

Supporting Students with Special Educational Needs
Policy Recommendations

Legislative Councillors

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1. Introduction: Underlying Principles and Beliefs of Supporting Students with Special Educational Needs (SEN) and Problems of the Current Policy

1.1 Overview of Policy

It has been over 20 years since the EDB's implementation of the “Pilot Project on Integration of Children with Special Needs in Ordinary Schools, and the subsequent extension of the project to all primary and secondary schools in Hong Kong in 1997. In the academic year 2017/18, a total of 54,244 SEN students studies in secondary or primary schools, of which 45,360 study in public schools, 1,966 in ESF schools, International schools and private independent schools¹; and 6,918² in Special schools. Students with SEN comprise 7.74%³ of the total number of secondary and primary school students in Hong Kong.

Currently, the SEN categories as defined by the EDB are as follows: (a) specific learning difficulties; (b) intellectual disability; (c) autism; (d) attention deficit hyperactivity disorder; (e) physical disability; (f) visual impairment; (g) hearing impairment; and (h) speech and language impediment.⁴ 5 principles are also used by the EDB to carry out integration education, namely: early identification, early intervention, cooperation between the home and the school, school participation, and trans-boundary cooperation.

As pointed out in EDB policy documents: “Under the prevailing “dual-track” government policy, children with severe or multiple disabilities attend special schools where they are provided with intensive support services. Other students with SEN are placed in ordinary schools where they can learn with their peers for the full benefits of education.”⁵ As such, it is clear that the government sees integration education as the principal axis for supporting students with SEN.

1.2 Underlying Principles and Beliefs of Supporting Students with Special Educational Needs

As a contracting region to the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD), Hong Kong has a responsibility to formulate and implement integrated education policies as required by the Convention. The Convention’s Preamble stated that, “[r]ecognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”. This fully points out that ‘disabilities’ and ‘special needs’ are a fluid concept: different policies and social systems will affect the disabled persons’ social participation and whether their needs are satisfied, as well as whether the education system can satisfy the needs of different community groups; these are all matters linked to the issue of disability. The preamble

¹ Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure of 2019-20 EDB104

² Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure of 2019-20 EDB035

³ In the academic year of 2017-18, there were a total of 700,749 primary and secondary school students – Source: www.edb.gov.hk

⁴ “Operation Guide on the Whole School Approach to Integrated Education” – Source: https://www.edb.gov.hk/attachment/en/edu-system/special/support/wsa/ie%20guide_en.pdf

⁵ See footnote 4

also includes many other concepts which require contracting regions to respect and affirm the rights of the disabled, but these shall not be elaborated here.

In Article 24 'Education' of the UNCRPD, there are a number of clauses safeguarding the right to education of disabled persons, among which one states that "States Parties recognise the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning", pointing out the importance of comprehensive education (also known as inclusive education). This article seeks to place emphasis on the potentiality of persons with different abilities, strengthen human rights and basic freedoms, respect the diversity of the human race, and give scope to the talents and abilities of disabled persons; such beliefs are rooted in the spirit of the Convention and human rights. The Convention also points towards the importance of 'reasonable accommodation', which refers to carrying out necessary and appropriate amendments and adjustments without creating excessive burdens according to one's actual needs, in order to ensure that the disabled can enjoy and exercise all human rights and basic freedoms on an equal footing with other people. It is necessary for educational settings to provide different communities with reasonable accommodation, so as to allow the disabled to participate and learn under appropriate and equal circumstances. Also, the Convention states that contracting regions have a responsibility to legislate for the disabled and protect them on a legal level.

The *United Nations Convention on the Rights of the Child* also includes basic obligations of contracting regions regarding disabled children. Article 23 points out that "States Parties recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community". Education should secure comprehensive and equal development for disabled children, and at the same time ensure that the children participate and have the opportunity to voice their opinions about their own educational services.

In 1994, United Nations Educational, Scientific and Cultural Organization (UNESCO) released the Salamanca Statement in Spain, providing guiding principles and a Framework for Action for communities with special education needs. The beliefs of the Statement and its call to governments are of valuable reference:

Beliefs

- Every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning;
- Every child has unique characteristics, interests, abilities and learning needs;
- Education systems should be designed and educational programmes implemented to take into account the wide diversity of these characteristics and needs;
- Those with special educational needs must have access to regular schools which should accommodate them within a child-centred pedagogy capable of meeting those needs;
- Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and

ultimately the cost-effectiveness of the entire education system

Calls to Governments

- Give the highest policy and budgetary priority to improve their education systems to enable them to include all children regardless of individual differences or difficulties;
- Adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise;
- Develop demonstration projects and encourage exchanges with countries having experience with inclusive schools;
- Establish decentralized and participatory mechanisms for planning, monitoring and evaluating educational provision for children and adults with special education needs;
- Encourage and facilitate the participation of parents, communities and organization of persons with disabilities in the planning and decision making processes concerning provision for special education needs;
- Invest greater effort in early identification and intervention strategies, as well as in vocational aspects of inclusive education.

While overall speaking SEN students require more resources than other students, which may appear “unequal”, but this in fact satisfies the principle of “fairness” and even “justice”. To provide additional aid to a vulnerable minority demonstrates the concept of “positive discrimination”, which is based on the idea that the minority is often at a disadvantage from the very beginning under the mainstream social system. Actively giving preference to minorities in certain aspects when formulating policies or measures can thus enable them to receive fairer treatment and opportunities.

Based on the belief in equality and respect of differences, the special education law is students-centred so as to safeguard the rights and responsibilities of students and various stakeholders. At the same time, the special education law hopes to promote the continuous improvement of policies so that every student can enjoy equal learning opportunities, and to allow students without special educational needs to learn to get along with others with varying abilities.

1.3 Problems with Current Policy

Numerous past studies have pointed out that there is much space for improvement in the current education policy. Among them, the “Study on Equal Learning Opportunities for Students with Disabilities under the Integrated Education System” published by the Equal Opportunities Commission in 2012⁶ pointed out various problems, including undertrained teachers, SEN students being bullied, and problematic learning and teaching arrangements. The study further made 11 recommendations, urging a review of current policy.

The Panel on Education of the Legislative Council (LegCo) established a subcommittee on Integrated Education (the Subcommittee) in 2013, and its work was

⁶ Equal Opportunities Commission:
http://www.eoc.org.hk/EOC/Upload/ResearchReport/IE_eReport.pdf

completed in 2014. The Subcommittee had a total of 18 meetings, and listened to the opinions of 193 groups and members of the public. Overall, their opinions were very clear and unanimously pointed towards the insufficiency of the policies, which the LegCo members all agree upon. The Subcommittee's report identified that: the SEN students which require early identification and support services, the arrangements of school placements, the resources and support provided to schools, the professional development of teachers, the curriculum of higher secondary school education and its assessment method, the issue of higher education, how to deal with complaints, family-school cooperation, and public education etc. 41 concrete suggestions were also listed in the report in the hope that the EDB will implement them. At the same time, a comparative research about SEN legislation also carried out with reference to the legislative situation in UK, USA and Taiwan, and one of the suggestions from the study was to push forward legislation in Hong Kong to protect SEN students.

1.4 Promoting SEN Policy and Legislating Joint Proposal

Not only does the far from perfect policy in Hong Kong today fail to comply with international conventions and the Salamanca Statement, it has also led to unnecessary difficulties for students, parents, education workers and the school system. Raising and pushing forward legislation seeks to encourage societal discussion about the most ideal blueprint for supporting SEN students.

