

A Child's Struggle for a School Place (Disability Discrimination)

The EOC believes every child should have equal access to quality education. The right to equal education opportunity is protected under the Disability Discrimination Ordinance (DDO).

◆ **The Complaint**

Liza is an 11-year old student with Attention Deficit and Hyperactivity Disorder (ADHD), which impairs her ability to concentrate. Her educational needs were made known to ABC primary school upon her admission. At the beginning of the school term, all Primary 6 pupils, including Liza, were asked to pay a deposit to secure a school place to advance to Form 1 via the "through train" mode, which allows secondary schools to admit all Primary 6 pupils of their linked primary schools.

Towards the end of the school year, however, the primary school asked Liza to withdraw her application for admission to Form 1 of the linked secondary school or provide an updated assessment report on Liza's disorder within a few weeks. Liza's parents were also required to guarantee that they would follow all the recommendations in the updated report before the linked secondary school could consider admitting Liza.

Shocked by the news, Liza's parents had a meeting with the Headmaster of ABC primary school, during which they explained to the school that it would be impossible to produce the assessment results within such a short period of time as a report

always took a few months to complete. They pleaded with the school to give Liza an equal education opportunity, but to no avail. Frustrated and deeply concerned for their daughter's future, the parents lodged a complaint with the EOC against the school for discriminating against Liza due to her learning disability.

✓ **What the EOC did**

The EOC case officer explained the EOC's complaint handling procedures as well as the legal provisions of the DDO in relation to the field of education.

Under the DDO, it is unlawful for educational establishments to discriminate against a person with a disability. Reasonable accommodation should be provided unless such a provision would impose unjustifiable hardship on the institution. Schools have a responsibility to ensure that persons with disabilities, like other students, have equal access to quality education.

Both parties were willing to resolve the matter through early conciliation. Upon the request of Liza's parents, the ABC primary school agreed to provide an apology letter to the parents, give monetary payment and review the admission policy and procedures.

Points to Note:

- Many teachers have limited experience or training in working with students with special needs. More resources and training are required to enable teachers to support the different learning needs of their students.
- Children with ADHD are often perceived as misbehaving, due to the fact that there is limited public awareness about the disability. In a 2010 EOC survey, over half of respondents disagreed that integrated education was preferred to special schools. Of these, 80% felt that students in integrated schools would not know how to respond when classmates with disabilities require assistance.
- Students with disabilities often face harassment and bullying in their schools. The DDO prohibits harassment in educational establishments, including harassment of students with disabilities by other students.

Tip: For more information, refer to the EOC's Disability & Education Series and the Code of Practice on Education under the DDO

