

Special Education in Selected Places

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Executive Summary

1. This report studies the special education system in four selected places, namely the State of California (California) in the United States, the Province of Ontario (Ontario) in Canada, England of the United Kingdom and Taiwan.

California

2. To be eligible for special education, a child must be first evaluated by an Individualized Education Program Team which comprises the parents and school staff. Once the child is identified with special educational needs (SEN), the Team will then develop an Individualized Education Program to address the educational needs of the child. To accommodate children with SEN who cannot take part in the regular state assessment, an alternative assessment, the California Alternate Performance Assessment, is available to evaluate their performance.

3. Integration of SEN students with mainstream students is encouraged, as the federal and state special education laws require that all students with disabilities receive free and appropriate public education in the least restrictive environment. Parental participation is considered pivotal and parents are given procedural safeguards to participate in and consent to the special education services for their children. In the case where parents have disagreements regarding the identification, assessment and placement of their children, they can consider settling disputes through mediation, or requesting a due process hearing if needed.

Ontario

4. An Identification, Placement and Review Committee, of which one member must be the principal or a supervisory officer of the school board, decides whether a child should be identified as "exceptional" and, if so, the school placement that best meets the child's needs. The school principal is responsible for ensuring that an Individual Education Plan is developed collaboratively by staff members of the school and school board to address the special needs of the child. For children whose curriculum expectations are not derived from the provincial curriculum policy, they may be accessed according to the expectations set out in their Individual Education Plans.

5. To encourage the integration of students with SEN into mainstream education, the Ontario Ministry of Education has established an award for exemplary practice in integration. The legislation also requires that "exceptional pupils" should always be placed in a regular class with appropriate support. Parents have the right to be consulted in the development of an Individual Education Plan, be present and participate in all discussions concerning the child, and appeal against the decision regarding the identification and placement of the child. They can also appeal to a special education appeal board set up by the school board, or to the Special Education Tribunal if necessary.

England

6. Assessment for SEN is initiated only if special education programmes such as School Action and School Action Plus are deemed incapable of catering for the needs of a student with SEN. In such cases, the Local Education Authority concerned may consider the need for a statutory assessment, but the assessment results will not always lead to a statement of SEN which is a prerequisite for admission to special education schools.

7. Students with SEN are evaluated under the same National Curriculum assessment as mainstream students, with special accommodation provided to ensure effective participation. The legislation reinforces the right of children with SEN to be educated in mainstream schools according to the parents' wishes, and encourages mainstream schools to include students with SEN fully in their education settings. Parents have the right to be informed of the special educational provision for their child and appeal to the Special Educational Needs and Disability Tribunal should disputes arise concerning the statement, assessment and placement of the child.

Taiwan

8. A committee for the assessment of children with special needs and teaching aid is responsible for the assessment for SEN. Once the child is identified with SEN, the school concerned will develop an Individualized Education Program to address the student's needs. The law requires that placement of disabled students in schools should be carried out with the premises of satisfying the students' learning requirements and in the least restrictive environment. Parents are encouraged to participate in the development of the Individualized Education Programs of their children and attend relevant hearings.

Special Education in Selected Places

Chapter 1 – Introduction

1.1 Background

1.1.1 The Subcommittee to study issues relating to the provision of boarding places, senior secondary education and employment opportunities for children with special educational needs, at its meeting on 25 April 2005, requested the Research and Library Services Division (RLSD) to conduct a research on special education in selected places to facilitate the deliberation of the Subcommittee on the development of special education in Hong Kong.

1.2 Selection of overseas places

1.2.1 At the Subcommittee meeting on 30 May 2005, RLSD proposed to study the following places:

- (a) the State of California (California) in the United States (US);
- (b) the Province of Ontario (Ontario) in Canada; and
- (c) England of the United Kingdom (UK).

1.2.2 During the Subcommittee meeting, members further suggested that Japan, Singapore, Taiwan and Western Australia be included in the research study. Since information on the special education system in Japan, Singapore and Western Australia is not readily available in secondary sources, RLSD has sought assistance from the corresponding Consulates and the authorities concerned in the three places for related information. Nevertheless, as of the publication of this report, RLSD has not received any response from Western Australia, while the information provided by the authorities in Japan and Singapore is very limited. Accordingly, this research covers California, Ontario, England and Taiwan only.

1.3 Scope of research

1.3.1 The scope of research covers the following aspects of the special education system in California, Ontario, England and Taiwan:

- (a) legislative framework;
- (b) responsible authority;
- (c) structure of education system;
- (d) assessment for special educational needs (SEN);
- (e) individual education plan;
- (f) staff qualification;
- (g) staff training;
- (h) performance assessment;
- (i) integration;
- (j) parental participation;
- (k) appeal;
- (l) funding; and
- (m) transition programme.

1.4 Methodology

1.4.1 This study adopts a desk research method, which involves Internet research, literature review, documentation analysis and correspondence with relevant authorities.

Chapter 2 – The State of California in the United States

2.1 Background

2.1.1 Both federal and state special education laws require that all students with disabilities receive free and appropriate public education¹ in the least restrictive environment in California. In 2003, about 11% of California public school students qualified for special education services, which represented almost 681 980 individuals (newborns up to 22 years of age²) receiving special education.

2.1.2 Under the California Education Code, special education means "*specialty designed instruction, at no cost to the parents, to meet the unique needs of individuals with exceptional needs whose educational needs cannot be met with modification of the regular instruction program and related services, that may be needed to assist these individuals to benefit from specialty designed instruction*". California provides such instruction through a continuum of placement options. Infants, pre-schoolers, students and young adults, if necessary, could receive special education services in a variety of settings, including day care settings, pre-schools, regular classrooms, classrooms that emphasize specialty-designed instruction, communities and the work environment.

2.1.3 In California, there are 13 disability categories of students from newborns up to 22 years of age who are eligible to receive special education services. These categories are:

¹ Free and appropriate public education means education and related services that are available to all children with disabilities and:

- (a) are provided at public expense, under public supervision and direction, and without charge;
- (b) meet the standards of the state educational agency;
- (c) include an appropriate pre-school, elementary school or secondary school in the state; and
- (d) are provided in conformity with the Individual Education Plan established for each child.

² Once reaching the twenty-second birthday, students with special educational needs are no longer eligible for special education in public schools in California.

Table 1 — Number of students by type of needs in 2003

Type of needs	Number of students
Specific learning disability	337 884
Speech or language impairment	175 927
Mental retardation	44 017
Emotional disturbance	27 292
Autism	24 943
Orthopaedic impairment	15 074
Hard of hearing	7 200
Multiple disabilities	6 606
Visual impairment	4 599
Deaf	4 510
Traumatic brain injury	1 630
Deaf-blind	215
Other health impairment	32 083
Total	681 980

Source: California Department of Education.

2.2 Legislative framework

2.2.1 At the federal level, the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Act (IDEA) are two complementary pieces of legislation on providing education for students with disabilities. NCLB provides the structure of systemic accountability, while IDEA provides a disabled child with rights to ensure that the child receives free and appropriate public education.

2.2.2 At the state level, the California Education Code regulates all policies related to education in California. Specifically, under the California Education Code, all individuals with exceptional needs have a right to participate in free and appropriate public education, and receive special educational instruction and services to meet their unique needs.

Re-authorization of the Individuals with Disabilities Education Act

2.2.3 On 3 December 2004, President George W. Bush signed the Individuals with Disabilities Education Improvement Act, which was a major re-authorization and revision of IDEA. The new law not only preserves the basic structure and civil rights guaranteed under IDEA, but also makes significant changes to the law. Specifically, the Act aims at enhancing the educational results for students with disabilities by:

- (a) making special education stronger for students and parents;
- (b) ensuring school safety and reasonable discipline;
- (c) reducing unnecessary lawsuits and litigation;
- (d) supporting teachers and schools; and
- (e) reforming special education funding. The Act establishes a clear six-year path to reach the federal spending goal of financing 40% of the additional cost of educating children with disabilities, and gives the state and local governments more control in spending the resources.³

2.3 Responsible authorities

2.3.1 The California Department of Education (CDE) provides state leadership and policy direction for local school district programmes and services for disabled students, including providing families with information on the education of such students. CDE works co-operatively with other state agencies, such as the California Department of Health Services, in providing family-oriented services for infants and pre-school children, and plans steps for their transition from high school to employment and quality adult life. CDE administers the federal legislation, IDEA and NCLB, for students with disabilities in California, and responds to public complaints related to special education.

³ Until recently Congress has made little effort to reach the 40% level. For instance, in fiscal year 2003, the federal government only financed 18% of the expenses on special education, which amounted to US\$8.9 billion (HK\$69.3 billion) in direct grants to the states.

2.4 Structure of education system

2.4.1 Under the California Education Code, students with SEN are encouraged to integrate with mainstream students, unless such arrangement cannot accommodate the needs of the SEN students. Therefore, depending on the nature of SEN and the severity of such needs, students with SEN are enrolled in either mainstream or special education schools. The distribution of students with SEN in special education schools and non-special education schools in 2004-05 is listed below.

Table 2 — Distribution of students with special educational needs in special education schools and non-special education schools in 2004-05

	Special education schools	Non-special education schools
Number of students	8 134	613 639

Source: California Department of Education.

Structure of mainstream schools

2.4.2 The structure of the US education system includes 12 years of regular schooling (elementary and secondary education), preceded by a year or two of pre-school education, and followed by a four-stage tertiary education degree system (associate, bachelor's, master's and doctorate) plus various non-degree certificate and diploma programmes.

Schooling structure for students with special educational needs

2.4.3 With both federal and state special education laws specifying that students with SEN should be placed together with mainstream students in the same learning environment wherever possible, the structure of education for students with disabilities is designed to be similar to that offered to those who are not disabled, with the provision of education in kindergartens, and elementary and secondary schools. Special education for students aged three up to 22 is provided through both public and private schools from kindergarten to grade 12. For children from birth through three years old who are identified with SEN, they are offered education programmes by the California Department of Health Services.

2.5 Special education programmes

Assessment for special educational needs

2.5.1 To be eligible for special education and related services⁴, a child must first be determined to have disability. The child is required to be evaluated by the Individualized Education Program (IEP(US)) Team (which consists of the parents, a regular education teacher if the child is participating in the mainstream education environment, a special education teacher and a representative of the school district) to determine if he/she is disabled and needs special education or related services as a result of the disability. In California, a child is required to be evaluated within 60 days once the parents have given consent for the evaluation.

Individualized Education Program

2.5.2 Once the child is identified as a SEN student, the IEP(US) Team will develop an IEP(US) which lays out steps to ensure that the child with disability receives education in an effective manner. The IEP(US) is required to clearly state the child's academic achievement and functional performance, describe how the child will be included in the mainstream education curriculum, establish annual goals for the child, describe how those goals will be measured, state what special education and related services are needed by the child, describe how the child will be appropriately assessed including through the use of alternate assessments, and determine what accommodation may be appropriate for the child's instruction and assessments. The IEP(US) must be reviewed at least once a year.

2.5.3 Re-evaluations are conducted at least once every three years but not more than once a year, unless the child's teachers or parents make a request or if the local education agency involved determines that the child's educational and service need, academic achievement, or functional performance warrants a re-evaluation. For example, a re-evaluation might be warranted if the child's performance in school significantly improves, suggesting that he/she no longer requires special education and related services, or if the child is not making progress toward the goals set out in his/her IEP(US), indicating that changes are needed in the education or related services the local education agency is providing. A child is required to be re-evaluated within 60 days once the parents have given consent for the re-evaluation.

⁴ Under IDEA, the term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, therapeutic recreation, social work services, counselling services and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist children with disabilities to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

Staff qualification

2.5.4 Under NCLB, all special education teachers who teach core academic subjects must meet the "highly qualified" definition⁵ by the end of the 2005-06 school year. The core academic subjects, as defined in NCLB, are English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography.

2.5.5 IDEA further clarifies the definition of a "highly qualified" teacher in NCLB to address the unique needs of special education teachers. IDEA requires that special education teachers obtain certification as a special education teacher or pass the state special education teacher licensing examination, and hold a licence to teach in the state as a special education teacher. In addition, special education teachers cannot have their certification or licence requirements waived on an emergency, temporary or provisional basis, and they must hold at least a bachelor's degree.

2.5.6 Currently, there is a severe shortage of special education teachers in California. During the 2004-05 school year, 25% of special education teachers held temporary or emergency certification, and 21% of special education teacher openings went unfilled. As such, the State Board of Education, which is the governing and policy-making body of CDE, provides additional flexibility for special education teachers:

- (a) instead of meeting the "highly qualified" teaching requirement prior to the date of employment, for those who are highly qualified in mathematics, language arts or science at the junior high and high school levels, they could complete the California High Objective Uniform State Standard of Evaluation for other core subjects within two years from the date of employment; or
- (b) if they have a special education credential or are currently enrolled in an approved special education intern programme for less than three years, they could be special education teachers.

Staff training

2.5.7 Information on staff training is not available.

⁵ A "highly qualified" teacher is a teacher who:
(a) holds a minimum of a bachelor's degree;
(b) has obtained a full state certification or licence; and
(c) has demonstrated subject matter competency in each of the academic subjects in which the teacher teaches.

Staff-to-student ratio*Teaching staff*

2.5.8 The teacher-to-student ratios in special education for different age groups in the 2002-03 school year are listed as follows:

Table 3 – Ratio of teacher-to-student in special education in the 2002-03 school year

Age	Ratio of teacher to student
0 to 2	1:12
3 to 5	1:28
6 to 22	1:19

Source: California Department of Education.

Non-teaching specialist

2.5.9 Information on the different types of non-teaching specialists and the ratio of non-teaching specialists-to-students is not available.

Performance assessment

2.5.10 Recognizing that children learn in various ways subject to different methods of instruction and assessment, IDEA requires that an IEP(US) Team determines how the relevant child with disability is assessed, including the kind of accommodation required and the way to instruct the child. The IEP(US) Team can evaluate the performance of the child with disability through either the regular state assessment of mainstream students, i.e. the Standardized Testing and Reporting (STAR) programme, or the alternate assessment, with the provision of the latter being required in all states since 1997. In California, the alternate assessment implemented by CDE is the California Alternate Performance Assessment (CAPA), which focuses on children with disabilities who cannot take part in the STAR programme. Eligibility for CAPA is based on the recommendation of the student's IEP(US) Team. Therefore, if the IEP(US) Team so determines, the student with disability may participate in the STAR programme with the use of necessary accommodations or modifications.

Integration

2.5.11 Prior to the enactment of the Education for All Handicapped Children Act in 1975, Congress recognized that many children with disabilities were unnecessarily separated from their peers and educated in alternative environments. Therefore, the Act requires that states provide free and appropriate public education to children with disabilities in the least restrictive environment, with the goal allowing children with disabilities to be educated with their peers in the regular classroom to the extent possible.

2.5.12 The emphasis on the least restrictive environment is also recognized in IDEA passed in 1990. The law has a clear preference for educating students with disabilities in general education classrooms with their non-disabled peers and removing them from this setting only when appropriate education cannot be achieved satisfactorily, even with supplementary aids and services.

2.5.13 To further promote integration in California, the California Education Code mandates the integration of students with SEN with mainstream students, unless such arrangement cannot accommodate the needs of those SEN students. Individuals with exceptional needs are offered special assistance programmes that promote maximum interaction with the general school population, taking into consideration the individuals' needs for a sufficient number of peers of the same age, and for special education teachers who are knowledgeable about the individuals' special needs. In particular, the California Education Code states that an IEP(US) should include a statement that the student concerned should participate with mainstream students and other students with disabilities in extra-curricular and other non-academic activities, and an explanation of the extent, if any, to which the student will not participate with mainstream students in regular classes.

2.5.14 In addition, the Special Education Division within CDE is engaged in an effort to improve both the integration of students with disabilities into the mainstream education system and the educational outcomes achieved by these individuals. To be eligible for the State Improvement Grant⁶ awarded by the Special Education Division, the Partnership Committee on Special Education⁷ outlines measurable objectives which educational institutes have to meet, such as increasing both the percentage of SEN students in mainstream schools who were previously in special education schools, and the amount of time those SEN students spent in the general education environment. In the 2003-04 school year, 5% of students previously in special education schools returned to mainstream schools, and 53% of SEN students spent 80% or more of their time in mainstream schools.