We understand that it will be difficult to fulfil all legal obligations if resources, manpower and the appropriate policies are lacking, and may even generate more pressure for the front line staff; but this is also the reason why we hope to give the societal shareholders a clearer goal and the current policy a more concrete direction through a framework which illustrates our ideal. If the resources are well-distributed and the measures properly implemented, the goals of inclusive education are absolutely realizable. Students and teachers should work on the same side, fight for resources from the government together, actualize what was merely an ideal in the past and gradually carry out the policies.

This Alliance is established by two Legislative Council offices, and its members comprise SEN student stakeholders, including parental groups, disabled groups, scholars, professional organisations etc. **We are not trying to put all the responsibilities and exert pressure on the teachers and schools, but rather, we hope to encourage societal discussion about what services can best take care of students with different needs, as well as to explore the distance from achieving our ideal blueprint.**

1.5 Latest progress

This policy recommendation, which was first introduced in March 2015, is a policy recommendation blueprint, and a pointer of the ideal educational policy direction. It must be bore in mind when reading this policy recommendation that the law is unable to incorporate all the detailed recommendations; improvements can only be made through listening to the opinions of the public and we welcome feedback from different organizations and individuals. We believe that the policy's goal is our main task, and legislating is only the tool for pushing for this goal.

Legislative Council Members the Dr Hon Fernando Cheung Chiu-hung and The Hon

Dennis Kwok Wing-hang completed the drafting of the Special Education Needs Bill (the private bill) in three years' time, and submitted it to the Legislative Council Chairman in June 2016 to commence the legislative process of the Members' Bill. The Chairman of the Legislative Council subsequently received a reply from the Education Bureau (EDB), saying that the private bill deviated from the existing policy and would lead to an increase in government expenditure, thus the bill was also considered to be in conflict with the Basic Law and could not be raised. The two Members have continuously negotiated with government officials both in and outside of LegCo, and, together with the Alliance, made submissions to the Chief Executive when the government put forward the recommendation of new education resources worth \$5 billion announced in 2017, and to the Policy Addresses and Budgets, in the hope of making practical suggestions to improve the current policy. In May 2019, the Panel on Education of the LegCo will discuss the private bill to hear members' opinions.

2. Basic Definitions

2.1 Current Situation

The definition of ‘special education needs’ under the EDB integrated education policy includes: (a) specific learning difficulties; (b) intellectual disability; (c) autism; (d) attention deficit hyperactivity disorder; (e) physical disability; (f) visual impairment; (g) hearing impairment; and (h) speech and language impediment. Yet, in the Rehabilitation Programme plan (Hong Kong’s Overall Disabled policy), “disability” includes: (a) attention deficit/hyperactivity disorder, (b) autism, (c) hearing impairment, (d) intellectual disability, (e) mental illness, (f) physical disability, (g) special learning difficulties, (h) speech impairment, (i) visceral disability and (j) visual impairment.⁷ Such discrepancies between the two policies make it difficult for different departments to support different communities in need, and so policy alignment between the different departments is necessary.

The 2016 Budget announced the inclusion of "mental health" in the scope of support for the Learning Support Grant (LSG), in effect admitting that "mental health" is a category of special education need. The Director of Audit's Report No. 70 (the Audit Report) published in April 2018 also pointed out that the EDB's move is to include psychiatric diseases as a type of special education needs. However, the EDB has never officially documented this change, and neither did the Operation Guide on the Whole School Approach to Integrated Education update the definition of the special education needs categories.⁸ We believe that the government should clearly classify it in the category of special education needs.

The current line of division regarding services provided to SEN students is drawn at the age of 6. Pre-school rehabilitation services for children under 6 years old are managed by the Social Welfare Department; while education services after the age of 6 are taken care of by the EDB. Yet, communications between the two departments are ineffective, and this often leads to great difficulty when students transition from one stage to another. Moreover, the pre-school education policies under the EDB only cover the age of 3 to 6; yet, the golden period is in fact the time before 3 years old and is not included in the policy. In view of these issues, a review of the current policy is clearly necessary.

2.2 Age

Policies to support SEN students should include 0 to 25 year-old students. The education policy and services from the pre-school to the school age level should be restructured, providing a comprehensive structure and services for students.

2.3 SEN Categories

Recommended are the following ten SEN categories:

- A. Special learning difficulties
- B. Intellectual disability

⁷ The Rehabilitation Advisory Committee (RAC) “Hong Kong Rehabilitation Programme Plan”: <https://www.lwb.gov.hk/download/committees/rac/rpp/report/eng/Chapter2a.pdf>

⁸ As of April 21 2019, the last updated version of the The Operation Guide on the Whole School Approach to Integrated Education is still August 2014 (third edition).

- C. Autistic spectrum disorders
- D. Attention Deficit/Hyperactivity Disorder
- E. Physical disability
- F. Visually impairment
- G. Hearing impairment
- H. Speech and language impairment
- I. Mental impairment
- J. Other impairments

2.4 Other relevant situations

In view of the fact that disabilities and special education needs change and need to be adjusted according to the development of policy, system and medical science, they need to be modified when needed.

3. Early Identification and Early Intervention

3.1 Current Situation

Children suspected to have special education needs have to seek help at different departments, for example, the Health Department's Child Assessment Service, the Hospital Authority's Specialist Services, EDB's Educational Psychology Service, and the EDB's optometrists and audiologists. These assessment services, however, have an extremely long waiting time: the Hospital Authority's Child and Adolescent Psychiatric Service takes about 100 weeks, and the assessment service for the Educational Psychology Service takes about 9 months, while the Health Department's Child Assessment Service's completion rate of the assessment of the new disease rate within 6 months dropped from 83% in 2014 to 49% in 2018⁹. The huge amount of time spent on waiting for assessment causes the children to miss their golden period for growth and development.

Currently, around 6,000¹⁰ people are waiting in line for the various pre-school rehabilitation services, of which the most time-consuming case has been waiting for over 20 months. Taking the early education and training centres as an example, the average waiting time of 8.6 months in 2008-09¹¹ rose to 16.2 months in 2017-18¹². So if a parent found that a child required special education when he/she was 3 years old, it may take more than 2 years from the time of applying for assessment to actually receiving the services. By then, the child may have already reached the age of 5.

Under the current mechanism, students identified to have special education needs in their schooling age are required to undergo a process of screening by the teacher, and then wait in line for assessment by educational psychologists. Such a process usually takes about 1-2 years. For example, if the student was suspected to have special education needs in primary 1, because the EDB only releases resources upon the confirmation of the student's special education needs, identified students often only receive the resources and services in primary 2 or 3.

The Number of SEN Students Studying in Mainstream Schools from the school years 2009-10 to 2017-18¹³

	Primary 1	Primary 2	Primary 3
2009/10	469	1,903	2,942
2010/11	610	2,066	3,098
2011/12	673	2,069	3,011
2012/13	720	2,299	3,173
2013/14	797	2,261	3,516
2014/15	816	2,312	3,697

⁹ Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure of 2019-20 FHB(H)224

¹⁰ Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure of 2019-20 LWB(WW)118

¹¹ Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure of 2010-11 LWB(WW)198

¹² Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure of 2019-20 LWB(WW)077

¹³ Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure of 2014-15 EDB025, 2019-20 EDB035

2015/16	953	2,281	4,146
2016/17	1,007	2,427	4,545
2017/18	1,091	2,450	4,629

In fact, most of the special educational needs are congenital, meaning that the number of SEN students will not increase sharply simply because students grow older. Hence the reason for the sharp increase of SEN students is that they were not identified or supported. It is further deduced from the data that a substantial amount of SEN students were not identified at the kindergarten level, but were only identified and given proper support in the early primary stage, again missing the golden period for the growth and development.

