



March 2009

Preparation for Implementation of the New Academic Structure

**Meeting of Legislative Council
Panel on Education on 30 March 2009**

- Submission from the Equal Opportunities Commission -

Introduction

The Equal Opportunities Commission (EOC) has been invited by the Panel on Education to provide views on the preparation for implementation of the New Academic Structure for Senior Secondary Education (better known as “334” or “NSS” in the local education sector). This paper sets out EOC’s views on the matter.

Rights of persons with disabilities (PWDs) to education

2. The right of PWDs in Hong Kong to learn in an educational setting free from disability discrimination and harassment is safeguarded by the Disability Discrimination Ordinance which has been in force since 1996. PWDs’ right to education in Hong Kong is further enhanced when the United Nations Convention on the Rights of Persons with Disabilities (CRPD) has entered into force for the People’s Republic of China, including the Hong Kong Special Administrative Region (HKSAR), since 31 August 2008. Article 24 of CRPD states that State Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- (a) the full development of the human potential and sense of dignity and self worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- (b) the development by PWDs of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; and
- (c) enabling PWDs to participate effectively in a free society.

3. In realizing this right, States Parties shall also ensure that:

- (a) PWDs are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from

free and compulsory primary and secondary education on the basis of disability;

- (b) PWDs can access an inclusive, quality, free primary and secondary education on an equal basis with others in the communities in which they live;
- (c) reasonable accommodation of the individual's requirements is provided;
- (d) PWDs receive the support required, within the general education system, to facilitate their effective education; and
- (e) effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

Distribution of students with special educational needs in the schools system

4. According to a report of the Subcommittee to study Issues Relating to Provision of Boarding Places, Senior Secondary Education and Employment Opportunities for Children with Special Educational Needs of the Legislative Council issued in June 2008, only 63.56% of students with special educational needs (SEN) in Hong Kong are placed in mainstream schools whereas the placement of students with SEN in mainstream schools is over 90% for all four places selected for comparison (namely California, Ontario, England and Taiwan). Having regard to the fact that adoption of the concept of integrated education (IE) dated back to the 70s and that the Administration has launched the IE Programme in public sector mainstream schools since 1997, the progress is far from satisfactory and there is still a long way to go for the Administration to fulfil its international obligation under the CRPD of ensuring an inclusive education system.

5. The EOC is of the view that in implementing the new academic structure, the Education Bureau (EDB) should seize this opportunity for change to adopt more new measures that are conducive to creating an inclusive education system for students with SEN.

Curriculum and assessment for SEN students

6. The EOC support the principle of "one curriculum framework for all" with

adaptations to cater for the special learning needs and capabilities of students with SEN. Students with SEN but not intellectually disabled (ID) should aim at achieving the same curricular objectives for NSS. They should be assessed on the same criteria but reasonable accommodation (e.g. enlarged question and answer sheets, extra examination time, etc.), a concept inscribed in Article 24 of the CRPD, should be provided to cater for their SEN.

Curriculum for students with ID

7. The EOC notes that students with ID will not follow the curriculum for mainstream schools and so the development of NSS(ID) curriculum frameworks and the learning outcome frameworks for ID students is necessary. According to EDB, the curriculum frameworks for Chinese Language, Mathematics and Independent Living will be ready for dissemination to all special schools before the 2009-2010 school year.

8. The EOC is of the view that in developing NSS(ID) curriculum and learning outcome frameworks, EDB should bear in mind that ID students who are unable to pursue the ordinary curriculum will not go through ordinary NSS assessments and examination leading to Hong Kong Diploma of Secondary Education (HKDSE) under the proposed new academic structure. In order that proper accreditation of the achievement of ID students in their schooling experience can be given, somehow the NSS(ID) curriculum has to be designed in such a way that is in line with the mainstream curriculum making it an integral part of the overall education system. It is our belief that learning capabilities of all individuals, including those with or without ID, can be represented by a continuum of attainment. In the long run, an assessment system under the HKDSE applicable to students with ID should be developed so that their attainment can also be accredited. Then, and not until then, would their opportunity for pursuing lifelong learning be enhanced.

Applied Learning (ApL)

9. One of the features of NSS is the provision of ApL courses. According to the EDB, the introduction of ApL is intended to provide choices to meet the diverse learning needs of students, including those with SEN. For students with SEN but not ID who study ApL courses as other students, appropriate support would be provided. As for ID students, ApL courses would be adapted. Currently, two course providers, Hong Chi Association and Vocational Training Council, are offering four courses. These courses include Food Preparation, Hotel Housekeeping, General Duties, and Western Bakery and Pastry for mild grade and higher-end moderate grade ID students.

10. The EOC is of the view that the ApL subject opens up a host of opportunities for ID students to develop their talents and creativity to the fullest potential, an obligation under the CRPD, and the EDB should explore the possibility of offering a wider range of ApL courses for ID students.

Non Chinese speaking (NCS) students with SEN

11. Currently, the provision of education for Chinese-speaking children with SEN is catered for through 60 aided special schools and 641 special education classes in the mainstream schools. However, there is only one Government subvented English-speaking school operated by The English Schools Foundation (ESF) providing 60 places to NCS children with SEN. ESF also provides 126 places in the learning support classes in its mainstream schools. Due to the limited supply, many NCS children with SEN are given no choice but to enrol in public sector mainstream schools which adopt Chinese as the medium of instruction (MOI). Some Legislative Council Members are concerned that students with SEN have already experienced learning difficulties in their mother tongue, not to mention in a language that neither their parents nor the students themselves are proficient.

12. Whilst there is a provision under Section 26(2) of the newly enacted Race Discrimination Ordinance (RDO) exempting educational establishments from the requirement to modify for persons of any racial group arrangement of the establishment regarding MOI, or to make different arrangements regarding MOI for persons of any racial group, the RDO, however, binds the Government. Moreover, it is the Administration's position that the Government is bound under the Basic Law, the Hong Kong Bill of Rights Ordinance and administrative laws not to discriminate on the ground of race. In this connection, the Administration is advised to review the existing provision of education for NCS children with SEN so that they would not be disadvantaged due to the fact that they are less proficient in Chinese.

Equal Opportunities Commission

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