⁶ The State Improvement Grant is a grant for state-wide and regional institutes, supporting partnerships to improve special education services.

⁷ The Partnership Committee on Special Education is a committee of 100 stakeholders from the field of general and special education involving in critical dialogue, debate and strategic planning on issues related to special education. The Committee meets annually to provide recommendations for work in progress.

2.5.15 Information on the details of how special education classes are conducted in mainstream school is not available.

Parental participation

2.5.16 Under IDEA, parents or individuals serving as the surrogate parents of a child with disability from three up to 22 years old, as well as a SEN student aged 18 or above (hereto referred as "relevant persons"), have special educational rights known as procedural safeguards. The procedural safeguards include the rights to:

- (a) participate. Relevant persons have the right to refer the child for special education services, to participate in the development of an IEP(US), and to be informed of all programme options and alternatives, both public and non-public;
- (b) receive prior written notice. Relevant persons have the right to receive prior written notice in their native language when the school district initiates any change in the identification, assessment or educational placement of children in special education;
- (c) consent. Relevant persons must provide informed and written consent before the child is assessed or provided with any special education services. Parental consent must also be provided before any change in special education services can occur;
- (d) refuse to consent. Relevant persons can refuse to consent to an assessment or the placement of the child in special education;
- (e) receive independent educational assessments. Relevant persons may obtain an independent educational assessment for the child at public expense if they disagree with the assessment conducted by the school district. The school district must help them obtain a second opinion if it is asked to do so. If the district believes that an independent assessment is unnecessary, it may request a hearing to prove that the district's assessment is appropriate;
- (f) access the educational records. Relevant persons have the right to inspect, review and obtain copies of the child's educational records; and
- (g) be informed of policies regarding children attending private schools. Children who are enrolled by their parents in private schools may participate in publicly-funded special education programmes.

Appeal

2.5.17 In the case that the parents concerned have disagreements regarding the identification, assessment and education placement of the child, or the provision of free and appropriate public education, the law requires the child to "stay put" in the current programme until the dispute is resolved. The parents may file a complaint with CDE if they believe the child's school district has violated the law. CDE must investigate the complaint and issue a written report of findings within 60 days of receiving the complaint.

2.5.18 The parents are encouraged to consider settling disputes regarding the child's special education programme through voluntary mediation so that the parties concerned can seek mutually agreeable solutions to disputes with the help of an impartial mediator. If all else fails, the parents can request a due process hearing under IDEA. In California, the request for a due process hearing must be filed within three years from the date that the parents know or have reason to know of the facts that are the basis for the hearing request.

2.5.19 In the case that the parents decide to proceed with a due process hearing, the due process rights for the parents include rights to have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings, and be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities. The parents can present evidence, written arguments and oral arguments, confront and cross-examine witnesses, and require them to be present. A mediation conference can be initiated at any point during the due process hearing, and the hearing timeline can be extended if deemed necessary by the parents.

2.5.20 Information on the statistics of appeals, including the types of appeals and outcomes of appeals, is not available.

2.6 Funding

2.6.1 In the US, the federal and state governments, and local school districts all play a role in funding special education programmes. The amount of funding received by a school district is based, for the most part, on the total student enrolment. It may receive additional funding to serve the needs of individual students with disabilities that require particularly expensive services. In 2005, the total California state education budget was US\$50.77 billion (HK\$395.4 billion)⁸. For special education, the state budget provided over US\$2.8 billion (HK\$21.8 billion) in the state general fund and US\$1.1 billion (HK\$8.57 billion) in federal funds, which represented approximately 7.5% of the total state education budget.

⁸ The average exchange rate of US\$ to HK\$ for 2004 was US\$1 = HK\$7.788.

2.6.2 At the national level,⁹ in the 1999-2000 school year, the average expenditure to educate a student without disability or other special needs was US\$6,556 (HK\$51,058), whilst the average expenditure for a student with SEN was US\$12,525 (HK\$97,545), or 91% more.¹⁰

Table 4 — Funding for students with special educational needs and mainstream students in the United States in the 1999-2000 school year

Cost per student	Amount
With special educational needs in mainstream school	US\$12,525 (HK\$97,545)
With special educational needs in special education school	N/A
With no special educational needs in mainstream school	US\$6,556 (HK\$51,058)

Source: California Department of Education.

2.7 Transition programme

2.7.1 The federal government undertakes the effort to ensure that students with disabilities have a well-advised programme to assist them in progressing into post-secondary plans. Under IDEA, beginning not later than the first IEP(US) to be in effect when a child with disability is 16, an IEP(US) should include:

- (a) appropriate measurable post-secondary goals based upon appropriate transition assessments related to training, education, employment and independent living skills; and
- (b) transition services (including course of study) needed to assist the child in reaching those goals.

⁹ The data for California is not available.

¹⁰ American Institutes for Research (2004).

2.7.2 At the state level, CDE funds and administers the WorkAbility I Program, under which each special education student aged 16 to 22, is provided assistance in planning, implementing and monitoring his/her goals, in collaboration with families, instructors and community members. The programme is designed to provide a full array of work-based learning opportunities (within the local school district and throughout the community), support teachers and administrators by providing WorkAbility Staff at every school site, offer professional development opportunities, and promote career awareness and exploration while students with disabilities complete their secondary education.

2.8 Views

2.8.1 According to a report published by the National Research Council (NRC)¹¹, questions are raised with regard to whether the current referral and assessment processes reliably identify students with SEN. However, both the assessment process and the referral process are deemed controversial by the NRC committee, which concludes that those students who need and can benefit from special education programmes are not correctly identified. The subjectivity of the referral process results in students with significant learning problems being overlooked for referral, and the conceptual and procedural shortcomings of the assessment process for learning disabilities and emotional disturbance give little confidence that student's needs are properly identified. More importantly, the current procedures result in school placements which happen later in the educational process rather than earlier when it is most effective or efficient.

2.8.2 The NRC committee observes that there is substantial evidence with regard to behaviours and achievements that identification and intervention are more effective when done earlier than later. Nonetheless, the current special education identification process follows the "wait-to-fail" principle which both increases the likelihood that children with SEN fail because they do not receive early support and decreases the effectiveness of such support once received.

2.8.3 The report recommends that general and special education services should be more tightly integrated. Furthermore, it proposes that the "earlier is better" principle applies before the kindergarten years, as the earlier the educators are engaged in providing children with the support for normal cognitive and behavioural development, the fewer the children will arrive at school at the risk for failure.

¹¹ NRC is a part of the National Academies, which consist of private and non-profit institutions that provide science, technology and health policy advice pro bono to address critical national issues for the federal government as well as the public.

Chapter 3 – The Province of Ontario in Canada

3.1 Background

3.1.1 In Ontario, special education programmes¹² and services¹³ are available to children who have behavioural or communication disorders, or intellectual, physical or multiple disabilities, enabling them to receive school education and to benefit fully from their school experience. Under the Ontario Education Act, an "exceptional pupil" is defined as *"a pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he/she is considered to need placement in a special education program"*.

3.1.2 In the 2003-04 school year, there were approximately 270 000 students receiving special education programmes and services in Ontario. Among these students, approximately 54 000 were identified to have very high needs. The identification of students who need special education programmes and services is based upon the following categories and definitions of exceptionalities provided by the Ontario Ministry of Education:

¹² A special education programme is defined in the Ontario Education Act as an educational programme that:

- (a) is based on and modified by the results of continuous assessment and evaluation; and
- (b) includes an Individual Education Plan containing specific objectives and an outline of special education services that meet the needs of an "exceptional pupil".

¹³ Special education services are defined in the Ontario Education Act as the facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education programme.

Table 5 — Number of students by type of needs in the 2003-04 school year

Type of needs	Number of students
Behaviour	13 530
Communication	
Learning disability	80 803
Language impairment	11 740
Autism	5 903
Deaf and hard of hearing	2 504
Speech impairment	762
Intellectual ability	
Mild intellectual disability	24 884
Giftedness	23 625
Developmental disability	9 942
Multiple exceptionalities	9 848
Physical	
Physical disability	3 026
Blind and low vision	711
Deaf-blind	44
Unclassified ⁽¹⁾	88 194
Total	275 516

Note: (1) Non-identified students receiving special education programmes and services.

Source: Ontario Ministry of Education.

3.2 Legislative framework

3.2.1 The primary legislation governing special education in Ontario is the Ontario Education Act. The principal provisions of the Act include:

- (a) the responsibility of school boards to provide (or to purchase from another board) special education programmes and services for their "exceptional pupils";
- (b) a special education programme that is based on and modified by the results of the continuous assessment and evaluation of an "exceptional pupil", which include an Individual Education Plan (IEP(CA)) containing specific objectives and an outline of the educational services that meet the needs of the student;
- (c) the responsibility of the Minister of Education:
 - (i) to require school boards to implement procedures for the early and on-going identification of the learning abilities and needs of students;
 - (ii) to define exceptionalities of students, to prescribe classes, groups or categories of "exceptional pupils", and to require the use of these definitions by school boards;
 - (iii) to provide an appeal process for parents concerning special education identification and placement decisions; and
 - (iv) to ensure that special education programmes and services are provided free of charge by school boards to their "exceptional pupils"; and
- (d) the establishment of the Special Education Tribunal (SET) to provide final and binding arbitration when there are disagreements between the parents and the school board concerning the identification and placement of an "exceptional pupil".

3.3 Responsible authority

3.3.1 The Ontario Ministry of Education administers the system of publicly-funded elementary and secondary education in Ontario, in accordance with the directions set by the provincial government. As regards special education, the Ministry oversees the Minister's Advisory Council on Special Education, the responsibilities of which include:

- (a) advising the Minister of Education on any matter related to the establishment and provision of special education programmes and services for "exceptional pupils", such as the identification and provision of early intervention programmes for students with special needs;
- (b) responding to proposals or positions of the Ministry or other ministries, as submitted to the Council from time to time;
- (c) identifying concerns in the delivery of special education programmes and services for "exceptional pupils" and providing information, advice and recommendations for the Ministry's consideration; and
- (d) submitting an annual report that contains:
 - (i) the Council's priorities and a plan for achieving them;
 - (ii) an analysis of the achievement of the previous year's priorities; and
 - (iii) recommendations to the Minister.

3.4 Structure of education system

3.4.1 Depending on the nature of SEN and the severity of such needs, students with SEN are either enrolled in mainstream or special education schools. The Ontario Ministry of Education encourages a model of inclusion in regular schools, wherever possible, to meet the needs of the students. In general, most of the students with SEN receive their education in mainstream schools. The distribution of students with SEN in special education schools and non-special education schools in the 2003-04 school year is listed in Table 6.

Table 6 — Distribution of students with special educational needs in special education schools and non-special education schools in the 2003-04 school year

	Special education schools	Non-special education schools
Number of students	805	275 626

Source: Ontario Ministry of Education.

Structure of mainstream schools

3.4.2 In Ontario, children between the age of six and 16 must attend school under the Ontario Education Act. School boards usually offer one or two years of kindergarten education prior to the beginning of Grade 1. Following kindergarten, there are eight years of schooling in elementary schools and four years of schooling in secondary schools. After completing secondary school, students may enter a university system that progressively offers bachelor's, master's and doctorate degrees. Ontario has an extensive system of community colleges where secondary school graduates may take a one to three year diploma course in a wide range of areas. Students can also enter into apprenticeship training programmes which offer certificates in various trades. These programmes are offered at community colleges in partnership with employers.

Schooling structure for students with special educational needs

3.4.3 Similar to mainstream students, children with SEN are required to attend either a mainstream or a special education school under the same legislative requirement that they have to attend school at the age of six and remain in school until 16. These SEN students are offered opportunities to access higher education if they obtain a secondary school diploma. Students without a diploma may take selected courses at community colleges that do not require a secondary school diploma. Alternatively, they may take a workplace pathway in secondary school, which prepares them to enter the workplace.

3.5 Special education programmes

Assessment for special educational needs

3.5.1 Specific procedures for the assessment for SEN and the identification and placement of "exceptional pupils" are set out in accordance with Regulation 181/98 of the Ontario Education Act which provides for:

- (a) the regular review of the identification and placement of students;
- (b) the appeal of identification and placement decisions with which the parents disagree; and
- (c) the establishment of one or more Identification, Placement and Review Committees (IPRCs) by all school boards.

Identification, Placement and Review Committee

3.5.2 An IPRC meets and decides if a student should be identified as an "exceptional pupil" and, if so, the placement that best meets the student's needs. Under Regulation 181/98, the principal of the student's school must provide the parents a written statement indicating when the IPRC will meet within 15 days of receiving a written request from the parents.

3.5.3 An IPRC is composed of at least three persons, one of whom must be the principal or a supervisory officer of the school board.¹⁴ The role of the IPRC includes:

- (a) inviting the parents and the student (if aged 16 or above) to attend IPRC meetings;
- (b) reviewing relevant information about the student;
- (c) identifying the student's strengths and needs;
- (d) deciding whether or not the student should be identified as an "exceptional pupil";
- (e) identifying the areas of the student's exceptionality, according to the categories and definitions of exceptionality provided by the Ontario Ministry of Education;
- (f) deciding an appropriate placement for the student;
- (g) providing reasons for deciding a placement in a special class;

¹⁴ In addition to the three people that constitute an IPRC, other people who can attend the IPRC meetings include:

- (a) the principal of the student's school (if not already a member of the IPRC);
 - (b) resource people such as the student's teachers, special education staff, board support staff or other professionals who may be needed to provide further information or clarification;
 - (c) a representative of the parents or the student (if aged 16 or above);
 - (d) an interpreter (including a sign-language interpreter) if one is required; and
 - (e) other individuals whose presence is requested by either the parents or the principal of the student's school (subject to the agreement of the IPRC chair).
-

- (h) discussing proposals for special education programmes and services when requested by the parents or the student aged 16 or above; and
- (i) reviewing the identification and placement at least once in each school year, unless the parents give written notice dispensing with the review.

Individual Education Plan

3.5.4 Once a student has been identified as an "exceptional pupil" by an IPRC, in accordance with Regulation 181/98, an IEP(CA) must be developed for the student. An IEP(CA) is a written plan specifying the programmes and services required by a particular student, as well as identifying learning expectations that come from the curriculum policy with some modifications, and any accommodation and special education services needed to assist the student.

3.5.5 The IEP(CA) provides a framework for teachers to monitor the student's progress and to communicate the progress to both the parents and the student. Information on the student's current achievement level, annual goals and learning expectation is recorded in the IEP(CA). It is updated periodically to record any changes in the student's special education programmes and services as a result of the continuous assessment and evaluation of the student's achievement of his/her annual goals and learning expectations.

3.5.6 The IEP(CA) reflects the school board's commitment to provide special education programmes and services, within the resources available to the school board, needed to meet the identified strengths and needs of the student. It must be completed within 30 days after the student has been placed in the programme, and the school principal concerned must ensure that the parents receive a copy of it. The IEP(CA) is reviewed at least once in every reporting period, and the school can have two to three reporting periods within a school year.

Staff involvement in the development of the Individual Education Plan

3.5.7 The school principal, in addition to being responsible for ensuring that an IEP(CA) is developed for each student who has been identified as exceptional, is also responsible for ensuring that the IEP(CA) is developed collaboratively by staff members of both the school and school board who are familiar with the student and possess the knowledge and qualifications necessary to develop the most effective plan possible for the student.

3.5.8 Each member of the team involved in the development of the IEP(CA) must be identified in the IEP(CA). The principal is ultimately responsible for each student's plan, such as signing the IEP(CA), to indicate his/her assurance that the plan is appropriate, considering the student's strengths and needs. The principal must ensure that, collectively, the team members:

- (a) have knowledge of the student and, wherever possible, experience in teaching the student;
- (b) have knowledge of the Ontario curriculum;
- (c) are qualified to provide, or supervise the provision of special education programmes and services to meet the needs of the "exceptional pupil"; and
- (d) have knowledge of the special education strategies and resources available in the district school board.

3.5.9 In elementary schools, the principal or the vice-principal is expected to co-ordinate and oversee the work of the special education team, which may include the special education teacher, the classroom teacher, the teacher-adviser and support staff, in developing, monitoring and reviewing each student's IEP(CA).