In 2015, the Government launched the pilot scheme "On-site Pre-school Rehabilitation Services" (OPRS)¹⁴ to provide rehabilitation services to children with special education needs who were waiting for the Pre-school Rehabilitation Services funded by the Social Welfare Department (SWD), so that they could receive timely support. The scheme has already been regularised since the 2018/19 school year, with the number of service places increased from the initial 3,000 to 7,000 in the 2019/20 school year¹⁵. Although parents have a positive response to this scheme, the rehabilitation services at the school are only transitional. Restricted by the availability of venue and limited human resources, the scheme cannot replace the SWD pre-school rehabilitation services. In fact, some parents are worried that the government will use the development of OPRS to meet the numbers and ignore the real needs of SEN children.¹⁶

3.2 Basis

The age of 0 to 6 is the golden age for child development. For children with SEN, if they are guaranteed early intervention, and are provided with appropriate and sufficient medical attention, training and education, it would be of much help to the children's development. Providing sufficient policies and resources for early identification and intervention will definitely alleviate the pressure in supporting the SEN students in later stages.

The success of inclusive education depends on whether early identification and intervention is achieved. Appropriate early intervention can help the students' development on physical, mental and social levels etc. Such services often require education, welfare, and medical involvement, hence cooperation among different professions is the key to the success of inclusive education. Moreover, parents and social education are also conditions for early identification of SEN students.

3.3 Basic Policy

¹⁴ For details of the scheme, please refer to Panel on Welfare Services CB(2)421/15-16(04): <https://www.legco.gov.hk/yr15-16/english/panels/ws/papers/ws20151214cb2-421-4-e.pdf>

¹⁵ Final Report-OPRS Consultancy Study 2018 : https://www.swd.gov.hk/oprs/common_file/Final%20Report-OPRS%20Consultancy%20Study_2018.pdf

¹⁶ NOW News – 學前康復服務人手緊張阻礙擴展 : <https://news.now.com/home/local/player?newsId=248672>

The Government should establish a time limit for early identification after the request and consent by the parents and student to proceed with the assessment. The assessment and service referral must be completed within 6 months, and a report must be submitted latest within 8 weeks of the assessment. Unless under reasonable circumstances, there must not be unreasonable delay, meaning that if policies and resources permit, the assessment should be completed within 6 months; related departments also ought to complete the report expeditiously unless there is a reasonable excuse. Given the current policy situation, the recommended time limit is the basic goal we hope to achieve. As services improve over time, this time limit recommendation may be re-adjusted. If there is a need to reassess under the demand of the student, the parent or the professionals, the same time limit should also apply.

Students or their representatives, and the students' parents have a right to access the detailed assessment report, and if there is any disagreement with the results, they can appeal and follow up on the matter. The detailed report is to include reasons for referral, background information and family background, characterisation of the problems, growth process, behavioural observation, tools and process of assessment, assessment timeline, assessment results, recommendation of intervention services, and the responsibilities of the different professionals.

3.4 Inter-professional and inter-departmental cooperation

Owing to the fact that different methods of assessment for different special education needs involve different professionals and departments, professionals involved may include doctors, education psychologists, audiologists, and optometrists etc., while departments and interested parties may include Health Department, Hospital Authority, Social Welfare Department, Education Department Bureau, schools, kindergartens and child care centres, and other related departments etc. Cooperation among different professionals and departments is very important, and so we recommend the establishment of an independent coordinating department or an inter-departmental cooperation mechanism, to ensure that students with SEN are identified and supported at an early stage, and that reviews are conducted when needed and resources are distributed accordingly.

In fact, among the various educational settings, kindergartens are the most appropriate setting to identify SEN students at an early stage. In kindergartens, most of the subjects are taught by the same teacher, so the teacher is in contact with the students for a long period of time; in comparison with the situation in primary schools, different teachers teach different subjects and so they have a relatively low contact time with the students. As such, kindergarten teachers have a much better grasp of the students' situations. With suitable teacher training, assessment tools and professional support (for example, from education psychologists) etc., kindergartens are definitely the setting where it is most conducive to the early identification of SEN children.

3.5 Arrangements for a Central Data Bank and Transitional Phase

A central data bank ought to be established, so as allow different stakeholders, including teachers, doctors, social workers, professional therapists, psychologists etc., under student and/or parental consent, to access the information for professional use. The data bank can be used to record the students' needs, learning progress and

intervention services, as well as allow the professionals to monitor the students' maturing progress closely.

This central data bank can also help students in different transitional phases, including school transfers, moving to higher education, taking public examinations and seeking alternative services. The data bank can make it more convenient for students, parents and different professions through allowing them to understand the students' situation. At the same time, in the crucial stages of child development, for example moving to higher education, SEN students should be reassessed according to the opinions of the students, parents and professionals, in order ensure appropriate student development.

3.6 Professional Training and Parental Education

Professional training plays a crucial role in the early identification of SEN students. Different professionals, including teachers, social workers and nurses, are the front-line for identifying SEN students at an early stage, so it is paramount that they receive the relevant professional training.

Manpower planning regarding personnel who can conduct professional assessments, such as education psychologists, allied health professionals, is an important factor in the waiting time for assessment services. Since it often takes a few years to train the relevant professional staff, planning according to the needs of the society early on is the only way to deal with the ever increasing demand.

Parental education is also key to the early assessment of SEN children: parents need to be able to identify SEN students, and to accept their children as they are.

3.7 Services for early intervention

Currently, the waiting time for early intervention services in Hong Kong is extremely long. Experiences from other countries point out that upon completion of the assessment, such services should be provided at an appropriate time as early as possible. However, there is a shortage of services in most areas, including pre-school rehabilitation, child and adolescent psychiatric service, and the various allied health services. Given that we have yet to establish a concrete timeframe for carrying out the different services, we request that the early intervention services be based on the principle of earliest possible intervention, and that there must not be unreasonable delay unless under reasonable circumstances.

3.8 Tools for continuous update of the assessments

With the advancement of technical and medical knowledge, the assessment tools for SEN students should be updated consistently in order to update the system and its operation, the training of the allied professionals, and to gradually reduce the assessment time.

4. Mechanism for Entering and Choosing Schools

4.1 Current situation

The information provided, including the schools' policies to support SEN students, the amount and types of SEN students enrolled at each school and the level of SEN training, is neither transparent nor comprehensive, making it difficult for students and teachers to choose the suitable schools. Some schools have also indicated their unwillingness to accept SEN student verbally, in practice, and some have even tried to make SEN students transfer to another school, and this situation is worthy of attention. The tables show the SEN student distribution in primary and secondary schools in the school year 2016/17 and 2017/18:

Distribution of public sector mainstream primary and secondary schools eligible for Learning Support Grant by number of SEN students requiring tier-2 support¹⁷:

No. of SEN Students	2016/17		2017/18	
	Primary Schools	Secondary Schools	Primary Schools	Secondary Schools
0	1	2	9	1
1-10	11	57	41	50
11-20	26	77	23	67
21-30	26	56	19	57
31-40	47	27	47	34
41-50	62	26	57	30
Over 50	141	137	159	146

Distribution of public sector mainstream primary and secondary schools eligible for Learning Support Grant by number of SEN students requiring tier-3 support¹⁸:

No. of SEN Students	2016/17		2017/18	
	Primary Schools	Secondary Schools	Primary Schools	Secondary Schools
0	39	72	66	60
1-5	259	295	270	309
6-10	11	8	12	9
11-15	1	4	3	1
16-20	2	1	1	3
Over 20	2	2	3	3

The above table shows that the distribution of SEN students in schools is extremely unequal. This situation should not happen if the mechanism of random admission in primary schools is adhered to, hinting at the lack of educational services and various

¹⁷ Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure of 2019-20 EDB126

¹⁸ See footnote 17

practices and arrangements which may have encouraged the SEN students to transfer to another school.

