

A Child's Struggle for a School Place

The EOC believes every child should have equal access to quality education. The right to equal education opportunities 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 in order to secure a Form 1 school place via the "through train" mode, which allows secondary schools to admit Primary 6 pupils of their linked primary schools.

Towards the end of the school year, the primary school asked Liza's parents to withdraw her application for admission to Form 1 of the linked secondary school or provide an updated assessment report on Liza's condition 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 it normally took a few months to complete the report. They pleaded with the school to give Liza an equal education opportunity, but to no avail. Frustrated and deeply concerned about 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 to both the parents and the school 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 the 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, ABC Primary School agreed to provide a letter of apology to the parents, give them monetary payment and review the school's 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 condition. In a 2010 EOC survey, over half of the 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.