3.5.10 In secondary schools, the principal may designate a vice-principal or a staff member to act on her/his behalf in co-ordinating and overseeing the development of the IEP(CA). In some secondary schools, a special education teacher is assigned to prepare a draft framework for the student's IEP(CA) and to bring it forward for discussion with the student's classroom teacher, teacher-adviser and support staff. In other secondary schools, the student's classroom teacher may be more directly involved in the initial development of the student's IEP(CA). It is also expected that secondary school students are given the opportunity to provide input about their strengths, needs, interests, accommodation and special education services which they feel are necessary to help them learn and succeed at school.

Staff qualification

3.5.11 Information on staff qualification is not available.

Staff training

3.5.12 Information on staff training is not available.

Staff-to-student ratio

Teaching staff

3.5.13 Information on the ratio of teaching staff-to-student is not available.

Non-teaching specialist

3.5.14 In Ontario, non-teaching specialists involved in the provision of special education include para-professionals (e.g. child/youth workers, developmental assistants, teacher's assistants), school special education resource teachers, itinerant teachers, teacher diagnosticians, co-ordinators, consultants, speech-language pathologists, psychologists, social workers, behaviour consultants, occupational therapists, physiotherapists, audiologists, psychiatrists, psychometrists, auditory-verbal therapists, interpreters, transcribers and orientation and mobility instructors for the blind/deaf/deaf-blind. With regard to the ratio of non-teaching specialist-to-student, such information is not available.

Performance assessment

3.5.15 In Ontario, the performance of mainstream students and a portion of SEN students is assessed under the same provincial assessment system. Students, including some of the students identified with SEN, are required to take provincial assessments in reading, writing and mathematics in Grade 3 and Grade 6. In Grade 9, all students are required to take a provincial assessment in mathematics, and in Grade 10, i.e. before graduation, they are required to take a literacy test as a graduation requirement.

3.5.16 For those students whose curriculum expectations are selected from the provincial curriculum policy and modified to meet the students' needs, the school boards are required to provide accommodations to facilitate the participation of these students who have an IEP(CA) in provincial assessments of student achievement. Possible accommodations include adjustments in scheduling, changes in setting, the use of aids and equipment, and adjustments in the format of assessments. In such cases, accommodations must not affect the level or content of the assessment, the performance criteria, or the reliability or validity of the assessment.

3.5.17 For other students who require alternative expectations that are not derived from the provincial curriculum policy, their achievement will not be assessed according to the assessment policies in the provincial curriculum, but in relation to the expectations set out in each student's IEP(CA).

3.5.18 In addition, the Ontario Ministry of Education provides Standard Provincial Report Cards on students' performance, including that of SEN students, to ensure that all students attending publicly-funded elementary and secondary schools in Ontario receive a standard report based on the Ontario curriculum expectations. The report card provides detailed information to parents about how their children have achieved and progressed in school in relation to the provincial curriculum expectations and standards. It is designed to involve students in assessing their progress and setting goals, and to provide parents with the information needed to identify how they can support their children's learning at home.

Integration

3.5.19 In the 1970s, a series of landmark reports, including *One Million Children: A National Study of Canadian Children with Emotional and Learning Disorders*¹⁵ and *Standards for Education of Exceptional Children in Canada*¹⁶, were published, with a common view questioning the value of special education programmes that isolated students from regular education programmes. Following the release of these reports, public support gradually grew for the inclusion of children with exceptionalities into the regular classroom.

3.5.20 The Canadian Charter of Rights and Freedoms, which came into effect in 1982, raised concerns that a school board's decision to place a student in a separate, special class might be a violation of his/her equality rights under the Charter. The 1997 Supreme Court decision in the *Eaton v. Brant County Board of Education* case made it clear that placement of a SEN student should be decided on a case-by-case basis, with the key determinant being the student's best interests.

3.5.21 Regulation 181/98, enacted in 1998, contains the requirement that "exceptional pupils" should always be placed in a regular class with appropriate support, when such placement meets the students' needs and is in accordance with their parents' wishes. Where placement in a special education class is chosen, the IPRC is required to provide written reasons for its decision.

3.5.22 For students whose needs cannot be met entirely in the regular classroom, a range of placement options are available. These options include:

- (a) placement in a regular class with withdrawal for part of the day to receive special services or special education instruction by a qualified special education teacher or support professional;
- (b) placement in a special education class for part or all of the school day;
- (c) placement in a special education class with partial integration into a regular class; and
- (d) referral to a provincial committee for consideration of eligibility for admission to one of the provincial schools for blind, deaf or deaf-blind students, or to one of the provincial demonstration schools for students with severe learning disabilities.

3.5.23 Information on the details of how special education classes are conducted in mainstream school is not available.

¹⁵ Roberts and Lazure (1970).

¹⁶ Hardy, McLeod, Minto, Perkins and Quance (1971).

3.5.24 To encourage the integration of students with SEN into the mainstream education, the Ontario Ministry of Education has established an award for exemplary practice in integration. This award recognizes exemplary educational programmes or strategies that integrate students with exceptionalities into the regular classroom of Ontario schools. Programmes that win an award should meet a large number of the following criteria:

- (a) The "exceptional pupils" are integrated into the regular classroom for most of the programme;
- (b) The regular classroom teacher has the primary educational responsibility for all students in the classroom;
- (c) The special education support staff work in the regular classroom with the "exceptional pupils" and the regular classroom teacher;
- (d) Parents have the opportunity to be closely involved in their children's educational programme;
- (e) Integrated students are members of the local community;
- (f) A peer support system is in place;
- (g) Integrated students are included beyond the individual classroom level;
- (h) Academic and social progress for all students is a constant focus of the programme or strategy;
- (i) The special education support staff work closely with the regular classroom teacher in planning and monitoring individual programmes;
- (j) Accommodations are in place to help all students meet the learning outcomes for the course or programme;
- (k) A co-operative planning process based on individual student needs is in place;
- (l) A collaborative team that includes parents is in place, and regular meetings of the team are held;
- (m) Stakeholders beyond the school are involved in the integration programme or strategy;
- (n) In-service training and/or other professional support in the area of integration is available to teaching and support staff;

- (o) Human and financial resources are made available to the integration programme at a reasonable level;
- (p) School staff share a common educational philosophy supportive of integration; and
- (q) School administrators are supportive of the integration programme.

Parental participation

3.5.25 Regulation 181/98 requires the principal of a school to ensure that the parents of a SEN student and the student himself/herself, if aged 16 or above, are consulted in the development and review of the student's IEP(CA), and that a copy of the IEP(CA) is provided to them on its completion. A form documenting consultations with the parents and the student (if aged 16 or above) must be prepared and attached to the student's IEP(CA). The parents and the student (if aged 16 or above) must be asked to sign the form and to indicate whether:

- (a) they are consulted in the development of the IEP(CA);
- (b) they decline the opportunity to be consulted;
- (c) they receive a copy of the IEP(CA); and
- (d) any comments they provide are noted on the form.

3.5.26 Under Regulation 181/98, the chair of the IPRC must send the parents written notification 10 days before the IPRC meeting where the parents are encouraged to attend. The parents and the student (if aged 16 or above) must receive the same information that the chair of the IPRC receives. The parents should be informed that they have the right to:

- (a) be present at and participate in all IPRC discussions about the child;
- (b) be present when the IPRC makes its decision about identification and placement; and
- (c) have a representative present to speak on their behalf or otherwise support them.

3.5.27 In addition, Regulation 181/98 requires each school board to prepare a Parents' Guide to Special Education. This guide provides information concerning the duty of the IPRC, the procedure for identifying a student as exceptional and for deciding the student's placement, the function of a special education appeal board, and the parents' right to appeal the decision of the IPRC to such a board.

Appeal

3.5.28 Under Regulation 181/98, parents have the right to appeal against the decision regarding the identification or the placement of "exceptional pupils". Initially, they can request a follow up meeting with the IPRC, and if needed, appeal the decision to a special education appeal board set up by the school board. If the issue cannot be resolved, they can further appeal to SET.

3.5.29 Parents who disagree with the original IPRC decision or its review may appeal against:

- (a) the decision that the student is an "exceptional pupil";
- (b) the decision that the student is not an "exceptional pupil"; and/or
- (c) the placement decision.

Appeal with school board

3.5.30 The request for an appeal against IPRC decisions or its reviews must be filed with the secretary of the school board within 30 days of receiving the IPRC's statement of decision; or within 15 days of receiving the IPRC's statement of decision arising out of a follow-up meeting with the IPRC.

3.5.31 After receiving the request for an appeal, the school board sets the appeal process in motion. In general, the school board assigns staff to set up an appeal board, which is an ad hoc body of three members with one member chosen by the school board, one member chosen by the parents, and a chair jointly selected by the members chosen by the school board and the parents.

3.5.32 The appeal board must make its recommendations to the school board within three days after its meeting. The appeal board either agrees with the IPRC and recommends that its decisions be implemented; or disagrees with the IPRC and makes a recommendation to the board regarding the student's identification or placement or both.

3.5.33 Within 30 days of receiving the appeal board's written statement, the school board should:

- (a) consider the appeal board's recommendations;
- (b) decide what action it will take with respect to the student; and
- (c) send a written statement of decision to all relevant parties and include an explanation of the parents' right to appeal to SET.

Special Education Tribunal

3.5.34 In deciding what action to take, the school board is not limited to the actions recommended by the appeal board. If the parents are not satisfied with the school board decision, the parents can further appeal to SET. A request for a tribunal hearing should be made in writing to the secretary of the tribunal under the Ontario Ministry of Education. There is no requirement to have a lawyer or advocate, and the parents can act on their own behalf.

3.5.35 However, prior to a hearing before SET, mediation may be used as an alternative means of resolving disputes between the parents and the school board about the identification and placement of a student. If mediation fails to resolve the dispute, the tribunal hearing will go ahead.

Statistics

3.5.36 According to the Ontario Ministry of Education, there were 14 appeals filed with the school boards in 2004¹⁷, and 10 appeals filed with SET in 2005.

Type of appeals

3.5.37 Of the 10 appeals filed with SET in 2005, two were related to identification and placement, seven were related to placement only, while the tenth one was unknown.

3.5.38 The breakdown on the type of appeals filed with the school boards is not available.

Outcome of appeals

- 3.5.39 Of the 10 appeals filed with SET in 2005,
- (a) eight were still on-going;
 - (b) one was ruled out of jurisdiction of SET; and
 - (c) one was withdrawn.

¹⁷ According to the Ontario Ministry of Education, this information should be used with caution because not all school boards report on the appeals filed.

3.6 Funding

3.6.1 According to the Ontario Ministry of Education, the funding for education in Ontario for the 2004-05 school year was CAN\$16.3 billion (HK\$97.8 billion)¹⁸, with CAN\$1.8 billion (HK\$10.8 billion) being allocated through the Special Education Grant, which represented approximately 11% of the overall education funding.

Table 7 — Funding for students with special educational needs and mainstream students in Ontario in the 2004-05 school year

Cost per student	Amount
With special educational needs in special education school	CAN\$70,000 (HK\$420,000)
With special educational needs in mainstream school	N/A
With no special educational needs in mainstream elementary school	CAN\$7,841 (HK\$47,046)
With no special educational needs in mainstream secondary school	CAN\$9,055 (HK\$54,330)

Source: Ontario Ministry of Education.

3.7 Transition programme

3.7.1 Under Regulation 181/98, a transition plan should be included as part of the IEP(CA) for "exceptional pupils" who are aged 14 or above and not identified as gifted. The transition plan outlines the transition of such a student from secondary school to a post-secondary setting which can be work, further education and/or community living. The plan is developed with input from the student, parents, principal, school staff, community agencies and post-secondary institutions as appropriate. The transition plan reflects the student's needs and goals for his/her future and must include the following elements:

- (a) specific goals for the student's transition to post-secondary activities. The goals must be realistic and reflect the strengths, needs and interests of the student;

¹⁸ The average exchange rate of CAN\$ to HK\$ for 2004 was CAN\$1 = HK\$6.00.

- (b) actions required, at present and in the future, to achieve the stated goals. The actions identified must build on the student's identified strengths, needs and interest;
- (c) the person or agency (the student, parents, educators, providers of specialized support and services, or community agencies) responsible for or involved in completing or providing assistance in the completion of each of the identified actions; and
- (d) timelines for the implementation of each of the identified actions.

3.7.2 In addition, as part of the school's guidance and career education programme, the school is required to provide exit programmes for students who leave school upon or before graduation. The exit programme provides such a student with:

- (a) a review of the student's achievements;
- (b) discussion and clarification of the student's plans for the immediate future;
- (c) information on post-secondary education options;
- (d) information about community services and community contacts that can provide assistance;
- (e) information on apprenticeship programmes;
- (f) information on procedures for applying for employment;
- (g) information on managing personal finances; and
- (h) planned support services that will be in place for the student upon leaving school.

3.8 Views

3.8.1 In July 2002, the Ontario Human Rights Commission released *Education and Disability: Human Rights Issues in Ontario's Education System*, a consultation paper which identified human rights issues in education. The Commission invited feedback from interested parties, through written submissions and participation in public hearings, on the issues identified in the consultation paper, and on other human rights issues in education.

3.8.2 Based on the consultation findings, the Commission published the report *The Opportunity to Succeed: Achieving Barrier-free Education for Students with Disabilities*. According to the report, many students with disabilities do not have equal access to educational opportunities in Ontario, either at the primary and secondary levels, or at the post-secondary level. The key barriers are inadequate funding, physical inaccessibility, cumbersome and time-consuming accommodation processes, negative attitudes and stereotypes, and a lack of understanding of the rights and responsibilities of all parties involved under the Ontario Human Rights Code and Commission policy.

3.8.3 With regard to accommodation, it is often insufficient, not always provided in a timely manner, and sometimes not provided at all. There are delays at many stages of the accommodation process. For example, consultees have reported a large backlog in the processing of claims for special education funding, long waiting lists for professional assessments, and delays in the provision of special education programmes and services. In some cases, disputes about accommodation have caused students to lose substantial amount of time in school.

3.8.4 Moving forward, the report has outlined the actions which schools and school boards, post-secondary institutions, the government and other responsible parties are expected to take to address the issues. These actions are designed to address the concerns raised by participants in the consultation, to promote compliance by education providers with their legal obligations under the Ontario Human Rights Code, and to ensure that students with disabilities are receiving equal treatment in the context of educational services. In addition, the Commission has committed to monitoring progress on these issues, promoting understanding and awareness by communicating with interested parties, developing educational tools and undertaking public education activities.

Chapter 4 – England of the United Kingdom

4.1 Background

4.1.1 In England, children are considered to have SEN if they have learning difficulty which calls for special educational provision¹⁹. Under the Education Act 1996, children with learning difficulty are defined as those who:

- (a) have a significantly greater difficulty in learning than the majority of children of the same age;
- (b) have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority (LEA)²⁰; or
- (c) are under compulsory school age²¹ and fall within the definition at (a) or (b) above, or would do so if special educational provision is not made for them.

4.2 Legislative framework

4.2.1 The Education Act 1996 provides support for children identified with SEN. The Act sets out duties to identify, assess and make additional provision available for children with special needs, as well as requiring LEAs and school governing bodies to follow the SEN Code of Practice, which sets out in detail how the authorities are expected to carry out their duties.

¹⁹ Special educational provision means:

- (a) for children aged two or above, the educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the local education authorities, other than special education schools, in the area; or
- (b) for children under two, an educational provision of any kind.

²⁰ LEA is the part of the local authority which is responsible for providing education, making assessments and maintaining statements of SEN.

²¹ Under the Education Act 1996, the compulsory school age ranges from five to 16.

4.2.2 The Special Educational Needs and Disability Act 2001 (SENDA) amends the Education Act 1996 by providing a revised statutory framework for inclusion of students with SEN into the mainstream system. It reinforces the right of children with SEN to attend a mainstream school unless their parents choose otherwise. SENDA also requires LEAs, schools, colleges, universities and providers of adult education not to discriminate against disabled people in their access to education, for reasons relating to their disability, and requests LEAs and schools to plan to increase progressively over time access to schools by disabled students. Complementing SENDA, the Disability Discrimination Act 2001 contains the provision that schools should not treat disabled students less favourably than others and should make "reasonable adjustments" to ensure that they are not disadvantaged.