Products of past educational policies such as Skills Opportunity Schools and Prevocational Schools are slowly disappearing, leaving only Special Schools and Mainstream Schools in the current mechanism. There are many limitations on the choice of schools for students and parents. In particular, SEN students which require more support and resources but do not fit into the categories of the Special Schools, basically have no choice if they are unable to adjust to a Mainstream school.

4.2 Principles

According to the wishes of students and parents, and the opinions of professional personnel, with regards to school admission and choice, under the principle of non-discrimination, schools are not allowed to reject admission of SEN students. If there is difficulty choosing between Special Schools and regular schools, the wishes of students and parents, and opinions of professional personnel should be fully considered, rather than limiting the choice of students and parents with inflexible parameters (such as intelligence level).

Schools ought to make information about their services and policies for supporting SEN students transparent and easy to access by the public, and such information include: the number of SEN students admitted, services provided and policies to support SEN students, the allocation and usage of government resources every year, the ratio of teachers receiving SEN training etc. The aforementioned unequal admission of students should be publicly monitored in a transparent way. For example, if some schools are willing to serve SEN students, a higher admission rate should not be a problem, but there must also be appropriate policies to support the schools.

In considering whether or not to establish an upper limit to the admission ratio of SEN students, it is not advisable to do so at this stage as refusing admission may be regarded as discrimination. But we believe that with the full implementation of policy recommendations, and as the education system improves as a whole, each school would then be more prepared to accept SEN students and student admission would be more equal.

4.3 The Role of Coordination

The coordinating department assigned by the EDB or the government should create the role of case manager, and assign one manager to every SEN student. The case manager shall follow up on the case from the early years of childhood until the completion of secondary school, taking responsibility for school admission, higher education, individual education plan (IEP) and to intervene, support and help with adjustment. Through coordinating with the various stakeholders, this can guarantee that students receive appropriate intervention, equal education services with sustained follow-up actions, and that they will not be discriminated. If conflicts arise between the parents and students, and the schools or the institutions providing educational services, help may be sought from the government or from the case manager, with the government taking up a monitoring and coordinating role.

4.4 Special Schools, Mainstream Schools and Middle-level Schools or Specialty Schools

In fact, past experience has pointed out that it would be beneficial to professional development, school arrangements and student support, if some mainstream schools develop expertise and accumulate experience in one to two areas of special educational needs. There is however no extra support given to “middle-level schools” or “specialty schools” to do so under the current education policy. Such schools often take interest in supporting SEN students and have proved to be successful, but they have been required to raise their own funds and resources, and this is indeed a deficiency in government policies. We suggest the government establish more “middle-level schools” or “specialty schools”, allowing the schools to develop their own ways of support and giving students and parents an alternative. It must be clarified that these specialty schools would also admit SEN students with special education needs outside of the school’s specialization, but we believe that students and parent would be able to choose schools more easily when there are different types of schools with relevant experience.

4.5 The Revolving Door Mechanism for School Arrangements

In order to address the needs of SEN students in the case that he/she has special needs to attend special and mainstream schools simultaneously, we propose that a ‘revolving door’ mechanism be established in relation to school arrangements. Apart from the ‘revolving door arrangement’ for special and mainstream schools, the establishment of class categories including regular class, integrative class and extra support class may also be considered, so that students can be educated according to their needs. Moreover, strengthening the cooperation of special and mainstream schools will aid teachers in dealing with different SEN students, as well as create a collaborative network which would be useful when individual schools seeks advisory opinions.

5. Individual Education Plan (IEP)

5.1 Current Situation

At present, mainstream schools adopt the 3-tier Intervention Model, which provides support to SEN students depending on their level of learning difficulties. Tier 1 students need early identification and intervention assistance; tier 2 students require additional support; and individual support must be strengthened for tier 3 students. Individual Education Plan (IEP) can be arranged for SEN students who have been assessed to be in need of tier 3 support. However, due to various limitations, it is difficult for schools to provide IEPs for all tier 3 SEN students. In addition, under the policy, the level of support for students with special education needs is determined by the school. Therefore, many students who should qualify for tier 3 support are only defined as tier 2 for various reasons. Apart from depriving these students of appropriate support, the classification also means they do not receive the appropriate LSG.

Meanwhile, not all SEN students in special schools have IEPs, and the arrangement in Hong Kong is still incomparable to other geographical areas which create IEPs for 100% of their special school students. The government has made it clear that it would not provide IEPs for all SEN students, and it is regrettable that the government was unable even to provide the current number of SEN students with IEPs. The absence of a contractual protection of an IEP has led to educational services of varying quality, and the lack of clear responsibilities and duties for professionals has made it impossible for students and parents to lodge any complaints.

The private bill drafted by the Dr Hon Fernando Cheung Chiu-hung and the Hon Dennis Kwok Wing-hang was submitted to the President of the LegCo in June 2016 for the legislative process of the Members' Bill. The Chairman of the LegCo has subsequently received a reply from the EDB that the private bill has deviated from the existing policy and would lead to an increase of \$2.52 billion in government expenditure, including \$840 million for providing IEPs to all SEN students, \$150 million to strengthen the teaching staff, and \$430 million for increasing trainings and social care services for SEN students. As a result, the Administration rejected the legislative proposal, and the current situation was maintained.

5.2 The Spirit and Legal Status of IEP

Our strong stance is that all SEN students must be supplied with their own IEPs and this right should be protected legally. According to obligations under the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child, the process of establishing IEPs must ensure that the SEN child and his/her parents have a right to participate, to know, to confirm and to monitor.

The origins, background, physical condition and abilities of each individual are different, and some physical differences and special needs are congenital and irreversible. Disadvantaged by these congenital differences, these minorities must then rely upon the educational system and social policies to attain equality. Based upon the respect for human rights and equality, it is precisely the spirit of the IEP to provide appropriate education in accordance with the individual's needs.

Based upon the individual's needs, the IEP provides appropriate support; this means that students with fewer needs will have IEPs with relatively less support and fewer services, while those with more needs will have IEPs with more support. As such, the relevant professionals must participate in the creation of the IEP; it should not be compulsory for all personnel to participate in all meetings. IEP content should also be tailor-made according to the individual's needs, and does not have to include all aspects listed below.

The current policy is clearly unprepared to provide IEPs for SEN students, no matter in terms of resources, funding mechanisms, manpower or training. But we believe in the spirit of the IEP, and practical experience also shows that the IEP is able to protect the rights of the SEN students, and thus we should proceed in this direction – to provide a legal status to IEP. It is only through this ideal policy recommendation blueprint would it be possible to facilitate policy improvements and an increase in resource allocation, and thereby gradually strengthening the support of the educational system for SEN students.

5.3 IEP Content

- Students' current learning progress, ability and family background
- Setting or allowing students to set short-term, mid-term, long-term goals
- Regularly assessing students' progress
- Regular reviews and the frequencies of such reviews
- Teaching strategies
- Required support services, including emotional counselling and familial support services
- Progress of participation with non-SEN students
- Adjustment arrangements
- Results

5.4 Involved Personnel in IEP

- Special education coordinator or school administrative staff
- Class teacher
- Students and their parents
- Subject teachers (if needed)
- Related professionals (if needed)
- Neutral government monitoring representatives (if needed)

5.5 Articulation and Related Arrangements

Each region has different expectations with regards to the frequency of reviewing IEPs; Taiwan and England requires a minimum of 2 reviews each year, while the United States requires a minimum of 1 review each year. We propose to have 2 reviews a year as the baseline in order to ensure close monitor and adjustment of the SEN students' educational arrangements and progress.

The IEP should also assist SEN students in planning their progress at every stage of education, including the transitions to higher levels of education, the taking of public examinations as well as career planning. This would ensure that students have

received enough support even in transitional phases.

