education Acts make reference to children with special needs, or 'special education', the only jurisdiction which comes close to providing an entitlement to appropriate education for children with special needs is the Australian Capital Territory (ACT). The ACT Education Act 2004, in its principles provision, recognizes the individual needs of children with disabilities and states that appropriate provision for those needs should be made unless this would cause unjustifiable hardship to the provider. The principles of the Victorian Education and Training Reform Act 2006 include the right of parents to choose an appropriate education for their child; however it is also stated that these principles do not give rise to any civil cause of action.

In Queensland, New South Wales, Victoria and the Northern Territory, legislation states that the relevant public authority 'may' provide special education services or programs to children with special needs, but there is no obligation upon them to do so. In the South Australian Education Act 1972, the

only mention of children with special needs relates to the Director-general's power to direct that a child be enrolled at a special school. If such a direction is made, the child cannot be enrolled at another school, although there is provision for consultation with parents, and this decision may be appealed to the District Court.

The Tasmanian Education Act 1994 makes only a fleeting reference to special education, directing that the Secretary may determine whether or not a child is entitled to be enrolled at a special school. Furthermore, decisions about the provision of special education services made by officials under Education Acts are generally not reviewable. The exception is the system in the Northern Territory where parents of children with special needs may lodge a complaint in the Supreme Court if they cannot reach an agreement with the Minister regarding special arrangements for their child. Thus, even though educational policy and practice in the Australian States and Territories may support the principle of inclusive education the vast majority of Australian children do not have a legally enforceable right to be educated in a mainstream environment, or to receive special education services.

### Let Us Sum Up

Every country has her history of the development of education and present education as well. Different countries has their own policies and programs for providing welfare services and education for the children with special needs. South Korea, Australia and Greece are the developed countries practicing special needs education. South Korean educators and administrators have put an emphasis on the revision and regulation of special education policies, guaranteeing the rights of SEN students to learn, and fostering the quality of teachers to strengthen inclusive education. These efforts have led to progress supporting inclusive education. There are primary schools established specifically for students with special needs in Greece, though they are mostly found in urban areas. Integrated programs are also found within mainstream primary schools to accommodate special needs students. In Australian education system, attendance at school is compulsory for all Australian children. Education is an area of State responsibility. Each State and Territory has an Education Act, but each one of them is different from the others. None of the Education Acts provide children with a legal right to receive special education services, or to receive an appropriate or inclusive education.

## Unit-end Activities

### Group "A"

Tick (✓) the best answers:

#### Objective answer questions:

1. The 'Special Education for Person with Disabilities' took effect on ..... replacing the Act on Promotion of Special Education with Disabilities.
  - a. 28 May, 2010
  - b. 25 May, 2008**
  - c. 23 May, 2012
  - d. 16 March, 2013
2. The first special school established in Korea was opened by.....
  - a. Government of Korea
  - b. Non-government organization
  - c. Protestant missionaries
  - d. Personal investment
3. The first school opened in Australia in .....
  - a. 1860 A.D
  - b. 1920 A.D
  - c. 1970 A.D
  - d. 1960 A.D
4. Greek government has categorized the disability into six types. Which of the following disability is not included in the category?
  - a. Mental retardation
  - b. Learning disability
  - c. Autism and spectrum disorder**
  - d. Emotional disturbances
5. The principles of the Victorian Education and training Reform Act 2006 include the.....

- a. **Right of parents to choose an appropriate education for their child**
- b. Right of students to choose their major subjects
- c. Right of schools to choose students to admit
- d. Right of teachers to contact with the parents

#### **Group "B"**

##### **Short answer questions:**

1. In Korean Education System, what type of assistance services are available for college student with disabilities?
2. Mention the history of Special Education in Australia?

#### **Group "C"**

##### **Long answer questions:**

1. State and explain the provision of special education in Australia.
2. Explain the Greek education system with classification of educational level

#### **Points of Discussion**

- Compare the education system of Nepal with Korea and Australia
- Think and discuss about the development of special needs education in Nepal
- Mark the specialties in special education development pattern of Korea, Greece and Australia.

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