4.2.3 A revised SEN Code of Practice became effective in 2002. It takes account of the experiences of schools and LEAs in implementing the previous code and reflects the new rights and duties introduced by SENDA. The revised code sets out five principles:

- (a) children with SEN should have their needs met;
- (b) their needs will normally be met in mainstream schools;
- (c) the views of children should be sought and taken into account;
- (d) parents have a vital role to play in supporting their children's education; and
- (e) children with SEN should be offered full access to a broad, balanced and relevant curriculum in the foundation stage and later years.

4.3 Responsible authority

4.3.1 Under the Education Act 1996, the school governing bodies and LEAs are responsible for providing assistance to students with SEN. In this regard, the Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 require LEAs to publish their policies on SEN and information about how they:

- (a) promote high standards of education for children with SEN;
- (b) encourage children with SEN to participate fully in their schools and communities and to take part in decisions about their education;
- (c) encourage schools in their areas to share their practice in providing for children with SEN; and

- (d) work with other statutory and voluntary bodies to provide support for children with SEN.

4.3.2 LEAs must also publish their general arrangements, including any plans setting out objectives, targets and timescales covering local arrangements for:

- (a) identifying children with SEN;
- (b) monitoring the admission of children with SEN to maintained schools²² in their areas;
- (c) organizing the assessment of children's statement of SEN²³;
- (d) providing support to schools with regard to making provision for children with SEN;
- (e) auditing, planning, monitoring and reviewing provision for children with SEN;
- (f) supporting students with SEN through School Action and School Action Plus²⁴;
- (g) securing training, advice and support for staff working in special education; and
- (h) reviewing and updating policy and development plans on a regular basis.

4.3.3 In addition, LEAs are required to provide for the inclusion of students with SEN in mainstream schools by monitoring the kinds of needs demanded by the children and the schools where the children are placed, and developing SEN policies in consultation with schools and other parties.

²² A maintained school is a school for which an LEA has financial and administrative responsibility. It can be either a mainstream or a special education school.

²³ For details on the statement of SEN, please refer to paragraph 4.5.5.

²⁴ For details on School Action and School Action Plus, please refer to paragraph 4.5.3.

4.4 Structure of education system

4.4.1 Depending on the nature of SEN and the severity of such needs, students with SEN are enrolled in either mainstream or special education schools. In England, students with SEN are encouraged to integrate with mainstream students. As a matter of fact, the ratio of SEN students' enrolment in special education schools to SEN students' enrolment in non-special education schools is approximately 1 to 16. Please refer to Table 9 for the distribution of students with SEN in special education schools and non-special education schools.

Structure of mainstream schools

4.4.2 The statutory system of public education consists of three stages: primary education, secondary education, and further and higher education. Compulsory education, which covers both primary and secondary education, lasts for 11 years from the age of five to 16. Primary education is normally six years and secondary education is another six years. A system of middle schools also exists, where students are transferred to them from primary schools at the age of eight or nine, then onto secondary education at the age of 12 or 13. Students usually attend further and higher education at the age of 18.

Schooling structure for students with special educational needs

4.4.3 There is no set schooling pattern catering for students with SEN.²⁵ Similar to mainstream students, SEN students at the compulsory school age are required to attend school. Furthermore, students with a statement of SEN²⁶ can continue to stay in school until 19 years old.

4.5 Special education programmes

Assessment for special educational needs

4.5.1 Early identification and assessment of any children who may have SEN and provision for their needs are crucial. The Education Act 1996 sets out the arrangements for identifying students with SEN and meeting their needs. Key provisions include:

- (a) identifying children who have SEN and providing special education by LEAs for them;

²⁵ The Department for Education and Skills.

²⁶ For details on the statement of SEN, please refer to paragraph 4.5.5.

- (b) assessing the needs of such children by LEAs;
- (c) by means of using the best endeavours, ensuring that children with SEN receive the support they need in school by the governing bodies; and
- (d) making and maintaining a statement of SEN and arranging for provision for students the assessment of whom shows that they require special provision to meet their needs.

4.5.2 For students with SEN whose needs can be met by school interventions that are additional to or different from those provided as part of the schools' usual differentiated curriculum and strategies, they can enrol in programmes known as School Action and School Action Plus. When both School Action and School Action Plus are considered not being able to cater for the needs of a student with SEN, a statutory assessment is arranged for the student, followed by the issuance of a statement of SEN if deemed necessary. Since 2001, only students with a statement of SEN have been eligible for special education schools.²⁷

School Action and School Action Plus

4.5.3 School Action could involve additional adult support, further assessment, additional or different teaching materials, or a different way of teaching. Teachers use Individual Education Plans (IEPs(UK)) to record the different or additional provision to be made for the children, teaching strategies and short-term targets for the children, success criteria and what they have achieved.

4.5.4 School Action Plus is applied where School Action is deemed unable to help a child with SEN to make adequate progress. Under School Action Plus, the school asks for outside assistance from the relevant LEA's support services, or from health or social work professionals. This kind of assistance could be in the form of advice from a speech and language therapist in a language programme, an occupational therapist's suggestions, or a medical diagnosis and report giving recommendations as to how to work differently with the child in class. Information about the child's family situation may be sought to explain the changes in the child's behaviour and attitudes to learning so that the school can take appropriate action to resolve the problem. The key test for taking School Action, moving to School Action Plus, or considering whether a statutory assessment is necessary, is whether the child is making adequate progress.

²⁷ The Department for Education and Skills.

Statement of special educational needs

4.5.5 Most children will have their SEN met by maintained schools through School Action and School Action Plus. If a child's needs cannot be met through School Action Plus, the LEA concerned may consider the need for a statutory assessment and, if appropriate, request a multi-disciplinary assessment. In such cases, the head teacher or the SEN co-ordinator (SENCO)²⁸ is required to submit in writing the reasons for the request together with the following evidence:

- (a) the views of the student and his/her parents;
- (b) the school's own assessment of the child's progress over time, including records of actions taken by the school under School Action and School Action Plus together with IEPs(UK) and outcomes of reviews;
- (c) any reports from specialists outside the school such as educational psychologists, advisory teachers and therapists;
- (d) details of any involvement of the education welfare services, social services or other professionals; and
- (e) details of the extent to which the school has followed advice from outside agencies.

4.5.6 Statutory assessment will not always lead to the preparation of a statement of SEN. An LEA will normally decide to make a statement only when it concludes that the special educational provision necessary to meet the student's needs cannot reasonably be provided within the resources available to the school. When parents ask an LEA to assess their child for a statement of SEN, the LEA must decide within six weeks whether it will make such an assessment. Once an LEA decides to assess a child for a statement, it must give the parents a proposed or draft statement within a further 12 weeks, i.e. within 18 weeks of the parents first asking for an assessment. When the parent is given a draft statement, the LEA must consider any comments the parents may make about the statement, and must then give the parents a final statement within a further eight weeks.

4.5.7 In general, the statement of SEN details the needs of the child and the special educational provision to be made for him/her. Only with the statement of SEN can a child be admitted to a special education school. The LEA has a duty to arrange the provision specified, and the governing body of the maintained special education school specified in the statement has a duty to admit the student if it is named in the statement. The statement must be reviewed at least annually.

²⁸ A SENCO has the responsibility for managing the effective delivery of the education psychology service, learning support, behaviour support, SEN assessment and administration, and parent support. A SENCO can be a school staff who has responsibility for co-ordinating SEN provision within that school.

4.5.8 As at January 2005, some 231 000 students with SEN were issued a statement of SEN, and some 365 000 students with SEN enrolled in School Action Plus. Table 8 lists the breakdown of the type of needs for students with SEN, both with and without statement.

Table 8 — Number of students with SEN by type of needs as at January 2005

Type of needs	Students without statement of SEN		Students with statement of SEN
	School Action	School Action Plus	
Moderate learning difficulty	N/A	110 210	60 150
Behaviour, emotion and social difficulties	N/A	95 840	32 290
Specific learning difficulty	N/A	62 010	20 650
Speech, language and communications needs	N/A	47 220	24 760
Autistic spectrum disorder	N/A	8 190	26 730
Physical disability	N/A	8 210	16 640
Hearing impairment	N/A	6 330	6 910
Severe learning difficulty	N/A	3 990	27 000
Visual impairment	N/A	3 240	4 210
Profound and multiple learning difficulty	N/A	500	7 550
Multi-sensory impairment	N/A	370	550
Other difficulty/disability	N/A	19 700	4 530
Unclassified ⁽¹⁾	N/A	0	10
Total	N/A	365 810	231 980

Note: (1) Students whose information on type of needs is missing.

Source: The Department for Education and Skills.

Annual review of the statement of special educational needs

4.5.9 The head teacher has an important role to play in the review of a statement of SEN, which must be carried out at least every 12 months to check the student's progress and the statement's continued relevance. The head teacher must seek advice from interested parties, arrange the annual review meeting and submit a subsequent report on the meeting to the LEA and all parties concerned in the review. The view of the student should be sought and all concerned parties should also be invited to the annual review meeting.

4.5.10 The aims of the annual review are to:

- (a) assess the student's progress towards meeting the objectives specified in the statement of SEN and to collate and record information to facilitate the planning of support for the student;
- (b) assess the student's progress towards meeting the targets set by the previous review;
- (c) review the special provision made for the student, including the appropriateness of any special equipment provided;
- (d) consider the continued appropriateness of the statement in light of the student's performance during the previous year, and any additional SEN which may have become apparent at that time, and thus to consider whether to cease maintaining the statement or make any amendments; and
- (e) set new targets for the coming year, if the statement is to be maintained.

Individual Education Plan

4.5.11 An IEP(UK) is drawn up in consultation with the student with SEN and his/her parents by all teaching staff, including the SENCO, head teacher and subject teacher. The purpose of an IEP(UK) is for planning necessary interventions for students in School Action or School Action Plus, and for students with a statement of SEN. An IEP(UK), which is reviewed at least twice a year, normally comprises:

- (a) short-term targets for improvement covering key areas such as communication, literacy, numeracy, behaviour and social skills;
 - (b) provisions to be made and teaching strategies to be used;
 - (c) date when the plan will next be reviewed;
 - (d) success criteria; and
-

- (e) outcomes which are recorded when the IEP(UK) is reviewed.

Staff qualification

4.5.12 In England, all teachers must obtain a Qualified Teacher Status (QTS) by successfully completing an initial teacher training programme and an induction period. For teachers who are specializing in SEN, the Education (Teachers' Qualifications and Health Standards) (England) Regulations 2003 stipulate that, in addition to holding a QTS, a person employed at a school as a teacher of a class of students with hearing impairment, visual impairment or multi-sensory impairment must possess additional Mandatory Qualifications, which offer opportunities for teachers to build on their experience, and to further develop the specialist skills and knowledge needed to support and meet the needs of students with sensory impairments.

Staff training

4.5.13 In general, once qualified, all teachers are expected to identify their development needs and address them via their own in-service training or continued professional development arrangements. For teachers who wish to further develop their knowledge and understanding of SEN or to specialize in SEN, the Training and Development Agency for Schools²⁹ has published the "National SEN Specialist Standards", and produced a CD-ROM "Identifying your Training Needs for Teaching Pupils with SEN" to help identify specific training and development needs. The Standards also cover key outcomes, professional knowledge and understanding, skills and attributes required, and the key areas of the role and responsibilities for SEN specialists.³⁰

Staff-to-student ratio

4.5.14 Information on teaching staff-to-student ratio and non-teaching specialist-to-student ratio is not available.

²⁹ Formerly known as the Teacher Training Agency, the Training and Development Agency for Schools is an executive non-departmental public body of the Department for Education and Skills. Its purposes are to raise children's standards of achievement and promote their well-being by improving the training and development of the whole school workforce.

³⁰ The Department for Education and Skills.

Performance assessment

4.5.15 To evaluate the performance of all children receiving school education (including students with SEN), students are assessed at age seven, 11 and 14 to see how well they have achieved against the eight levels of the National Curriculum in the core subjects of English, mathematics and science which all maintained schools follow. The National Curriculum sets out a clear, full and statutory entitlement to learning for all students up to the age of 16. The content of assessment is the same for both mainstream students and students with SEN.³¹

4.5.16 For those students having particular learning and assessment requirements, they may need additional provisions. As such, curriculum planning and assessment for students with SEN must take account of the type and extent of the difficulties experienced by them. In many cases, the action required to respond to an individual's curriculum requirements is met through greater differentiation of tasks and materials, which is consistent with the school-based intervention as set out in the SEN Code of Practice. Teachers must take actions to ensure that these students can participate as fully and effectively as possible within the National Curriculum and the statutory assessment arrangements. These actions include:

- (a) planning an appropriate amount of time to allow for the satisfactory completion of tasks;
- (b) planning opportunities, where necessary, for the development of skills in practical aspects of the curriculum; and
- (c) identifying aspects of programmes of study and attainment targets that may present specific difficulties for individuals.

Integration

4.5.17 Under the Education Act 1976, duty was placed on LEAs to integrate children with SEN in ordinary schools. The Education Act 1981 once again placed responsibility on LEAs to educate children with SEN in mainstream schools, taking account of parents' wishes and establishing a series of conditions before such children could secure access to mainstream education:

- (a) the mainstream's ability to ensure that the child would receive the educational provision his/her learning difficulty requires;
- (b) efficient education of others with whom the student with SEN would be educated; and
- (c) efficient use of resources.

³¹ The Department for Education and Skills.

4.5.18 Despite the assurance of integration of SEN students in ordinary schools provided under the Education Act 1981, SEN students were still denied access to mainstream education in the 1980s and 1990s. To address the concerns, the UK government published a Green Paper "Excellence For All Children – Meeting Special Educational Needs" in 1997, which set out a strategy to improve standards for students with SEN. A clear commitment to promoting greater inclusion was indicated, as was the need to develop the role of special schools with the educational, social and moral benefits of inclusion highlighted. Following substantial consultation, a report "Meeting Special Educational Needs – A Programme of Action" was published in 1998. The government undertook to review the statutory framework for inclusion in conjunction with the Disability Rights Task Force³². The Task Force's report "From Exclusion To Inclusion", published in 1999, recommended "*a strengthened right for parents of children with statements of special educational needs to a place at a mainstream school*".

4.5.19 In 2001, SENDA and the Disability Discrimination Act 2001 became part of a wider government policy aiming at removing barriers to the successful participation of students with SEN in society. The purpose of the legislation is to encourage mainstream schools to include students with SEN fully in their organizations, curricula, accommodation and teaching methods, making appropriate changes if necessary. In particular, SENDA reinforces the right of children with SEN to be educated in mainstream schools according to the parents' wishes, with the interests of mainstream students being protected.

4.5.20 An LEA is responsible for developing an inclusion strategy to ensure that the needs of all children in its area can be met locally and, as far as possible, in the mainstream sector. As such, the strategy should:

- (a) be "needs-based", that is, based on an analysis of students' current needs and projections of the needs profile over the next five to 10 years. In particular, the LEA should project the likely number of students with high support needs and take steps to enable them to be educated in local mainstream schools, as far as possible;
- (b) set out a timetable for developing the capacity of mainstream schools and early-year settings to meet the needs of children currently educated in the special education sector; and

³² The Disability Rights Task Force was set up by the UK government in 1997 to look into shortcomings in the provision of comprehensive and enforceable civil rights for disabled people. The Task Force's remit covered school education, youth services and further and higher education (including adult education), vocational training and qualifications.

- (c) set out clearly the future role of special education schools in the spectrum of provision and how to achieve this objective. The LEA should consider promoting partnership between mainstream schools and special education schools to make use of their respective specialist expertise and to create opportunities for children in special education schools to spend time learning alongside their mainstream peers.

4.5.21 Information on the details of how special education classes are conducted in mainstream school is not available.

4.5.22 Table 9 lists the distribution of students with SEN, with and without statement of SEN, in special education schools and non-special education schools.

Table 9 — Distribution of students with special educational needs in special education schools and non-special education schools as at January 2005

	Special education schools	Non-special education schools
SEN students with a statement of SEN ⁽¹⁾	83 290	159 290
SEN students without a statement of SEN	1 750	1 229 050

Note: (1) Please note that the number of students with SEN having a statement of SEN is different from that in Table 8 because the figure in Table 8 excludes students in general hospital schools, while the figure in this table includes.