In terms of job training, since the efforts of teachers, educational psychologists, allied health professionals and social workers are all needed to help set up IEPs, relevant pre-work and in-work training should also include IEP related matters. At the same time, educating students and parents about such information is very important, as this underlines the strong belief in the respect for student and parental rights.

6. Curriculum and Teaching Arrangements

6.1 Current Situation

Currently, the EDB has formulated different Guidelines and policies for supporting SEN students, but these guidelines have no legal standing and lack regulatory mechanisms. Relating to practical execution, there are often no clear duties and responsibilities for frontline personnel due to the lack of resources and manpower, and so students are unable to receive high quality education services.

Basic provisions including sign language interpretation and education, Braille textbooks and appropriate equipment for hearing impaired students are lacking, while barrier-free environments are also not provided, and there are even schools which refuse to let visually impaired and physically disabled students participate in certain classes. These situations all violate the spirit of the right to equal education. SEN students also encounter many difficulties in the face of the current curriculum, teaching arrangements and material, and examination method.

The situation of bullying at school is also severe. According to the report by EOC, as well as different group surveys, the ratio of bullying is higher for SEN students; and this is an issue which the society must tackle directly.

6.2 Concrete Educational Requirements and Regulation

Concrete educational requirements should be established, and there should be comprehensive regulation of relevant institutions to ensure it provides appropriate services. Such services should include: the provision of educational equipment, appropriate teaching materials and method, learning and daily life assistance, rehabilitation and medical services, familial support services and barrier-free school environments. These principles must be complied with by schools and the relevant professionals and institutions, and there must be punishment for non-compliance. It should be the responsibility of the government if the relevant shareholders are unable to fulfil their responsibilities due to deficiencies in government policies and resources, and the government should review whether the original level of resources can meet the demands of students.

6.3 Necessary Items

With regards to the necessary items stipulated by the Convention of the Right of Persons with Disabilities, the government has a legal obligation to provide those items, including classification of support levels for hearing-impaired students according to World Health Organization standards, assistive listening devices for the hearing impaired, sign language interpretation and sign language education services¹⁹, Braille education materials and related material for the visually impaired, barrier-free

¹⁹ It is advisable to refer to the basic principle of the "Sign Bilingualism and Co-enrolment Education Programme" of the Chinese University of Hong Kong - to train deaf teachers or teachers who knowledgeable to sign language, and to have at least six deaf/hearing loss students in each class to establish a Critical Mass effect. This principle enables the development of a sturdy and healthy bi-culture for deaf/ hearing loss, and hearing students in mainstream schools. The programme was piloted in some mainstream schools and the objective was to expect that there would eventually be enough schools in Hong Kong to provide sign bilingualism and co-enrolment education.

school environments for the physically disabled and related curriculum adjustments so that they can fully participate in the learning process.

6.4 Eradication of Bullying and Discrimination

In order to guarantee the students' right to equal education, there is a need for the EDB to eradicate bullying as well as to prevent any schools from refusing to provide the suitable educational services. A school-based and policy-based monitor and complaint mechanism should be established to deal with any unacceptable behaviour, and this may strengthen public education about the needs of SEN students.

6.5 Establishing courses for SEN students

The Administration should formulate a curriculum for SEN students and develop related teaching materials. The teaching materials and curriculum should consist of varying levels and have appropriate tools to suit the varying levels of special needs and different types of disabilities. The curriculum and teaching materials should have both special school and mainstream school versions for the purpose of comprehensive support. Such a curriculum and its teaching materials may be set up by the government, or by educational institutes authorized by the government. Upon its formulation, it should be made public for use by the education industry as it sees fit. Such an arrangement would be able to relieve the frontline teachers of their work burden.

At the same time, mainstream schools and the curriculum must cater for the needs of special schools, including the curriculum of the Hong Kong Diploma of Secondary Education Examination (HKDSE), adjustments to school years, and native-speaking English teachers, to reflect the fairness and affirm the learning ability of SEN students.

6.6 Cross-disciplinary Collaboration, Educational Services and Assistive Technology Development

We recommend establishing an "Inclusive Education Development Fund" to encourage the schools and industry to develop support for different SEN students, which can also facilitate cross-disciplinary collaboration. Further, the government should provide appropriate funding to facilitate the development of assistive technology, such as screen reading software, speech to text instrument, and relevant electronic teaching tools (including software and hardware), so as to aid different SEN students.

Under the current Copyright regime, special versions for the disabled, such as those using Braille, altered font sizes and listening files etc., do not constitute copyright infringement. The current definition of disabled persons however, only includes the visually impaired and physically disabled. This legal benefit is not enjoyed by those with other special educational needs, such as special learning difficulties, autism and intellectual disabilities. As technology progresses over time, the relevant ordinances should be reviewed and expanded to benefit more people in need.

As for assisting students with hearing impairment, the Government should include hearing aids into the scope of full subvention for pre-school to full-time post-secondary students, including the purchase of cochlear implants, hearing aids,

maintenance, replacement of parts, and regular updates to ensure that hearing impaired students will not be unable to obtain hearing aids for any reason to assist in their studies. The Hospital Authority must also ensure that the cochlear implants in both their ears are from the same brand, so the students can use cochlear implants effectively.

Moreover, the EDB, Labour and Welfare Bureau, and the Food and Health Bureau should establish a collaboration mechanism across their departments, in order to review services provided to SEN students, and to assess whether the services are sufficient to meet the needs of the students. Such services should include allied health services, social and familial support, and the IEPs.

The prescription of medicine is of particular importance for students with autism, attention deficit/hyperactivity disorder, and intellectual impairment. Communication and coordination between the medical and educational system is very important, and the human rights and medical needs of SEN students must be balanced.

6.7 Examination Arrangements

Combining paragraphs 6.5 and 6.6, we propose to establish multi-level curriculums and assessment methods which are more diverse and available for SEN students to choose, i.e. the syllabuses A and B in the past. SEN students would also be assisted throughout the examination process with the development of assistive technology.

6.8 Higher Education

In the long term, we strongly recommend the implementation of a set of policies to support SEN students in higher education. The government should take more initiative, both to monitor and assist the schools which support SEN students, and to provide the schools with the appropriate resources to push forward relevant work. Some basic paradigms should be introduced to all the schools, for example the establishment of a task force/functional positions to monitor support provided for SEN students, and the requirement of schools to make public their policies and services for SEN students online and in publicized information.

6.9 Career Planning

Career Planning and occupational guidance are rather important; we recommend that special schools and mainstream schools strengthen their support for SEN students when they proceed to apply for jobs upon graduation.

7. Teachers and Professional Support

7.1 Current situation

Since 2014, at least 10% of the teachers in each school has to complete 30 hours of basic courses, a minimum of 3 teachers need to have completed 90 hours of advance level courses, and at least three teachers have to complete a 90-120-hour thematic level courses. However, many schools have not met the aforementioned ratio requirement. Although the EDB provides many SEN workshops for teachers to participate in, many have commented on the varying quality of the workshops, which are often allocated to providers charging the lowest prices, and many noted that the content of the workshop is inapplicable in practice.

In the past, the vice-principal or the counsellor in most schools would take up the additional role of supporting SEN students, instead of formally setting up a special education co-ordinator. However, this makes it difficult for the teachers to cater to the needs of the SEN students and also increases their burden. Teachers are often burdened with a large amount of teaching and administrative duties, making it impossible for them to leave their positions for any in-job training.

