How Medical Professionals Can Help in Ensuring Equal Opportunities in Education

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Education is a right of each individual, with or without disabilities. It is instrumental to their development to fullest capabilities, and a tool to secure a footing in the participation of various activities in society. Education level of individuals is very often a crucial factor in determining what employment they could get and hence an important means to achieve social mobility. Education is also important for our society in that human resource has been and will still be the indispensable cause of our success.

The Disability Discrimination Ordinance ("DDO") that was enacted in 1995 and became operative in 1996 has provisions to ensure equal opportunity in education for persons with disabilities. The law seeks to ensure that they can enjoy their rights for education on a level play field.

However, the provisions laid down in the law may not be easy to understand. A practical guidance is necessary for school authorities, teachers, students and parents to understand or apply the law. The Commission thus issued the Code of Practice on Education under the Disability Discrimination Ordinance ("the Code") which became operative on 6 July 2001.

The Code is divided into four parts. The first part sets out the background, purpose and application of the Code as well as explains the definitions of different concepts under the law. The second part sets out the implications of the DDO in education. The third is on practical guidelines and the fourth sets out the roles and responsibilities of various parties in realising equal opportunities in education.

In the course of the preparation of the Code, the Commission has seen a trend of increased awareness of the requirements of the DDO and the needs of students with disabilities by school authorities. Nevertheless, more has to be done to promote equal opportunities in education in view of the continuing lack of sensitivity towards some disabilities and the special needs arising thereof.

Contributions and support from various sectors in society are necessary to realise equal opportunities in education. As a medical professional, you can also contribute in the following areas to ensure equal opportunities in education:

I. Early Identification of Children with Disabilities

Medical professionals know clearly the advantages of early identification of a child's disability. The earlier the identification, the easier it is to train and help the child adapt to or overcome the disability.

II. Enhance Awareness and Sensitivity Towards Various Disabilities
The DDO defines disability relating to individuals as including:

- Total or partial loss of the person's bodily or mental functions;
- Total or partial loss of a part of the person's body;
- The presence in the body of organisms causing disease or illness;
- The presence in the body of organisms capable of causing disease or illness;
- The malfunction, malformation or disfigurement of a part of the person's body;
- A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.

It is commonly known that the needs of a student with disabilities that are not easily recognized are frequently ignored. For instance, the underlying reason for the poor academic performance in students with special learning disabilities is not often understood and even disbelieved by teachers. These students, no matter how hard they try, are usually taken as lazy, naughty or lacking in motivation. They are frustrated with school, and if no solutions to overcome their learning problems are provided, may drop out from the mainstream education system. Parents of these children have found it hard to explain their children's difficulties to teachers who have never heard of it. Medical professionals can thus help to promote understanding of the condition within the education sector and the public, including its manifestations and respective special educational needs, and to ease the sense of helplessness of the parents and children.

III. Advice on Special Needs and Accommodation Required

Many people think that by treating everyone equally there is no discrimination. This is only partially true.

There are two types of disability discrimination under the law, namely, direct and indirect discrimination. Direct discrimination means treating a person with a disability less favourably than another person without that disability, in comparable circumstances, on the ground of the disability. For instance, refusing a student admission to a school because of his mental illness constitutes direct discrimination.

Indirect discrimination may occur even when everyone is treated equally. For example, a same requirement or condition may be applied to everyone, including to the person with disability who cannot, because of the disability, comply with that requirement or condition, resulting in a detrimental outcome to him/her. Unless there are reasonable justifications, this instance would constitute a case of indirect discrimination.

Students with disabilities often require adjustments in various aspects of their schooling to enable them learn effectively like other students. When taught in the same way as other students without any adjustments, students with disabilities might encounter difficulties in learning, or even in accessing what is being taught. For example, a child with a visual impairment who is required to read in the same way as his/her peers may not be able to learn effectively. In legal terms, respective adjustment given to these children are called "reasonable accommodations". An educational establishment is obliged to provide reasonable accommodations in its programmes, services or facilities and benefits to meet the needs of their students with disabilities, unless such provisions would impose unjustifiable hardship to the establishment. Hence, providing programmes, services or facilities and benefits to every
student in the same way may not necessarily ensure equality. It is in this area that many schools and teachers demonstrate oversight. And it is in this area that many parents find their disabled children disadvantaged.

The type and extent of accommodations required vary with the specific needs of individual students. A student with dyslexia may require more time to complete a written examination paper, while a student with visual impairment may need a magnified copy of the examination paper in the same examination. Students using hearing aids may need the teachers to use a compatible FM microphone while teaching. The primary purpose of requiring schools to provide respective accommodations is thus to ensure a level play field for students with disabilities in education.

By providing advice on the effect of disabilities on a child's learning abilities, and the special needs arising thereof, medical professionals can help parents understand these needs and to discuss with their children's schools what accommodations should be provided for them. In many circumstances, medical professionals can also advise on the specific accommodations that may be required by a student with a disability in school.

IV. Forming Partnership with Parents and Schools

By forming partnerships with parents and schools, medical professionals can help to create an environment that provides equal opportunities for the children with disabilities, and to ensure that they can obtain the optimum education and medical services they need.

Your support counts in creating and sustaining an environment with equal opportunities for students. There are many ways you can help to support the cause of equal opportunities. If you require further information on the equal opportunities legislation and our work, please visit our website at http://www.eoc.org.hk.