Source: The Department for Education and Skills.

Parental participation

4.5.23 Under the SEN Code of Practice, schools and LEAs are expected to work closely with parents in both identifying their children's needs and involving them in decisions about their children's education. Under the Education Act 1996, schools are required to inform parents when they are making special educational provision for their children. SENDA amends the Education Act 1996 further, requiring LEAs to establish:

- (a) parent-partnership services to offer impartial advice and support to parents on SEN matters. In many areas, these services are contracted out to voluntary organizations; and
- (b) disagreement resolution services, offering parents an "early and informal" means of resolving any disputes they may have with the relevant school or LEA.

Appeal

4.5.24 Under the Education Act 1996, parents have a right of appeal to the SEN Tribunal if they are not satisfied with the provision offered in a statement of SEN, or if an LEA refuses to carry out a statutory assessment, issue or maintain a statement. SENDA extends the SEN Tribunal's remit to consider cases of disability discrimination in schools. Accordingly, the SEN Tribunal was renamed the Special Educational Needs and Disability Tribunal (SENDIST) in 2002.

4.5.25 There is a two-month time limit for making an appeal, starting from the time when the LEA concerned sends its final written decision to the parents. The parents can appeal to SENDIST if the LEA:

- (a) will not carry out a formal assessment of the child's SEN;
- (b) refuses to issue a statement of SEN for the child;
- (c) refuses to re-assess the child's SEN if the LEA has not made a new assessment for at least six months;
- (d) decides not to maintain the child's statement of SEN;
- (e) decides not to change the statement of SEN after re-assessing the child; or
- (f) has made a statement of SEN, or has changed a previous statement, and the parents can appeal against:
 - (i) the parts which describe the child's SEN and the special education that the LEA deems the child should receive;
 - (ii) the school named in the statement of SEN; or
 - (iii) the LEA not naming a school.

Statistics

4.5.26 In 2003-04, SENDIST received 3 637 appeals but only 3 354 were registered. The appeals that were not registered were likely due to parents missing the time limit or having been mistaken in their understanding of the scope of the appeal system. Among the appeals filed, 33% of them were issued a decision following a full hearing, 2% were struck out, 20% were conceded and 45% were withdrawn.

Type of appeals

4.5.27 The 3 354 appeals registered in 2003-04 are categorized in the following table:

Table 10 — Type of appeals registered in 2003-04

Type of appeals	Number	Percentage
Against content of the statement	1 609	47.8%
Against refusal to assess	1 328	39.6%
Against refusal to make a statement	241	7.2%
Against decision to cease to maintain a statement	69	2.1%
Against refusal to re-assess	60	1.8%
Against refusal to change the name of the school	45	1.4%
Against failure to name a school	2	0.1%
Total appeals registered	3 354	100%

Source: The Special Educational Needs and Disability Tribunal.

Outcome of appeals

4.5.28 The table below lists the outcome of appeals in 2003-04:

Table 11 — Outcome of appeals in 2003-04

Type of appeals	Decision to uphold	Decision to dismiss	Withdrawn	Conceded	Total
Against content of the statement	41%	6%	53%	0%	100%
Against refusal to assess	15%	9%	36%	40%	100%
Against refusal to make a statement	16%	14%	30%	40%	100%
Against decision to cease to maintain a statement	20.5%	20.5%	59%	0%	100%
Against refusal to re-assess	10%	6%	51%	33%	100%
Against refusal to change the name of the school	15%	2%	55%	28%	100%
Against failure to name a school	50%	50%	0%	0%	100%

Source: The Special Educational Needs and Disability Tribunal.

4.6 Funding

4.6.1 Funding for schools is a shared responsibility between the central government and local authorities (LAs). The majority of funding is provided by the central government, with LAs providing the rest through the council tax. LAs decide how much to spend on education in total in their areas and how to distribute that total spending between schools and central education services. It is for each LA to devise and revise its own school funding formula, taking into account local needs and circumstances.

4.6.2 In 2004-05, the spending on SEN in England was around £3.8 billion (HK\$54.23 billion)³³. About £4.1 billion (HK\$58.51 billion) was budgeted for 2005-06, accounting for some 13% of all education spending and representing a year-on-year increase of £300 million (HK\$4.3 billion).

³³ The average exchange rate of £ to HK\$ for 2004 was £1 = HK\$14.27.

4.6.3 The £4.1 billion (HK\$58.51 billion) budget included about £1.4 billion (HK\$19.98 billion) for maintained special education schools, £2 billion (HK\$28.54 billion) for maintained mainstream schools, £481 million (HK\$6.86 billion) for independent and non-maintained special education schools, and £264 million (HK\$3.77 billion) for LA duties such as educational psychologist services, administration and monitoring, parent partnership and child protection. In addition to education spending, about £500 million (HK\$7.14 billion) was budgeted for LAs to spend on transport for SEN students.

4.6.4 Information on the breakdown of cost per student in special education schools and mainstream schools in England is not available.

4.7 Transition programme

4.7.1 When the student with SEN reaches the ninth year (Year 9) of schooling, the annual review of the statement of SEN³⁴ and subsequent reviews before the student leaves school must include the drawing up and review of a Transition Plan. The Transition Plan draws together information from a range of individuals within and beyond school so that the student's transition to adult life can be planned coherently. The Transition Plan, when first drawn up in Year 9, is not simply about post-school arrangements, but also includes on-going school provision outlined in the statement of SEN as overseen by the LEA concerned. Year 9 review meetings are the start of a process for longer-term decision-making and involve agencies (such as health and social services) which will play a major role during the student's post-school years.

Connexions Service

4.7.2 The Connexions Service³⁵ is the government agency responsible for overseeing the delivery of the Transition Plan. The Service has a role in ensuring the participation and progression of young people aged 13 to 19 with SEN, and providing such young people with a Connexions Service Personal Adviser (PA), whose duty is to co-ordinate the delivery of the Transition Plan. A PA must be invited to attend the Year 9 annual review meeting and subsequent annual reviews where appropriate.

³⁴ For details of the annual review of the statement of SEN, please refer to paragraph 4.5.9.

³⁵ The Connexions Service is the government support service which provides support service for all young people aged 13 to 19 in England. It aims to provide integrated advice, guidance and access to personal development opportunities for young people and to help them make a smooth transition to adulthood and working life. The Connexions Service joins up the work of six government departments and their local agencies and organizations, together with private and voluntary sector groups and youth and careers services. It offers practical help regarding choosing the right courses and careers, and access to broader personal development through activities like sport, performing arts and volunteering activities.

4.7.3 In addition, vocational guidance provided by the school or PA includes information on options available to students with SEN aged 16 or above and takes fully into account the wishes and feelings of the student concerned. The Connexions Service provides counselling and support to the student and his/her parents, as well as identifying and overseeing the most appropriate provision for the student. These services are provided in partnership with the SEN officers of the LEA and those professionals who know the student well.

4.8 Views

4.8.1 The inclusion framework established by the UK government has contributed to a growing awareness of the benefits of inclusion, and in turn led to some improvements in practice. However, a report³⁶ published by the Office for Standards in Education³⁷ has found that although more schools want to be seen as inclusive which is regarded as positive, their provision for SEN students has not been broader than it was before the enactment of the legislation. The framework has had little effect as yet on the proportion of students with SEN in mainstream schools, or on the range of needs met by mainstream schools.

4.8.2 The report also states that taking all the steps needed to enable students with SEN to participate fully in school life and achieve their potential has remained a significant challenge for many schools. Expectations of achievement are often neither well-defined nor pitched high enough. Progress in learning has remained slower than it should be for a significant number of students. Few schools have evaluated their provision for students with SEN systematically so that they could establish how effective the provision is and whether it represents value for money. The availability and use of data on outcomes for students with SEN are limited. Despite the helpful contributions by the national strategies, the quality of work to improve the literacy of students with SEN has remained inconsistent. Effective partnership work between mainstream schools and special education schools on curriculum and teaching is the exception rather than the rule.

4.8.3 The report further recommends the Department for Education and Skills to continue to work with schools and LEAs to ensure that:

- (a) the ability of mainstream schools to cater for the diversity of special needs and disabilities is enhanced;
- (b) the effects of local decisions on admissions involving students with SEN are kept under close review;

³⁶ Office for Standards in Education (2004).

³⁷ The Office for Standards in Education is a non-ministerial government department responsible for the inspection of all schools in England. Its role includes the inspection of LEAs and teacher training institutions.

- (c) productive links on curriculum and teaching are made between mainstream and special education schools;
- (d) students with SEN in mainstream schools are able to fully participate in school life, and receive a curriculum and teaching relevant to their needs; and
- (e) schools evaluate their provision for SEN thoroughly and act on the findings to improve standards of achievement.

Chapter 5 – Taiwan

5.1 Background

5.1.1 In Taiwan, special education aims at providing proper education to students with mental or physical challenges and those who are gifted for the purpose of developing their mental and physical potentials. Since 1967, the government has started the promotion of integrated education, especially for the visually-impaired. In 1978, the integration scheme was extended to primary and secondary schools (國民中小學), and resources classrooms (資源班) were implemented to enable students with SEN to receive education with mainstream students. Furthermore, the legislation on special education was amended in 1997 to allow children with special needs to receive pre-school education at the age of three.

5.1.2 In Taiwan, the Act of Special Education (特殊教育法) defines a disabled person as one with one or more of the following conditions:

- (a) language disorder (語言障礙);
- (b) hearing impairment (聽覺障礙);
- (c) visual impairment (視覺障礙);
- (d) physical handicap (肢體障礙);
- (e) health impairment (身體病弱);
- (f) learning disability (學習障礙);
- (g) severe emotional disturbance (嚴重情緒障礙);
- (h) mental retardation (智能障礙);
- (i) autism (自閉症);
- (j) development delay (發展遲緩);
- (k) multiple impairment (多重障礙); or
- (l) other significant handicap (其他顯著障礙).

Table 12 — Number of students by type of needs in 2005

Type of needs	Number of students
Mental retardation	27 435
Learning disability	15 168
Multiple impairment	8 388
Physical handicap	6 504
Hearing impairment	3 927
Autism	3 875
Health impairment	3 107
Language disorder	1 893
Severe emotional disturbance	1 749
Visual impairment	1 743
Development delay	1 653
Other significant handicap	2 822
Total	78 264

Source: 教育部：<<九四年度特殊教育統計年報>>。

5.2 Legislative framework

5.2.1 The Physically and Mentally Disabled Citizens Protection Act (身心障礙者保護法) is enacted to protect the legal rights, interests and livelihood of the disabled, secure their opportunity to participate fairly in social life, consolidate the governmental and private resources, plan and implement all measures of assistance and welfare. In particular, the Act stipulates that the central, municipal and county authorities shall plan and establish special education schools for, or to educate in other ways, the disabled who cannot receive schooling in ordinary schools or classes, so as to protect their rights to and interests in education.

5.2.2 In 1970, the Ministry of Education (教育部) issued the *Rules on Advancing Special Education* (特殊教育推行辦法), followed by the *Standard for Assessment of Children with Special Needs and Teaching Aid* (特殊教育兒童鑑定及就學輔導標準) in 1974. To further enhance the quality of special education, a comprehensive piece of legislation, the Act of Special Education, was introduced in 1984. In accordance with the Act, the Ministry subsequently set up related laws and regulations such as the *Enforcement Rules to the Act of Special Education* (特殊教育法施行細則) and the *Rules on Appealing Facilities for Students with Special Educational Needs* (特殊教育學生申訴服務設施辦法) to promote the standards in special education.

5.2.3 In 1997, the Act of Special Education was amended to:

- (a) streamline the administration of special education;
- (b) enhance the quality of personnel working in special education;
- (c) secure the budget for special education;
- (d) extend special education to children starting from the age of three;
- (e) formalize parental involvement in special education;
- (f) mandate the Individualized Education Program (IEP(TW)) (個別化教育計劃) for children with SEN;
- (g) emphasize the provision of related services;
- (h) maintain flexibility in teaching and drafting the related curriculum;
- (i) emphasize professionalism and teamwork; and
- (j) propose integration in regular classrooms.

5.3 Responsible authorities

5.3.1 Under the Act of Special Education, the Special Education Unit (教育部特教小組) of the Ministry of Education was established in April 1997 to enforce the related regulations of special education and co-ordinate with the Department of Education of local municipalities and counties in administering the work on special education.

5.4 Structure of education system

Structure of mainstream schools

5.4.1 In Taiwan, the education system is divided into:

- (a) pre-school education (幼稚園);
- (b) elementary education (國民小學);
- (c) junior high education (國民中學);
- (d) senior high education (高級中學); and
- (e) tertiary education (大專).

5.4.2 For mainstream schools hosting special education classes, there are alternate teaching methods, including:

- (a) self-contained classroom (自足式特教班). All activities are conducted within the classroom;
- (b) resources classroom (資源班). Special education students spend a portion of their time with mainstream students and the rest of the time in a resources classroom receiving individual teaching;
- (c) tour counselling (巡迴輔導). Special education students receive direct training from teachers who tour special education schools on a regular basis. These teachers are trained in providing counselling to students and advice to their parents; and
- (d) provision of special services (普通班接受特教服務). These special services provided to special education students are services outside the scope of resources classroom and tour counselling. Examples are rehabilitation, special educational tools and administration assistance.

Schooling structure for students with special educational needs

5.4.3 Special education is provided from the age of three onwards.³⁸ Under the Act of Special Education, the placement of students in a particular phase or grade level should be flexible to facilitate teaching at special education schools. The implementation of special education in either a mainstream or a special education school is divided into three phases:

- (a) pre-school education as carried out in kindergartens, pre-schools, special education kindergartens/classes, affiliated kindergartens to special education schools, hospitals, families and other appropriate places;
- (b) compulsory education as carried out in elementary schools, junior high schools, special education schools/classes, hospitals and other appropriate places; and
- (c) secondary and higher education as carried out in senior high schools, senior vocational high schools, junior colleges, universities, special education institutions/classes, adult education institutions, hospitals and other appropriate places. After completing compulsory education, students with disabilities may seek admission to all levels of schools through entrance examination or other channels such as screening, recommendation and registered enrolment. Schools cannot deny admission on the ground of a student's physical and/or mental disabilities.

5.4.4 Special education schools are divided into:

- (a) comprehensive schools (綜合型學校);
- (b) schools for the hearing-impaired (啟聰學校);
- (c) schools for the visually-impaired (啟明學校);
- (d) schools for the mentally-challenged (啟智學校); and
- (e) experimental schools for those who are paralyzed or physically handicapped (實驗學校).

5.4.5 Table 13 lists the distribution of students with SEN in special education schools and non-special education schools as at May 2005.

³⁸ Information on whether there is any age limit at which the student with SEN is not qualified for special education is not available.

Table 13 — Distribution of students with special educational needs in special education schools and non-special education schools as at May 2005

	Special education schools	Non-special education schools
Number of students	5 846	72 418

Source: 教育部: <<九四年度特殊教育統計年報>>。

5.5 Special education programmes

Assessment for special educational needs

5.5.1 The Standard for Assessment of Children with Special Needs and Teaching Aid, enacted in accordance with Rules on Advancing Special Education, requires that each municipal/county establishes a committee for the assessment of children with special needs and teaching aid (特殊兒童鑑定及就學輔導委員會). The committee comprises various assessment and aid groups, with members from various fields including special education, clinical psychology, specialist, social work, rehabilitation, language therapy and education administration. Under the Standard, the following assessment criteria are laid out:

- (a) hearing impairment;
- (b) visual impairment;
- (c) mental retardation; and
- (d) physical disability.

5.5.2 Diagnosis and instructions concerning education for the disabled are conducted by professionals through teamwork. Professionals specializing in fields, such as medical treatment, education, social welfare and career counselling, are assembled to offer advice concerning learning, daily life activities and career transition to disabled citizens. Assessment of all phases of special education is conducted at least once every other year.

Individualized Education Program

5.5.3 Once a student has been identified with SEN, under the Act of Special Education, the school concerned is required to design an IEP(TW) through professional teamwork for the disabled student and to invite the student's parents to participate in the programme design and education placement, with a focus on offering individualized instructions, an obstacle-free learning environment and related services.