Starting from the 2015/16 school year, the Government has implemented a three-year “Provision of Funding for Ordinary Schools to Arrange Special Educational Needs Coordinators” Pilot Scheme (the Pilot Scheme) through the Community Care Fund to provide cash subsidy to ordinary schools with relatively more SEN and financial needs to strengthen their teaching force, so that a teacher can be designated to coordinate matters relating to SEN in school. As the Pilot Scheme is premised on poverty alleviation, the number of students who can benefited is limited; and teachers who are responsible for the coordinating matters in primary and secondary schools are only remunerated at the same level as an Assistant Primary School Master (APSM) or a Graduate Master (GM) respectively. Afterwards, the Pilot Scheme was incorporated into the Government's regular assistance programme in the 2018/19 school year and the relevant positions will be established in the mainstream schools in three years.

On the other hand, the current educational psychologist to school ratio is around 1:8, meaning that a psychologist can only serve each school for about 2 days a month and is thus unable to follow up on the needs of SEN students closely. Educational psychologists are only allowed to focus on assessment works under the current circumstances. As some educational psychologists point out, 5-6 hours are needed to fully assess one single case. Given the arrangement of current educational services, educational psychologists are already overwhelmed by assessment works, and are unable to intervene in school systems, or provide training and service to teacher and parents so as to improve the learning environment for SEN students. Although the EDB has improved the school-based educational psychologist scheme since the 2016/17 school year, with a goal of increasing the proportion of educational psychologists and schools in 60% of the mainstream schools to 1:4 in the 2023/24 school year, and to 1:6 in the remaining 40% of mainstream schools; however, the progress of the optimisation measures have been slow, and cannot catch up with the needs of and increase in SEN students.

In fact, not only does the education sector has a high demand for doctors and allied

health professionals, the overall society does too. Statistics show that in every 100,000 citizens, there are only 7.2 speech therapists, making the waiting time for child and adolescent psychiatric services at least 18 months. Due to the lack of allied professionals, many schools do not have school-based treatment services (only certain kinds of treatments are offered at school) and need to purchase such services from non-governmental organizations. Often, providers charging the lowest prices are allocated the work, but there are no laws to regulate the price level of non-governmental organizations or private healthcare organizations; parents may also face huge expenses as they have to pay for their own services. Proper coordination of the duties and responsibilities of education and social services, as well as the medical system is lacking.

7.2 Teaching, Qualification requirements and Supporting Measures

7.2.1 Assistance to teachers for supporting SEN students: teacher training and qualification requirements

One of the key factors in providing good support for SEN students is that teachers must have professional knowledge and capabilities. This objectively, ensures that students are able to enjoy the benefits of integrated education. On this point, government policies are of the utmost importance.

The EDB should establish stage-by-stage, a training system and a certification mechanism for teachers who teach SEN students. Not only does this give teachers a clear training system, this also guarantees that SEN students will receive the appropriate support, and provides a good opportunity for teachers to equip themselves with new skills, thereby alleviating any difficulties and conflicts arising from the process of taking care of SEN students.

In the long term, teachers should only be allowed to teach SEN students if they have completed the required training and received the relevant qualification. The recommended rules of qualification are as follows:

- All teachers without a degree in special education or relevant qualifications are required to complete the said training and receive certification before [the date of implementation];
- Teachers who do not have a degree in special education or relevant qualifications may be exempted from special education training, where the EDB believes that he/she has worked in special education-related fields before [the date of implementation] for a minimum period of time.

It is advised that the government makes use of administrative policies to encourage teachers to fulfil the above qualification targets for now, and have as its ultimate goal the legislation of such requirements.

In terms of training, apart from the existing mode of short-term training, the following aspects should also be strengthened:

- Universities should organise training courses for teachers before they start their jobs, with the addition of integrated education/special education as one of the core units;
- For in-work teachers, the following support facilities should be provided:

- More incentives should be provided to in-work teachers, e.g. scholarships and promotion opportunities, encouraging them to accept training;
- Reinstatement of a two-year special education teacher training course: teachers who are being trained would receive an allowance equivalent to a one point increased according to the pay scale; and one more point would be awarded after the course is completed. Trained teachers would be required to sign a three-year undertaking (one year of internship and two years of teaching), and will be qualified to be the SENCo in special schools or mainstream schools, so that current teachers have sufficient time to learn and apply the relevant knowledge;
- Continue to increase the percentage of teachers who receive training in the BAT courses (三層課程), giving frontline teachers timely assistance. The BAT courses should also be open to non-teaching staff who are supporting SEN students at school, for example, in-school social workers, so to strengthen the ability of the supporting team;
- The mode of paid-training should be adopted; the government should subsidize in-job teachers to take a one-year course (recommended) who will serve as the pillars of special education work;
- Invite professionals, such as educational psychologists, to train the teachers at school, and thereby solving the issue of not being able to attend training due to heavy workload;
- Arrange for educational psychologists and relevant professionals to go to the schools and work on student cases with the teachers responsible for SEN students. Devising appropriate solutions in accordance with the child's most updated situation, the school environment and other practical issues, is far more efficient than workshops which only teach theories and look at general situations. As such, these meetings and discussions should also be included as training hours.

7.2.2 Assisting Teachers to Better Support SEN students: Other Complementary Measures

Apart from training, teachers require much professional support and large amount of resources in order to fulfil their duties under an integration education system, for example:

- Improve the student-teacher ratio by reducing the number of students in each class, and thus allow teachers better handle the students' individual needs;
- Establish positions for professionally-trained teaching assistants, who can assist teachers to handle more complicated cases or situations;
- Regarding administration, each school should have a SEN coordinator who has received a certain level of professional training, and is able to coordinate teaching resources, in-school training, and individual cases etc.;
- Provide enough professional support for schools, including educational psychologists, full-time therapists, and social workers etc.;
- Provide sufficient financial support for schools, for the purposes of providing the appropriate facilities, equipment and other assistive arrangements SEN

students require.

7.3 Special Educational Needs Co-ordinator (SENCo)

Special Educational Needs Coordinators (SENCo) are very important to the SEN students' learning, and their related conditions and responsibilities are as follow:

- Supervises the daily functioning of the school's special education policies;
- Coordinates and develops services for SEN students;
- Liaises with teachers, parents and professionals regarding the SEN students' situation;
- Gives advice to the school's management board, staff and parents, as well as supports and coordinates training for teachers and parents;
- Manages the records of all SEN students.

The position of the SENCo should be equivalent to an Senior Graduate Master (SGM) in Secondary Schools or a Primary School Master (PSM) in Primary Schools. Only such a high requirement can attract able and experienced teachers, and can confer to the teacher sufficient duties and responsibilities to coordinate the work related to SEN students at school.

However, after the SENCo Pilot Scheme has been normalised, the SENCos are still maintained at the ranks of GM and APSM, which are far from meeting the needs of frontline teachers. Although the Government announced in its 2018 Policy Address that there would be a reorganization of the existing three funding modes (LSG, Intensive Remedial Teaching Programme, Integrated Education programme), so that if a school has a cumulative subsidy of \$600,000 (i.e. having enrolled a certain number of enrolled SEN students), it can deduct a subsidy of \$360,000 in exchange for the promotion of the SENCo from teacher post (GM/APSM) to senior teacher/chair post (SGM/PSM). However, the promotion should not only be limited to schools with a certain amount of subsidy, but should be extended to all schools to provide a stable environment for frontline teachers. At the same time, it is reasonable to increase the number of SENCos depending on the number of SEN students (e.g. the extra SENCos can be set as a deputy, but are paid in a higher pay scale in comparison of the general teachers), so that more comprehensive care can be provided to students, as well as give better support to other frontline staff in campus.

Parallel to the introduction of free kindergarten education and the regularisation of the Pilot Scheme, the position of a SENCo should be set up in the kindergartens. On one hand, this can fully support the SEN students and parents, and on the other hand, this can better support to kindergarten teachers, and to relieve the pressure of work in the early stages of implementing free kindergarten education.