5.5.4 The IEP(TW) should be developed by the school within one month after the semester begins and is subject to review at least once per semester. The programme covers the following areas:

- (a) the student's ability concerning cognition, communication, mobility, emotion and interpersonal relations, as well as sensory functions, physical health, self-help behaviour, and performance in subjects such as Chinese and mathematics;
- (b) the student's family background;
- (c) the impact of disabilities on the student's academic performance and general adjustment in regular classes;
- (d) ideal means of assessment for the student;
- (e) strategies of management and administrative support when the student's learning is halted by his/her behavioural problems;
- (f) annual goals and instructive objectives;
- (g) special education and related professional services required by the student;
- (h) activities and amount of time per day the student participates in regular schools/classes;
- (i) target date and criteria concerning the assessment of whether the student has achieved annual goals and instructive objectives; and
- (j) assistance in transitions from pre-school to elementary school, from elementary school to junior high school, from junior high school to senior vocational high school, as well as from senior vocational high school to college/university.

5.5.5 The team responsible for developing the IEP(TW) comprises school administration personnel, teachers, the parents of the student concerned, and other professionals specializing in special education or related fields. The student may be invited to participate in the team. The parents may also invite other individuals if necessary.

Staff qualification

5.5.6 Information on staff qualification is not available.

Staff training

5.5.7 Information on staff training is not available.

Staff-to-student ratio

5.5.8 Information on teaching staff-to-student ratio and non-teaching specialist-to-student ratio is not available.

Performance assessment

5.5.9 Under the Act of Special Education, schools are required to actively identify the personality of students with SEN and find appropriate ways to assess the students' physical and mental status. Depending on the type and degree of disability, schools are required to offer students with SEN appropriate services to assist them during examination. Nevertheless, information on the details of performance assessment and services provided to students with SEN during assessment is not available.

Integration

5.5.10 Under the Act of Special Education, schools are required to introduce those students in need of special education to appropriate special education schools/classes, equivalent programmes in regular schools, or other appropriate places. Placement of disabled students in appropriate schools should be carried out with the premises of satisfying the students' learning requirements and in the least restrictive environment. In principle, the children with SEN are educated together with non-disabled peers, and they may be placed in special education classes of regular schools. Nevertheless, information on the details of how special education classes are conducted in mainstream schools is not available.

Parental participation

5.5.11 Parents are encouraged to participate in the development of the education path for their children. Under the Act of Special Education, parents can:

- (a) attend the relevant hearings about their children conducted by the committee responsible for identifying disabled students and placing the students in appropriate education institutions;
- (b) participate in the programme design of an IEP(TW) and education placement;
- (c) become members of a consultative committee which consists of experts, scholars, and representatives of organizations and agencies to enhance the development of special education and facilitate the process of resolving complaints;
- (d) receive information, consultation, counselling and parent education services offered by the school concerned; and
- (e) become members of the school parent association. (At least one member of the school parent association shall be the parent of a student attending special education).

Appeal

5.5.12 Under the Physically and Mentally Disabled Citizens Protection Act, where the condition of the disabled changes, the disabled can apply for re-assessment on his/her own initiatives or at the instruction of the assessment team. If the disabled does not agree with the result of assessment and objects to it, he/she may submit a written application to the assessment team within 30 days commencing from the day after receipt of the result for a one-time re-assessment, for which the applicant is required to pay 40% of the assessment fees. If the objection is accepted, the paid fees will be refunded to the disabled concerned.

5.5.13 According to the Rules on Appealing Facilities for Students with Special Educational Needs, when dealing with appeal cases concerning the students with SEN, schools should invite special education professionals to provide advice to the parties involved.

5.5.14 Information on the details of the appeal system, including the type of appeals and outcomes of appeal, is not available.

5.6 Funding

5.6.1 Under the Act of Special Education, the annual special education budget of the central government shall account for no less than 3% of the sum allotted to education spending. The annual special education budget of the local government shall account for no less than 5% of the sum allotted to education spending.

5.6.2 For Taiwan, the budget from the Ministry of Education for special education was NT\$6.05 billion (HK\$1.41 billion)³⁹, which was 4.27% of the total education budget of NT\$141.57 billion (HK\$32.99 billion) in 2005.

5.6.3 At the local level, for Taipei City (台北市), the budget for special education of the local government was NT\$2.6 billion (HK\$610 million), which was 5.05% of the local education budget of NT\$51.9 billion (HK\$12.1 billion) in 2005.

5.6.4 As regards the cost per student without SEN in mainstream elementary schools, junior high schools and high schools in 2002, it was NT\$94,048 (HK\$21,913), NT\$101,282 (HK\$23,599) and NT\$158,773 (HK\$36,994) respectively.

Table 14 — Funding for students with special educational needs and mainstream students in Taiwan in 2002

Cost per student	Amount
With special educational needs in mainstream school	N/A
With special educational needs in special education school	N/A
With no special educational needs in mainstream elementary school	NT\$94,048 (HK\$21,913)
With no special educational needs in mainstream junior high school	NT\$101,282 (HK\$23,599)
With no special educational needs in mainstream high school	NT\$158,773 (HK\$36,994)

Source: 行政院主計處第三局: <<教育部「中華民國教育統計指標」>> 及 <<財政部「財政統計年報」>>。

³⁹ The average exchange rate of NT\$ to HK\$ for 2004 was NT\$1 = HK\$0.233.

5.7 Transition programme

5.7.1 The Ministry of Education provides senior vocational high school training to students with SEN to ensure them a smooth transition to post-secondary career development. Depending on the need of the market and the ability of students, schools would provide comprehensive vocational training to allow SEN students to adapt to the working society. In addition, starting from the second year in the senior vocational high school, the number of hours that the students with SEN would spend in the working environment gradually increases, enabling them to join the work force immediately after graduation.

5.7.2 For a student with SEN graduating from senior vocational high schools, he/she has the following advancement options:

- (a) if the student is assessed to be incapable of working in society, he/she will be referred to work in a sheltered workshop;
- (b) if the student is assessed to have a higher working ability, he/she will be referred to an agency that provides career support;
- (c) if the student is assessed to be capable, he/she will be referred to the job market, without extensive career support; and
- (d) if the student is not willing to work, he/she will be referred to a government unit that provides community support and services to him/her.

5.7.3 Under the IEP(TW), assistance is also provided to the student in transition from senior vocational high school to college/university. Such assistance covers counselling concerning admission to higher education institutions, daily life and employment, as well as psychological counselling, welfare and other related services.

5.8 Views

5.8.1 In a study conducted in 2002 by Ya-shu Kang, an assistant professor at Meiho Institute of Technology in Taiwan⁴⁰, it was reported that there were few special education pre-schools for four- to six-year-old children with disabilities. Most children with mild disabilities remained unidentified and were placed in general kindergartens or nursery schools without special assistance. Medical care, such as neurological or developmental diagnosis, medical treatment, follow-up service or rehabilitation therapy, was provided only when medical professionals made the referral or when parents requested the services. Personal needs assessment was deemed inadequate and 80% of the parents expressed frustration in accessing special services.

⁴⁰ Ya-shu Kang, David Lovett & Kathryn Haring (2002).

Chapter 6 – Analysis

6.1 Introduction

6.1.1 The various aspects of measures on special education implemented in the State of California (California) in the United States, the Province of Ontario (Ontario) in Canada, England of the United Kingdom, Taiwan and Hong Kong are summarized in the Appendix. Based on the findings in this study, this chapter highlights the following issues for Members' consideration when deliberating the development of special education in Hong Kong:

- (a) Age limit for provision of special education;
- (b) Assessment for special educational needs (SEN);
- (c) Individual education plan;
- (d) Staff qualification;
- (e) Staff training;
- (f) Performance assessment;
- (g) Integration;
- (h) Parental participation;
- (i) Appeal;
- (j) Funding; and
- (k) Transition programme.

Age limit for provision of special education

6.1.2 In California, special education is provided for youngsters from the age of three up to 22. In Ontario, the provision of special education is from the age of six to 16, and from five to 19 years old in England. In Taiwan, special education is provided from the age of three onwards.⁴¹

⁴¹ Information on whether there is any age limit at which the student with SEN is not qualified for special education in Taiwan is not available.

6.1.3 In Hong Kong, free and compulsory education is provided to children, including children with SEN, from the age of six to 15 years and 11 months, and up to junior secondary level. With effect from the 2002-03 school year, students aged between 16 and 17 years and 11 months in schools for the mentally handicapped may participate in the Extension of Years of Education Programme of their schools on a voluntary basis. Students who reach the age of 18 during the school year may stay in these special education schools till the end of the school year.⁴²

6.1.4 Under the Code of Aid for Special Schools, except with the approval of the Permanent Secretary of the Education and Manpower Bureau (EMB), students with SEN in Hong Kong are not allowed to remain in special education schools after the end of the school year during which their 20th birthday occurs.⁴³

Assessment for special educational needs

6.1.5 Apart from England, the selected places require the assessment of a child for SEN before devising any individual education plan. In California, the assessment is done by the Individualized Education Program Team, which consists of the parents, a regular education teacher if the child is participating in the regular education environment, a special education teacher and a representative of the school district. In Ontario, the assessment for SEN is done by the Identification, Placement and Review Committee (IPRC), which consists of at least three persons, one of whom must be the principal or a supervisory officer of the school board. In Taiwan, such assessment is performed by an assessment committee under the municipal/county government, with members from fields including special education, clinical psychology, specialist, social work, rehabilitation, language therapy and education administration.

6.1.6 In England, the assessment for SEN is initiated only if School Action and School Action Plus are deemed incapable of catering for the needs of a student with SEN. Assessment is performed by the Local Education Authorities (LEAs), and the assessment results will not always lead to the preparation of a statement of SEN. An LEA will normally issue a statement when it concludes that the special educational provision necessary to meet the student's needs cannot reasonably be provided within the resources available to the school.

⁴² The Education and Manpower Bureau.

⁴³ Ibid.

6.1.7 In Hong Kong, the Child Assessment Service of the Department of Health may assess children from birth to 12 years old with developmental problems for diagnosis, functional evaluation, therapy, training and referral for educational service among others. Parents may receive developmental guidance, counselling and support from the Service as well. With regard to understanding the psycho-educational needs of a student, the parents, teachers and medical practitioners can bring their concerns to the student guidance personnel (SGP), school social worker (SSW) or Student Support Team (SST) of each school. The SGP, SSW or SST will then consult the educational psychologist of EMB and request for an assessment if necessary. Parents are briefed on the assessment results of their children's SEN to facilitate their informed decision on school placement.⁴⁴

6.1.8 With respect to identifying students with specific learning disabilities, EMB provides primary school teachers with the "Hong Kong Specific Learning Difficulties Behaviour Checklist" to identify such students among suspected cases at the primary one level. According to EMB, a similar behaviour checklist for assessment of students' learning abilities would be introduced in the 2005-06 school year for secondary schools.⁴⁵

Time limit for assessment for special educational needs

6.1.9 With regard to whether there is any time limit in performing the assessment for SEN once the request is initiated, each selected place deals with the matter differently. In California and Ontario, it is statutorily required to perform the assessment within a time limit. Under the California Education Code, the child is required to be evaluated within 60 days once the parents have given consent for the evaluation. Under Regulation 181/98 in Ontario, the principal must provide the parents a written statement indicating when the IPRC will meet within 15 days of receiving a written request from the parents.

6.1.10 By comparison, in both England and Hong Kong, such time limit is not statutorily required. In England, in the case where LEAs deem necessary, a statement of SEN is normally given to the parents within 26 weeks from the time when the parents ask an LEA to assess their child for a statement of SEN. Similarly, professionals in Hong Kong exercise their judgment and prioritize the students such that their well-being will not be jeopardized. On the whole, the first assessment is provided within one month on receipt of the referral.⁴⁶

⁴⁴ The Education and Manpower Bureau.

⁴⁵ Minutes of Meeting of the Subcommittee to study issues relating to the provision of boarding places, senior secondary education and employment opportunities for children with special educational needs (2005e).

⁴⁶ The Education and Manpower Bureau.

Re-assessment frequency

6.1.11 In all four places studied, both the re-assessment for SEN and the review of the identification and placement of a student with SEN are performed on a regular basis. In both Ontario and England, re-assessment is conducted at least once a year, whilst in Taiwan, it is conducted once every two years.

6.1.12 In California, re-assessments for SEN are conducted at least once every three years but not more than once a year, unless the teachers or parents of the student make a request or if the local education agency involved determines that the student's educational and service need, academic achievement, or functional performance warrants a re-evaluation. A child is required to be re-evaluated within 60 days once the parents have given consent for the re-assessment.

6.1.13 In Hong Kong, re-assessment is usually done when there are significant changes in the student's performance and hence a review of his/her educational needs is necessary. A request for re-assessment could be made by the teacher or parents via the SGP, SSW or SST. It may also be recommended by the specialist after the initial assessment in case the student shows a marked improvement or backwardness which demands attention. There is no statutory time limit within which the re-assessment is required to be performed.⁴⁷

Individual education plan

6.1.14 All four places studied offer an individual education plan for students with SEN once they have been determined to have special needs. The functions of the plan are similar in nature among the selected places, including stating the child's academic achievement and functional performance, establishing goals for the child, and describing the programmes and services required by the child. In Ontario, California and Taiwan, the establishment of an individual education plan is prescribed by law. While the establishment of an individual education plan in England is not statutorily mandatory, the issuance of a statement of SEN is mandatory when the required conditions are met.⁴⁸

6.1.15 The individual education plan is reviewed on a regular basis in all four places studied. In California, an Individualized Education Program (IEP(US)) is reviewed at least once a year. In England, an Individual Education Plan (IEP(UK)) is reviewed at least twice a year. In Taiwan, an Individualized Education Program (IEP(TW)) is reviewed at least once per semester, whereas in Ontario, an Individual Education Plan (IEP(CA)) is reviewed at least once in every reporting period, and school can have two to three reporting periods within a school year.

⁴⁷ The Education and Manpower Bureau.

⁴⁸ Section 324 of the Education Act 1996.

6.1.16 In Hong Kong, an Individualized Education Programme (IEP(HK)) is set up to address the special needs of students if necessary. The establishment of IEP(HK) is not a statutory requirement but an educational requirement. For students with SEN in mainstream schools, an IEP(HK) may be recommended by specialists after detailed assessment. Special education schools may also initiate an IEP(HK) to address the needs of their students under their school policies and practices.⁴⁹

6.1.17 In mainstream schools, an SST is formed to co-ordinate the design and implementation of an IEP(HK). The SST usually comprises the school head or deputy head, the curriculum development teacher, the subject teachers, the resource teacher and the student guidance personnel. Parents and relevant professionals such as educational psychologists or psychiatrists are sometimes involved in the process. In special education schools, teachers and specialist staff join forces to develop IEPs(HK) where necessary.⁵⁰

6.1.18 An IEP(HK) may cover specific, measurable and attainable behaviour/learning targets, achievement criteria, possible resources, strategies, indication of parties involved and date of interim review. Each IEP(HK) is tailor-made to cater for the unique needs of a particular student. There are behavioural targets to improve social adjustment, as well as targets on learning including literacy skills, mathematical skills, communication skills and independent living skills. Schools usually review a student's IEP(HK) two to three times per year, in order to monitor his/her progress and adjust the programme in time.⁵¹

Staff qualification

6.1.19 Special education teachers in both England and California are required to obtain additional qualifications in order to work with SEN students.

6.1.20 In England, teachers who teach in a class of students with hearing impairment, visual impairment or multi-sensory impairment, must possess Mandatory Qualifications in addition to a Qualified Teacher Status. In the US, special education teachers who teach core subjects are required to meet the definition of "highly qualified" by holding a minimum of a bachelor's degree, having obtained a full state certification as a special education teacher, and having demonstrated competency in subjects that they teach. They cannot have their certification requirements waived on an emergency, temporary or provisional basis. Nevertheless, to accommodate the shortage of special education teachers in California, the California Department of Education (CDE) allows special education teachers the flexibility to complete the California High Objective Uniform State Standard of Evaluation for the subjects they teach within two years from date of employment, or be enrolled in an approved special education intern programme while teaching.

⁴⁹ The Education and Manpower Bureau.

⁵⁰ Ibid.

⁵¹ Ibid.

6.1.21 In Hong Kong, teachers who teach students with SEN are encouraged to attend training courses on special education. In the 2004-05 school year, about 75% of the teachers in special education schools received special education qualification. About 75% of mainstream primary and secondary schools had at least one teacher trained in special education.⁵²

Staff-to-student ratio

6.1.22 In Hong Kong, for the school year 2004-05, the teacher-to-student ratio in special education schools was 1:5.3, while the non-teaching specialist-to-student ratio in special education schools was 1:16.4.⁵³

Staff training

6.1.23 Training is provided for special education teachers in both England and Hong Kong, while such information is not available in the other selected places studied. In England, for teachers who wish to further develop their knowledge and understanding of SEN or to specialize in SEN, the Training and Development Agency for Schools has published the "National SEN Specialist Standards", and produced a CD-ROM "Identifying your Training Needs for Teaching Pupils with SEN" to help identify specific training and development needs.

6.1.24 In Hong Kong, the Hong Kong Institute of Education provides a 120-hour professional development course for SEN training for teachers in both mainstream and special education schools. In addition, two 30-hour courses on specific learning difficulties and autistic spectrum disorders are in place in the 2005-06 and 2006-07 school years respectively, providing more in-depth training on specific issues of SEN. Schools are required to arrange for at least one teacher to undergo the 120-hour SEN course and a teacher each to attend the theme-based training on the SEN types that the school needs to cater for.⁵⁴

6.1.25 Furthermore, induction workshops and 10-hour school-based staff training sessions are arranged for the participating schools. Throughout the year, territory-wide seminars, workshops and experience-sharing sessions on practical skills and inclusion strategies are organized for the participating schools and other mainstream schools. Educational psychologists, inspectors, audiologists and school development officers of EMB visit the schools regularly to provide professional support and conduct school-based staff development programmes to meet the needs of the schools.⁵⁵

⁵² The Education and Manpower Bureau.

⁵³ Ibid.

⁵⁴ The Education and Manpower Bureau (2005h).

⁵⁵ The Education and Manpower Bureau (2005c).

6.1.26 For school staff who are involved in the development of an IEP(HK), the special education teaching qualification and training would be no different from other school staff involved in special education.⁵⁶

Performance assessment

6.1.27 Performance assessment for students with SEN is required for all places studied. However, among the places studied, only California has in place an alternative assessment, the California Alternate Performance Assessment (CAPA), for students with SEN who cannot take part in the regular state assessment. Eligibility for CAPA is based on the recommendation of a student's IEP(US) Team.

6.1.28 By contrast, Ontario, England and Taiwan do not have such practice of hosting an alternative assessment for students with SEN. In Ontario, a student with SEN whose academic expectations are not derived from the provincial curriculum policy will not be assessed according to the assessment policies in the provincial curriculum, but in relation to the expectations set out in the student's IEP(CA). In England, the content of assessment under the National Curriculum assessment is the same for both mainstream students and students with SEN. In Hong Kong, students with SEN taking part in the public examination are assessed on par with all other children sitting for the same examination.⁵⁷

Provision of special accommodation during assessment

6.1.29 In the four places studied, special accommodation is provided for students with SEN to participate in the performance assessment. Teachers are encouraged to take actions to ensure that SEN students are able to participate fully and effectively.

6.1.30 In Hong Kong, special accommodation is arranged for students with SEN. For instance, candidates with disabilities entering the Hong Kong Certificate of Education Examination or the Hong Kong Advanced Level Examination may apply for exemption from parts of the examination and special examination arrangements such as allocation to special centres, extra time allowance, provision of Braille or enlarged question papers.⁵⁸

⁵⁶ The Education and Manpower Bureau.

⁵⁷ The Education and Manpower Bureau (2005d).

⁵⁸ Ibid.

Integration

6.1.31 In all four places studied, students with SEN may enrol in either mainstream or special education schools, depending on the degree of needs. Legislation is in place in the selected places to provide for the integration of students with SEN with mainstream students, unless such arrangement cannot accommodate the needs of either group. In California, the California Education Code states that students with SEN should be encouraged to participate in extra-curricular and other non-academic activities with mainstream students, and schools should provide an explanation of the extent, if any, to which a student with SEN will not participate in regular classes with mainstream students.

6.1.32 In Ontario, under Regulation 181/98, the first priority is to place an "exceptional pupil" in a regular class with appropriate support, when such placement meets the student's needs and is in accordance with the parents' wishes. Where placement in a special education class is chosen, the IPRC is required to provide written reasons for its decision.

6.1.33 In England, the Special Educational Needs and Disability Act 2001 (SENDA) and the Disability Discrimination Act 2001 are enacted to remove barriers to the successful participation of students with SEN in society. In particular, SENDA reinforces the right of children with SEN to be educated in mainstream schools according to the parents' wishes, with the interests of mainstream students being protected as well.

6.1.34 Similar to schools in California, Ontario and England, schools in Taiwan, under the Act of Special Education, are required to place students in the least restrictive environment. In principle, children with SEN are educated together with non-disabled peers, and they may be placed in special education classes of regular schools.

6.1.35 Among the four places studied, only the authorities in California and Ontario have set up grants/awards to recognize exemplary educational programmes or strategies that integrate students with SEN in the regular classrooms. England and Taiwan have no such practice.

6.1.36 In Hong Kong, the integration of children with SEN in mainstream schools has been implemented since the 1970s. There is no explicit legislation that governs such integration. However, the Disability Discrimination Ordinance makes it unlawful for educational establishments to discriminate against a person with a disability unless there is an unjustifiable hardship for the educational establishments.

6.1.37 In September 1997, the Hong Kong Government launched a 2-year Integrated Education (IE) pilot project featuring the adoption of a whole-school approach to cater for students with SEN. The objective of the project is to enhance the effectiveness of support for students with SEN, through improvement on the culture, policy and practices of the whole school. The ultimate aim is to enhance the capacity of all schools in catering for student diversity, so that teachers are ready to provide early intervention to students with varying degrees of learning difficulties and in a more integrated approach. The IE Programme was formally launched in mainstream schools in the 1999-2000 school year. In the 2005-06 school year, there are 115 primary and secondary schools in the IE Programme.⁵⁹

Distribution of students with special educational needs

6.1.38 In all four places studied, the placement of students with SEN in mainstream schools is more than 90%. Especially in California and Ontario, the placement ratio is over 98% and 99% respectively. By comparison, Hong Kong has the highest percentage of enrolment in special education schools with respect to the total number of students with SEN. Table 15 compares the distribution of students with SEN in special education schools and non-special education schools in the four selected places and Hong Kong.

Table 15 — Distribution of students with SEN in special education schools and non-special education schools in selected places

Places	Number of students with SEN in special education schools	Percentage of students with SEN in special education schools over total number of students with SEN	Number of students with SEN in non-special education schools	Percentage of students with SEN in non-special education schools over total number of students with SEN
California	8 134	1.3%	613 639	98.7%
Ontario	805	0.3%	275 626	99.7%
England	85 040	6.0%	1 388 340	94.0%
Taiwan	5 846	7.0%	72 418	93.0%
Hong Kong	7 497	22.0%	27 124	78.0%

⁵⁹ The Education and Manpower Bureau (2005c).

Parental participation

6.1.39 All four places studied have legislation/codes in place to promote parental participation in the shaping of education for children with SEN. In California, there are specific procedural safeguards for parents to participate in the development of the IEP(US), and be informed of all programme options and alternatives. In Ontario, under Regulation 181/98, parents must be consulted in the development of the IEP(CA), and invited to participate in all IPRC discussions about the children. In England, under the SEN Code of Practice, schools and LEAs are expected to work closely with parents in both identifying their children's needs and involving them in decisions about their children's education. In Taiwan, under the Act of Special Education, parents can attend the relevant hearings about their children, as well as participating in the programme design of IEPs(TW) and education placement.

6.1.40 In Hong Kong, the policy of parental participation in special education can be described in two aspects, namely:

- (a) parental choice in school placement. Parents are briefed on their children's SEN to facilitate their informed decision on school placement. Upon parents' decision and written consent, the children assessed may be arranged for placement in mainstream or special education schools. With parents' consent, the assessment results are made known to the schools concerned. Parents are also encouraged to inform schools of their children's SEN; and
- (b) home-school co-operation. EMB encourages all parents to work closely with schools, in particular the establishment of Parent-Teacher Associations in schools. Parents of students with SEN are encouraged to participate in the school meetings to establish and review the learning goals and progress of the students so that timely and adequate support can be arranged for the students. The school should also consult parents and report to them the progress of the students periodically. When designing the IEP(HK), teachers are encouraged to work in collaboration with parents so as to meet the students' individual learning needs as far as possible.⁶⁰

Appeal

6.1.41 Legislation is in place in the selected places to provide for the parents to appeal against decisions of the authorities with regard to special education. In California, Ontario and England, parents who have disagreements regarding the identification, assessment and education placement of a child, can appeal to the relevant government department (e.g. Department of Education), school board or tribunal. A mediation conference is available in both California and Ontario for settling disputes between the parents and the parties concerned prior to requesting a due process hearing or appealing to a tribunal.

⁶⁰ The Education and Manpower Bureau.

6.1.42 In California, parents can file a complaint with CDE if they believe the child's school district has violated the law. They can further request a due process hearing if they are not satisfied with the result of the investigation of CDE and/or the mediation. In Ontario, parents can file an appeal against the IPRC decision with the school board, which will set up an appeal board to review the case. In the situation where the parents are not satisfied with the school board decision and/or the mediation, the parents can appeal to the Special Education Tribunal.

6.1.43 In England, parents have a right of appeal to the Special Educational Needs and Disability Tribunal (SENDIST) if they are not satisfied with the provision offered in a statement of SEN, or if an LEA refuses to carry out a statutory assessment, or issue or maintain a statement.

6.1.44 In Hong Kong, according to the Government, when parents disagree with the school placement recommendation of their children with multiple disabilities, a vetting committee comprising representatives from EMB, the Hong Kong Special Schools Council, the Department of Health, the Social Welfare Department and the relevant parents' association will meet to review the placement recommendation and try to work out a solution agreeable to both parents and schools.⁶¹

Time limit in filing appeal

6.1.45 Among the selected places studied, California has the longest time limit in filing a request for a due process hearing – it can be filed within three years from the date that the parents know or have reason to know of the facts that are the basis for the hearing request. In England, the request for an appeal must be filed within two months to SENDIST, starting from the time when the LEA concerned sends its final written decision to the parents.

6.1.46 By comparison, Ontario has the shortest time limit in filing an appeal against IPRC decisions or its reviews. The appeal must be filed with the secretary of the school board within 30 days of receiving the IPRC's statement of decision; or within 15 days of receiving the IPRC's statement of decision arising out of a follow-up meeting with the IPRC.

6.1.47 In Hong Kong, there is no statutory time limit in filing complaints and appeals.⁶²

⁶¹ The Education and Manpower Bureau.

⁶² Ibid.

Appeal statistics

6.1.48 Since the appeal statistics are only available in Ontario and England, comparison can only be made between these two selected places. SET in Ontario received 10 appeals filed in 2005, whereas by comparison, SENDIST in England registered 3 354 appeals in 2003-04.

6.1.49 Among the appeals filed with SET, nine out of 10 (90%) were related to identification and/or placement of students with SEN. The nature of the tenth appeal is unknown. In England, the types of appeal filed were more varied by comparison. They included appeals against content of the statement (47.8%), refusal to assess (39.6%), refusal to make a statement (7.2%), decision to cease to maintain a statement (2.1%), refusal to re-assess (1.8%), refusal to change the name of the school (1.4%) and failure to name a school (0.1%).

Funding

6.1.50 Comparing the four places studied, only California and Taiwan have legislation in place to regulate the amount of funding allocated to special education. In California, under the Individuals with Disabilities Education Improvement Act, the federal government has established a six-year path to reach the spending goal of financing 40% of the additional cost of educating children with disabilities. In Taiwan, under the Act of Special Education, the annual special education budget of the central government shall account for no less than 3% of the sum allotted to education spending while the annual special education budget of the local government shall account for no less than 5% of the sum allotted to education spending.

6.1.51 By contrast, Ontario, England and Hong Kong do not have legislation regulating the amount of funding allocated to special education.

6.1.52 Among the four places studied, England⁶³ has the highest percentage of budget allocated for special education with respect to the total education budget (13%), followed by Ontario⁶⁴ (11%) , California⁶⁵ (7.5%) and Taiwan⁶⁶ (4.27%). With regard to the absolute amount allocated to special education, England has the largest amount as well (HK\$58.51 billion), followed by California, Ontario and Taiwan with amounts of HK\$30.37 billion, HK\$10.8 billion and HK\$1.41 billion respectively.

6.1.53 In Hong Kong, HK\$1.29 billion is allocated to special education, accounting for 2.6% of the total funding for education under the General Revenue Account in the 2005-06 financial year⁶⁷.

⁶³ For the year 2005-06.

⁶⁴ For the year 2004-05.

⁶⁵ For the year 2005.

⁶⁶ For the year 2005.

⁶⁷ The Education and Manpower Bureau.

Cost per student

6.1.54 In the US, the average expenditure on all regular and special education services for a special education student is HK\$97,545.⁶⁸ In Ontario⁶⁹, the average expenditure of a special education student in a special education school is HK\$420,000. In Hong Kong⁷⁰, the average expenditure per student attending special education schools is around HK\$146,000.

6.1.55 Regarding the cost per student without SEN in mainstream schools, Ontario has the highest cost (HK\$54,330 for mainstream secondary schools and HK\$47,046 for mainstream elementary schools), followed by California (HK\$51,058) and Taiwan⁷¹ (HK\$36,994 for mainstream high schools, HK\$23,599 for mainstream junior high schools and HK\$21,913 for mainstream elementary schools).

6.1.56 In Hong Kong, the cost per student in mainstream senior secondary schools, junior secondary schools and elementary schools is HK\$36,700, HK\$34,200 and HK\$27,200 respectively for 2005-06.⁷²

Transition programme

6.1.57 Among the four places studied, a transition programme for students with SEN is included as part of the individual education plan in California, Ontario and Taiwan. In England, however, the transition programme is stated under the statement of SEN.

6.1.58 Apart from the individual education plan and statement of SEN, all four places studied provide additional venues to assist students with SEN in progressing into a smooth post-secondary setting. For instance, in California, CDE administers a state-wide WorkAbility I Program which provides comprehensive pre-employment training, employment placement and follow-up for high school students in special education.

6.1.59 In Ontario, schools provide exit programmes for all students leaving school, including students with SEN. Under the exit programmes, information on education options, apprenticeship programmes and support services are available for these students.

⁶⁸ For the year 1999-2000. Information on the breakdown of expenses is not available.

⁶⁹ For the year 2004-05. Information on the breakdown of expenses is not available.

⁷⁰ For the year 2005-06.

⁷¹ For the year 2002.

⁷² The Education and Manpower Bureau.

6.1.60 In England, the Connexions Service provides Connexions Service Personal Advisers whose duties are to provide counselling and support to students with SEN, as well as overseeing the delivery of the Transition Plan. In Taiwan, the government provides senior vocational high school training to students with SEN. Upon graduation, the students have the option to work in a sheltered workshop, or to be referred to the job market directly, to an agency that provides career support, or to a government unit that provides community support and service.

6.1.61 In Hong Kong, upon completion of junior secondary education, students with SEN in mainstream schools may continue their studies if they pass through the Junior Secondary Education Assessment System. Other pathways for further studies available to these students include the Hong Kong Institute of Vocational Education and industrial training/skills centres for people with disabilities. They may also opt for open employment or supported employment under the Social Welfare Department or the Interactive Selective Placement Service under the Labour Department. The counselling team of mainstream schools will give advice to parents and students on the post-school arrangement of the students and arrange related activities to facilitate their better understanding of the exit alternatives.

6.1.62 For special school students who follow the mainstream curriculum, they may continue their senior secondary education in either special or mainstream schools upon completion of Secondary Three. Some may opt for vocational training or open employment. For Secondary Five leavers, some may take the Secondary Six course in mainstream schools or receive training in the Hong Kong Institute of Vocational Education or the training/skills centres. Others may seek employment. Similarly, the schools concerned will give due advice to parents and students on the exit alternatives and arrange relevant activities to facilitate their better understanding.