Apart from the requirement for the SENCo to possess the usual qualifications of a S.G.M., this teacher should also have received the relevant professional training, which includes basic teaching and professional special education trainings.

Apart from the coordinator, the school principal and the administrative level should also be familiar with the situations of the SEN students, including the course development, teaching arrangements, and professional cooperation etc. They should also take initiative to facilitate support for different students, in terms of the school system and culture.

7.4 Social Workers

Social workers serve as an importance bridge between schools, and students and their parents. Currently, there are in-school social workers from NGOs in all secondary schools in Hong Kong, and the social worker to school ratio would be increased from 1:1 to 2:1 in the 19/20 school year. As for primary schools, part of the counselling services is handled by Student Guidance Teacher (SGT) hired by schools themselves, and the other part is handled by of the Student Guidance Personnel (SGP, which can be a teacher or social worker) employed by the school using the Student Guidance Service Grant. The Government has increased the grant in the 2018/19 school year to implement the "one school, one social worker" policy in public sector primary schools.

Social workers are responsible for assisting the SEN students with educational, social or emotional development so the students can fully develop their potential and prepare for adulthood. It is often the case that SEN students face social difficulties and behavioral problems apart from educational issues; and parents may be involved in conflicts with the schools because of their SEN children. As such, the presence of social workers is very important, as they can mediate and offer assistance. A moderate increase in the number of social workers can not only relieve the pressure of frontline workers, but can also improve the relationship between students, parents and schools. At the same time, training of social workers in special educational needs should also be strengthened.

7.5 Educational Psychologists

We recommend increasing the number of educational psychologists, and improve the educational psychologist to school ratio to 1:4 in all schools as soon as possible, reducing the burden of educational psychologists, and strengthening the help for SEN students. The scope of intervention of educational psychologists should also be broadened, from only individual cases to the middle-level and macro intervention, helping schools formulate complete policies and services to support SEN students.

7.6 Medicial and Allied Health Professionals

SEN students often have weaker sensory integration abilities; occupational therapists may target their needs to facilitate improvement, and at the same time, can help parents and teachers to understand the learning mode and special needs of individual SEN students. On the other hand, physiotherapists target the physical conditions of the SEN students to provide them with strengthening trainings, which greatly help SEN students, especially those with physical disabilities. In fact, parents, schools and social welfare agencies/NGOs have great demand for both occupational therapists and physiotherapists. However, relevant University Grants Committee-funded (UGC-funded) undergraduate degree programmes are only offered by the Hong Kong Polytechnic University. Although the two programmes receive about 100 students each year, and there are also self-financed post-secondary programmes offered by Tung Wah College, they are still insufficient trained persons to meet the demand.

As regards the speech therapists, the current proportion of speech therapists in Hong

Kong to children is about 1:100, which is a significant difference compared to the ratio of about 1:50 in other countries.²⁰ At present, only the University of Hong Kong offers a bachelor's degree in speech therapy, while the Hong Kong Polytechnic University and the Hong Kong University of Education offer master's degree programmes, and these programmes provide around 40 places each year respectively. Not only do locally trained speech therapists meet the needs of SEN students, but also patients of different ages. Therefore, there is a huge demand on speech therapists in Hong Kong.

As such, the EDB should increase the number of UGC-funded places related to special needs such as occupational therapy, physical therapy and speech therapy to cope with the growing demand for related rehabilitation services. Not only will this benefit SEN students and stakeholders under the integration education policies, but also Hong Kong's ability to cope with increasing population and ageing problems in the future.

7.7 School-based treatment services for mainstream schools

At present, there is no school-based occupational/speech therapist in mainstream schools. Schools can only use their surplus resources to hire external rehabilitation services. However, under the existing policy, only the SEN students classified as requiring tier 2/3 support are qualified to obtain the LSG. The amount of LSG is far from enough to provide adequate assistance to SEN students, educators and relevant stakeholders. Thus, not all SEN students can receive appropriate rehabilitation services.

The EDB should provide occupational/speech therapy services to mainstream schools in order to strengthen support for SEN students, parents and educators. Specifically, the Bureau can set up district-based occupational therapy and speech therapy services in phases, and to provide district-based rehabilitation services for mainstream schools. In the long run, the Government should explore the feasibility of extending occupational/speech therapy services to school-based rehabilitation services as needed. For example, the Government may refer to the optimised school-based education psychology service, and set the ratio of therapists to mainstream schools to 1:4.²¹ This could strengthen the support for mainstream schools with SEN students, parents and educators.

²⁰ Sing Tao Daily 〈業界斥非飽和「只是政府有沒有足夠資源給機構」〉：<https://bit.ly/2uorzJA>

²¹ In the 2018/19 school year, the number of primary and secondary schools in the public (government and subsidized schools) is 541 and 472 respectively. Referring to the optimised school-based psychological services, the suggested ratio of occupational therapists or speech therapists to the mainstream schools is 1:4, hence around 254 occupational therapists or speech therapists would be needed respectively. The current mid-point salary of Occupational Therapist I is \$58,345, and for the speech therapist is \$50,825. Hence, the extra annual expenditure for hiring occupational therapists and speech therapists would be \$177 million and \$155 million. Depending on different needs of each school, the number of therapists may be less than the above number in the initial stage of the policy implementation, and the additional expenses involved would be lower than the above-mentioned amount. Please refer to the salary scale of the general position of the non-government organization:

https://www.swd.gov.hk/storage/asset/section/728/en/Salary_Scales_of_Common_Posts_w.e.f._01.04.2018.pdf

8. Mode of Funding and Finances

8.1 Current Situation

The number of SEN students has increased 209% from 17,560 in 2008-09, to 54,244 in 2017-18. However, the expenditure on inclusive education in the aforementioned period has only increased by 90%, from \$0.86 billion to \$1.64 billion, disproportionate to and falling short of the increase in demand.

Although the government provides LSG to schools with SEN students, LSG is to cover many aspects of work, including hiring teaching staff, purchasing treatment services, social training and additional classes etc. The amount of LSG is often not used for their specific purposes, making it difficult to monitor their usage. In addition, the amount of funding is also insufficient to cover the various expenditures, and with the expenses of treatment services far exceeding other expenses, the school is restrained in the ways which it can use the funding, and the protection of student rights is limited. Due to the current 'Individual Calculation, Overall Use' principle, and the aforementioned situation about the unclear use of funding, there is no efficient way to monitor the use of resources, and to see whether they are only used on SEN students.

8.2 Principles

Although the law itself is unable to list recommendations about financial resources, but in practice, accomplishing the relevant recommendations in this recommendation proposal requires financial contributions. An ideal policy should provide resources according to the needs, and regularly review the allocated resources for inclusive education, in order to ensure that the needs of the SEN students are met and to prepare for the future increase in the number of SEN students.

Thus, there is an urgent need for the government to establish and implement a monitoring mechanism for financial funding would ensure that the LSG and relevant resources are used to support SEN students; and such support policies and expenditures should be clearly listed out in the schools' annual plans and reports, which would be made public to society.

8.3 Differentiation of Funding Mode for Allied Health Services and Educational Services

We recommend differentiating between the funding for allied health services and for education itself. Not all students require treatment services, and so the funding system should provide the relevant treatment accordingly. The various treatment services should coordinate with the medical or social services system respectively, providing comprehensive services according to the students' needs. On the other hand, the funding mode for the schools' educational services may be retained. The current mode continues to enable the transparent usage of funds for their specific purposes, making management easier as well as making clear the stakeholders' duties and responsibilities.

8.4 Staff Establishment

Apart from the funding from learning support subsidies, we recommend adjusting

and re-planning the staff establishment. This can fundamentally resolve the difficult situation of the teachers' heavy workload and the needs of SEN students. According to the calculations of the previous inclusive education pilot program, accepting a certain number of SEN students entitles the school to adjustments in staff establishment, such as increasing the number of teachers or teaching assistants. The government may refer to this model, or may weight the number of SEN students accepted, that is for example, the acceptance of one SEN student may be counted as two school places. The small class teaching policy may also be suitable for the support policies of SEN students. These methods will be able to offer greater support for schools outside of the funding framework.

9. Statistical Data and Policy Planning

9.1 Current Situation

The current lack of comprehensive statistical data has made it difficult to forecast and to make short- and long-term plans for support services. Without a unified database, the statistical data from each SEN-related department varies, including the Hospital Authority (HA), the Department of Health (DH), the Social and Welfare Department (SWD) and the EDB etc. Moreover, the government is unwilling to make public many of its data and information, seemingly afraid of public scrutiny. Such data includes: the number of SEN students in each district, the distribution of SEN students across different tiers under the 3-tier model, and the distribution of SEN students across secondary schools of different banding.

Although the EDB indicates that there is already a Special Education Information Management System (SEMIS) under the current policy, the role of the Bureau is passive because the collection of relevant information may involve privacy issues and depend on parental wishes.

9.2 Establishment of a Coordinating Department and Policy Planning

Given that SEN students require support in multiple levels, including education, medical treatment, social services and other relevant departments, we recommend establishing a coordinating department, which would be linked to the inter-departmental collaboration on early identification and the Central Data Bank in Paragraph 3.4 and 3.5 respectively. By statistical data, we do not mean making public personal information, but rather making public the statistical information about SEN students in general. These statistical data include the number of SEN students, the SEN student distribution among various special needs, different districts and schools, and the level of special needs (such as the categorization of the 3-tier support structure) etc. Such information may be used to make short- and long-term plans regarding support services and policies, and serve as a public monitoring system at the same time.

The Government should improve the SEMIS as soon as possible and explore the feasibility of adopting an "opt-out mechanism" to facilitate the giving of consents by parents for transfer of the information of their children with SEN between primary schools and secondary schools and during transfer of schools in order to enhance the follow up on the growth of the students. In the long run, the EDB should set up a central database for all stakeholders, including teachers, doctors, social workers, therapists etc., which, given with the consent of students and/or parents, will allow the use of the student's information as well as allow professionals to thereby pay closer attention to the growth of students.

10. Grievances Mechanism

10.1 Current Situation

The EDB has established a 3-tiered mediation mechanism: school-based mechanism, EDB mediation and individual case study group, which will assist the school and parents to resolve their differences. According to the Education Ordinance (Cap.279), schools must establish a mechanism to handle complaints, and once they receive a complaint regarding special education, they must handle it according to the mechanism and its procedures; and when the EDB receives a written or oral complaint about a school, it must record it, and depending on the case decide whether the EDB will directly handle the matter or return it for the school to deal with. If the said school and the complainant fail to reach a consensus, the school or the complainant may submit the case to the respective regional education office, where the Bureau will arrange a mediation meeting in the hope of achieving a peaceful settlement; if the problem persists, the Bureau will appoint representatives from different industries, including parents, educators and other professionals, such as medical, legal and social services representatives, and educational psychologists etc. to express their views in the form of an individual case study group.

In fact, since cases of complaint mainly involve students, parents and the schools, there is an inherent conflict of roles in the school-based mechanism, and it is not an ideal way to handle complaints. However, according to the data, the number of EDB mediation and individual case study group is extremely low, with most cases dealt with by the school. At the same time, the Equal Opportunities Commission is rather passive. Many parents are also reluctant to make a complaint, considering that their children still need to stay at the school.

10.2 Establishing an Independent Redress Mechanism

The government should establish an independent department and a redress mechanism, specifically responsible for complaints related to special educational needs; this may be expanded to other educational policies and services upon operational maturity. The independent department may serve as an intermediary for the various government departments, and prevent coordination difficulties if the case involves different departments. Not only does this mechanism guarantee the rights and privileges of students and parents, more importantly, it ensures that each case will be dealt with fairly and equally.

The operation of the independent department may follow the model of the Office of the Ombudsman or the EOC, but it should be the goal that this department has legal standing and legal effect, as it is the department responsible for dealing with complaints related to mainstream schools and special schools.

The redress mechanism should also include a review process for the mechanism in order to review continually and improve the complaint mechanism. There is also a need to consult stakeholders to collect relevant information when necessary, to ensure the effectiveness of the arrangements. At the same time, the government should take more measures to actively promote home-school co-operation and public education to deepen public awareness of the concepts and measures of supporting SEN students, thereby reducing misunderstandings and disputes.

11. Establishment of Student and Parental Participation

11.1 Current Situation

Currently, parental support and parent-school communication are lacking. Students and parents often play a passive role and are regarded as unimportant when they participate in discussions regarding educational arrangements. It is not uncommon that students and parents do not even know which tier they belong to in the 3-tier support structure. At the same time, students and parents are rarely involved in the planning of SEN policies.

11.2 Establishment of the Right of Student and Parental Participation

The right of student and parental involvement should be established in both policy and in law, given their needs and their rights to express their opinions. Arrangements related to assessments, choosing schools and the individual education plan, should all ensure the parents' and the students' right to know, to participate, to confirm and to monitor. If any problems arise from the special educational support services, students and parents ought to have a right to complain. Students and parents should also have a right to seek assessment, re-assessment or to review their children's educational needs. Moreover, apart from educational services offered to students, there needs to be consistent support and training for parents.

Parents and students may participate in statutory advisory bodies, and such bodies should aim to make their discussion transparent and public. Regarding major policy changes, SEN students and their parents should also be consulted. At the same time, public education should be strengthened in order to facilitate the spirit of equal education.

12. Appendix: References

1. Legislative Council of the Hong Kong Special Administrative Region of the People's Republic of China: Report of the Subcommittee on Integrated Education to the Panel on Education
2. Legislative Council of the Hong Kong Special Administrative Region of the People's Republic of China: Controlling Officer's Reply to Examination of Estimates of Expenditure 2014-15
3. EDB: Whole School Approach to Integrated Education Operational Guide
4. HKSAR: Disability Discrimination Ordinance (Chapter 487)
5. HKSAR: Education Ordinance (Chapter 279)
6. Equal Opportunities Commission: Study on Equal Learning Opportunities for Students with Disabilities under the Integrated Education System
7. United Nations: Convention on the Rights of Persons with Disabilities
8. United Nations: Convention on the Rights of the Child
9. United Nations: The Salamanca Statement
10. United Kingdom: Special Educational Needs and Disability Act 2001
11. United Kingdom: Children and Families Act 2014
12. United Kingdom: Equality Act 2010
13. United Kingdom: Education Act 1996
14. Director of Audit's reports No. 70 – Chapter 3: Education Bureau – Integrated education
15. The Hon Dennis Kowk Wing-hang: Proposal on Inclusive Education and Special Education Policy for the 2019/20 Budget (Chinese version only)
16. Dr the Hon Fernando Cheung Chiu-hung, The Hon Dennis Kwok Wing-hang, Alliance for Promoting Special Educational Policy and Legislation (推動特殊教育政策及立法聯盟): Joint Submission on Inclusive Education and Special Education policy for the 2018-19 Policy Address (Chinese version only)
17. The Hon Dennis Kowk Wing-hang: Proposal on Inclusive Education and Special Education policy for the 2018-19 Policy Address (Chinese version only)
18. Civic Party: Initial proposal for an annual increase of \$5 billion in education recurrent expenditure (Chinese version only)
19. Alliance for Promoting Special Educational Policy and Legislation: proposal for an annual increase of \$5 billion in education recurrent expenditure (Chinese version only)