6.1.63 For students with mental handicap, the current post Secondary Three placement includes training/skills centres for vocational training as well as sheltered workshops, day activity centres and integrated vocational training centres. A 2-year transition programme, namely the Extension of Years of Education Programme, is provided for students of mentally-handicapped schools for further training and adult life.⁷³ Students can be attached to skills centres, integrated vocational rehabilitation services centres, supported employment units, sheltered workshops or day activity centres as part of the Programme.⁷⁴

⁷³ In the schools for the physically disabled, students with severe physical disability who cannot cope with the mainstream curriculum may also join the Extension of Years of Education Programme.

⁷⁴ The Education and Manpower Bureau.

Appendix

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Background information					
Number of students with special educational needs (SEN)	681 980, as at 2003.	Approximately 270 000, as at 2003-04.	1 473 380, as at January 2005.	78 264, as at May 2005.	Approximately 34 600. ⁽¹⁾
Category of disability	<ul style="list-style-type: none"> • Specific learning disability; • Speech or language impairment; • Mental retardation; • Emotional disturbance; • Autism; • Orthopaedic impairment; • Hard of hearing; • Multiple disabilities; • Visual impairment; • Deaf; • Traumatic brain injury; • Deaf-blind; and • Other health impairment. 	<ul style="list-style-type: none"> • Behaviour; • Communication: <ul style="list-style-type: none"> (i) Autism; (ii) Deaf and hard-of-hearing; (iii) Language impairment; (iv) Speech impairment; and (v) Learning disability; • Intellectual ability: <ul style="list-style-type: none"> (vi) Giftedness; (vii) Mild intellectual disability; and (viii) Developmental disability; • Physical: <ul style="list-style-type: none"> (ix) Physical disability; (x) Blind and low vision; and (xi) Deaf-blind; and • Multiple exceptionalities. 	<ul style="list-style-type: none"> • Moderate learning difficulty; • Behaviour, emotion and social difficulties; • Specific learning difficulty; • Speech, language and communications needs; • Autistic spectrum disorder; • Severe learning difficulty; • Physical disability; • Hearing impairment; • Profound and multiple learning difficulty; • Visual impairment; • Multi-sensory impairment; and • Other difficulty/disability. 	<ul style="list-style-type: none"> • Language disorder; • Hearing impairment; • Visual impairment; • Physical handicap; • Health impairment; • Learning disability; • Severe emotional disturbance; • Mental retardation; • Autism; • Development delay; • Multiple impairment; and • Other significant handicap. 	<ul style="list-style-type: none"> • Speech impairment; • Hearing impairment; • Visual impairment; • Physical disability; • Mental handicap; • Autistic spectrum disorders; and • Learning difficulties.

Note: (1) As at 15 September 2004, there were 27 124 students with SEN attending mainstream schools; and as at 15 September 2005, there were 7 497 students with SEN attending special education schools.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Background information (cont'd)					
Age limit when special education is available	3 to 22	6 to 16	5 to 19	From 3 onwards. Information on the upper age limit is not available.	6 to 18.
Enrolment ratio of students with SEN in special education schools to non-special education schools	1 : 75	1 : 342	1 : 16	1 : 12	1 : 3.6
Responsible authority	The California Department of Education (CDE).	The Ontario Ministry of Education.	Local Education Authority (LEA).	The Ministry of Education.	The Education and Manpower Bureau (EMB).
Relevant legislation	<u>State level</u> <ul style="list-style-type: none"> California Education Code. <u>Federal level</u> <ul style="list-style-type: none"> No Child Left Behind Act; Individuals with Disabilities Education Act; and Individuals with Disabilities Education Improvement Act. 	Ontario Education Act.	<ul style="list-style-type: none"> Education Act 1996; Special Educational Needs and Disability Act 2001 (SENDA); and Disability Discrimination Act 2001. 	<ul style="list-style-type: none"> Act of Special Education; and Physically and Mentally Disabled Citizens Protection Act. 	<ul style="list-style-type: none"> Education Ordinance; Education Regulations; and Disability Discrimination Ordinance.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Assessment for special educational needs					
When assessment for SEN takes place	Statutory requirement: within 60 days once parents have given consent.	Statutory requirement: the principal must provide the parents a written statement indicating when the Identification, Placement and Review Committee (IPRC) will meet, within 15 days of receiving a written request from the parents.	No statutory time limit for the assessment. Normally, the LEA decides within six weeks whether it will make such an assessment. Once an LEA decides to assess a child for a statement, it gives the parents a proposed or draft statement within a further 12 weeks. When the parent is given a draft statement, the LEA then considers any comments the parents may make about the statement, and must give the parents a final statement within a further eight weeks.	Information not available.	No statutory time limit for the assessment but professionals will exercise their judgment and prioritize the students such that their well-being will not be jeopardized. On the whole, the first assessment is provided within one month on receipt of the referral.
Team responsible for assessing students	The Individualized Education Program Team.	IPRC.	LEA.	Committee for the assessment of children with special needs and teaching aid.	EMB and the Department of Health.
Frequency of re-assessment for SEN	At least once every three years but not more than once a year, unless the child's teachers, parents or the local education agency make a request.	At least once a year.	At least once a year.	Once every two years.	Re-assessment is usually done when there are significant changes in the students' performance and hence a review of their educational needs is necessary.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Individual education plan					
Availability of an individual education plan	The Individualized Education Program (IEP(US)).	The Individual Education Plan (IEP(CA)).	The Individual Education Plan (IEP(UK)).	The Individualized Education Program (IEP(TW)).	The Individualized Education Programme (IEP(HK)).
Required by legislation	Yes, required by the California Education Code.	Yes, required by Regulation 181/98 of the Ontario Education Act.	Nil.	Yes, required by the Act of Special Education.	No, the establishment of IEP(HK) is an educational, but not statutory requirement.
Personnel responsible for developing an individual education plan	The Individualized Education Program Team.	Principal/vice principal, special education teacher, classroom teacher, teacher-advisor and non-teaching specialist.	The SEN co-ordinator, head teacher and subject teacher.	School administration personnel, teacher and other professional specializing in special education or related fields.	Student support team with the school head or deputy head, the curriculum development teacher, subject teacher, resource teacher, student guidance personnel and non-teaching specialist.
When an individual education plan takes place	60 days from the date of receipt of the parent's written consent for assessment.	An IEP(CA) must be completed within 30 days after the student has been placed in the special education programme.	Information not available.	Developed by school within one month after the semester begins.	In mainstream schools, an IEP(HK) is usually recommended by specialists after detailed assessment. In special education schools, schools may initiate an IEP(HK) under their own policies and practices.
Frequency of review of an individual education plan	At least once a year.	At least once in every reporting period, and the school can have two to three reporting periods within a school year.	At least twice a year.	At least once per semester.	Two to three times per year.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Staff					
Teacher-to-student ratio	In 2002-03 school year, the teacher-to-student ratios were: <ul style="list-style-type: none"> • age 0 to 2 – 1:12; • age 3 to 5 – 1:28; and • age 6 to 22 – 1:19. 	Information not available.	Information not available.	Information not available.	In 2004-2005 school year: <ul style="list-style-type: none"> • teacher-to-student ratio in special education schools was 1:5.3; and • Non-teaching specialist-to-student ratio in special education schools was 1:16.4.
Qualification	Special education teacher: <ul style="list-style-type: none"> • holds a minimum of a bachelor's degree; • completes the California High Objective Uniform State Standard of Evaluation for the subjects he/she teaches within two years from date of employment; and • has a full state certification or be enrolled in an approved education intern programme while teaching. 	Information not available.	Teachers who teach in a class of students with hearing impairment, visual impairment or multi-sensory impairment must possess Mandatory Qualifications in addition to a Qualified Teacher Status.	Information not available.	Teachers who teach students with SEN are encouraged to attend training courses on special education.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Staff (cont'd)					
Training	Information available. not	Information available. not	The Training and Development Agency for Schools has published the "National SEN Specialist Standards", and produced a CD-ROM "Identifying your Training Needs for Teaching Pupils with SEN" to help teachers identify specific training and development needs.	Information available. not	<ul style="list-style-type: none"> • The Hong Kong Institute of Education provides a 120-hour professional development course for SEN training for teachers in both mainstream and special schools; • Two 30-hour courses on specific learning difficulties and autistic spectrum disorders are in place in the 2005-06 and 2006-07 school years respectively; and • Induction workshops and 10-hour school-based staff training sessions are arranged for the participating schools.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Performance assessment					
Separate performance assessment for students with SEN from mainstream students	The California Alternate Performance Assessment.	Nil.	Nil.	Information not available.	Nil.
Special accommodation for students with SEN during performance assessment	Yes.	Yes.	Yes.	Yes.	Yes.
Integration					
Required by legislation	Yes, required by the Individuals with Disabilities Education Act and the California Education Code.	Yes, required by Regulation 181/98 of the Ontario Education Act.	Yes, required by SENDA and the Disability Discrimination Act 2001.	Yes, required by the Act of Special Education.	No explicit legislation but the Disability Discrimination Ordinance makes it unlawful for educational establishments to discriminate against a person with a disability unless there is an unjustifiable hardship for the educational establishments.
How long has integration been in place	Since 1975.	Since the 1970s.	Since 1976.	Since 1967.	Since the 1970s.
Grant/award incentive by the relevant authority	Yes, the State Improvement Grant awarded by CDE.	Yes, an award for exemplary practice in integration by the Ontario Ministry of Education.	Nil.	Nil.	Nil.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Parental participation					
Parental rights	<ul style="list-style-type: none"> • Participate in the development of IEPs(US); • Receive prior written notices of assessment and placement; • Parental consent required before assessment and provision of service; • Right to refuse to consent; • Right to receive independent educational assessments; • Right to access the educational records; and • Be informed of policies regarding children attending private schools. 	<ul style="list-style-type: none"> • Be consulted in the development and review of an IEP(CA); • Receive a copy of an IEP(CA); • Receive a copy of a Parents' Guide to Special Education; and • Participate in all IPRC discussions about the children. 	<ul style="list-style-type: none"> • Be involved in identifying the children's needs and making decisions about the children's education; • Be offered advice and support on SEN matters; and • Be offered resolution services in resolving disputes with the school or LEA. 	<ul style="list-style-type: none"> • Attend the relevant hearings about the children; • Participate in the programme design of an IEP(TW) and education placement; • Become members of a consultative committee to enhance the development of special education and facilitate the process of resolving complaints; • Receive information, consultation, counselling, and parent education services offered by the school; and • Become members of the school parent association. 	<ul style="list-style-type: none"> • Be involved in the choice of school placement; • Work closely together with schools via Parent-Teacher Associations in schools; • Participate in school meetings to establish and review the learning goals and progress of students; and • Be involved in the design of IEPs(HK).

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Appeal					
Underpinned by legislation	Yes, by the Individuals with Disabilities Education Act.	Yes, by Regulation 181/98 of the Ontario Education Act.	Yes, by the Education Act 1996.	Yes, by the Physically and Mentally Disabled Citizens Protection Act.	No.
Appeal process	<p>Parents can</p> <ul style="list-style-type: none"> file a complaint with CDE if they believe the child's school district has violated the law; consider settling disputes through mediation; or request a due process hearing if they are not satisfied with the CDE decision and/or mediation. 	<p>Parents can</p> <ul style="list-style-type: none"> file an appeal against IPRC decisions or its reviews with the secretary of the school board, who will set up a special education appeal board; consider settling disputes through mediation; or further appeal to the Special Education Tribunal (SET) if they are not satisfied with the school board decision and/or mediation. 	<p>Parents can appeal to the Special Educational Needs and Disability Tribunal (SENDIST) if they disagree with the decisions made by LEA.</p>	Information not available.	<p>Parents can</p> <ul style="list-style-type: none"> in the case of children with multiple disabilities, request for review of the placement recommendation and a solution agreeable to both parents and schools; in the case of children with emotional and behavioural difficulties, request for referrals to schools for social development; or seek assistance and advice from EMB to reach a consensus among all parties concerned.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Appeal (cont'd)					
Time limit in filing appeal	Request for a due process hearing must be filed within three years from the date that the parents know or have reason to know of the facts that are the basis for the hearing request.	Request for an appeal against IPRC decisions or its reviews must be filed with the secretary of the school board within 30 days of receiving the IPRC's statement of decision; or within 15 days of receiving the IPRC's statement of decision arising out of a follow-up meeting with the IPRC.	Request for an appeal must be filed within two months to SENDIST, starting from the time when the LEA concerned sends its final written decision to the parents.	Information not available.	No time limit.
Number of appeals received	Information not available.	<ul style="list-style-type: none"> In 2004, 14 by school boards; and In 2005, 10 by SET. 	SENDIST received 3 354 appeals in 2003-04.	Information not available.	Information not available.
Type of appeals received	Information not available.	<p><u>By school boards</u></p> <ul style="list-style-type: none"> Unknown (100%). <p><u>By SET</u></p> <ul style="list-style-type: none"> Against identification and/or placement (90%); and Unknown (10%). 	<ul style="list-style-type: none"> Against content of the statement (47.8%); Against refusal to assess (39.6%); Against refusal to make a statement (7.2%); Against decision to cease to maintain a statement (2.1%); Against refusal to re-assess (1.8%); Against refusal to change the name of the school (1.4%); and Against failure to name a school (0.1%). 	Information not available.	Information not available.
Outcome of appeals	Information not available.	<p><u>By SET</u></p> <ul style="list-style-type: none"> 80% still on-going; 10% was ruled out of jurisdiction of SET; and 10% withdrawn. 	<ul style="list-style-type: none"> 33% issued a decision; 2% struck out; 20% conceded; and 45% withdrawn. 	Information not available.	Information not available.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Funding					
Legislation in place to regulate the amount of funding for special education	Yes, under the Individuals with Disabilities Education Improvement Act, the federal government has established a six-year path to reach the spending goal of financing 40% of the additional cost of educating children with disabilities.	Nil.	Nil.	Yes, under the Act of Special Education, the annual special education budget of the central government shall account for no less than 3% of the sum allotted to education spending, while the annual special education budget of the local government shall account for no less than 5% of the sum allotted to education spending.	Nil.
Amount and percentage of funding on special education with respect to total education budget	US\$3.9 billion (HK\$30.37 billion), which is 7.5% of the total state education budget in 2005.	CAN\$1.8 billion (HK\$10.8 billion), which was 11% of the total state education budget in 2004-05.	£4.1 billion (HK\$58.51 billion), which is 13% of the total education budget in 2005-06.	<ul style="list-style-type: none"> • NT\$6.05 billion (HK\$1.41 billion), which is 4.27% of the total education budget of the central government in 2005; and • For Taipei City, NT\$2.6 billion (HK\$610 million), which is 5.05% of the local education budget of Taipei City in 2005. 	HK\$1.29 billion, which is 2.6% of the total funding for education under the General Revenue Account in 2005-06.

Appendix (cont'd)

Special education in California, Ontario, England, Taiwan and Hong Kong

	California	Ontario	England	Taiwan	Hong Kong
Funding (cont'd)					
Cost of students with SEN in mainstream schools	US\$12,525 (HK\$97,545) in 1999-2000.	Information not available.	Information not available.	Information not available.	Information not available.
Cost of students with SEN in special education schools		CAN\$70,000 (HK\$420,000) in 2004-05.	Information not available.	Information not available.	HK\$146,000 in 2005-06.
Cost of students without SEN in mainstream elementary schools	US\$6,556 (HK\$51,058) in 1999-2000.	CAN\$7,841 (HK\$47,046) in 2004-05.	Information not available.	NT\$94,048 (HK\$21,913) in 2002.	HK\$27,200 in 2005-06.
Cost of students without SEN in mainstream junior high schools		CAN\$9,055 (HK\$54,330) in mainstream secondary schools in 2004-05.	Information not available.	NT\$101,282 (HK\$23,599) in 2002.	HK\$34,200 in mainstream junior secondary schools in 2005-06.
Cost of students without SEN in mainstream high schools		Information not available.	NT\$158,773 (HK\$36,994) in 2002.	HK\$36,700 in mainstream senior secondary schools in 2005-06.	
Transition programme					
Transition programme included as part of the individual education plan	Yes.	Yes.	No, but the transition programme is included as part of the statement of SEN.	Yes.	Yes.

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