

Code of Practice on Education Disability Discrimination Ordinance



Equal Opportunities Commission

Basic concepts

Impairment – Any loss or abnormality of psychological, physiological, or anatomical structure or function

Disability – Any restriction or lack of ability to perform an activity in the manner or within the range considered normal for a human being

Handicap – A disadvantage for a given individual, resulting from an impairment or disability, that limits or prevents the fulfillment of a role that is normal, depending on age, sex, social and cultural factors, for that individual

Equal Learning Opportunities

1997: The Education Department launched a 2 year pilot project

- A whole school approach to integrate children with special educational needs into ordinary schools

2001: The EOC issued the Code of Practice on Education

- The CoP on Education under the Disability Discrimination Ordinance came into effect to facilitate inclusion in schools

2012: The EOC Research Project

- A Study on Equal Learning Opportunities for Students with Disabilities under the Integrated Education System

Number of Students with Disabilities

MAINSTREAM SCHOOLS	Primary schools	Secondary schools
2011-2012 school yr	15,940	12,690
2012-2013 school yr	16,810	14,580
2013-2014 school yr	17,390	16,440

SPECIAL SCHOOLS	Primary schools	Secondary schools
2008-2009 school yr	3981	3973
2012-2013 school yr	3198	4748
2013-2014 school yr	3226	4678

Source: Education Bureau, Examination of Estimates of Expenditure 2014-15

Number of Students with SEN pursuing full-time locally accredited sub-degree & undergraduate degree programmes (2014-15 academic year)

Types of SEN	Sub-degree			Undergraduate degree		
	Publicly -funded	Non-publicly -funded	Total	Publicly -funded	Non-publicly -funded	Total
Specific learning disabilities	73	48	121	23	13	36
Intellectual disabilities ^(Note 3)	0	0	0	0	0	0
Autism spectrum disorders	26	14	40	8	7	15
Attention deficit/ hyperactivity disorder	8	25	33	10	9	19
Physical disability	19	44	63	41	18	59
Visual impairment	4	24	28	36	17	53
Hearing impairment	23	42	65	82	37	119
Speech and Language impairment	10	6	16	5	6	11
Others ^(Note 4)	43	55	98	98	47	145
Total	206	258	464	303	154	457

Note 4: Including students with multiple types of disabilities

Source: LCQ20: Support received on campus by tertiary students with special educational needs

Code of Practice (CoP)

- Effective date : 6 July 2001

Aims

- Prevent and eliminate discrimination
- Provide practical guidelines
- Explain rights and responsibilities

Application

- Educational establishments
- School heads, teachers, and other staff
- Related professionals
- Students
- Government

Definition of Disability

- total or partial loss of bodily or mental functions
- total or partial loss of a part of the body
- presence in the body of organisms causing, or capable of causing, disease or illness
- malfunction, malformation or disfigurement of a part of the body
- a disorder or malfunction that results in the person learning differently
- a disorder, illness or disease that affects thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour

Disability Discrimination

Direct

Indirect

Harassment



Victimization

Vilification

**Serious
vilification**

Direct Discrimination

Treating a person less favourably on the ground of the person's disability

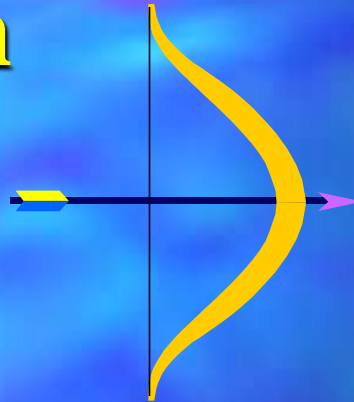
Indirect Discrimination

- Applying same requirements or conditions
- Lesser proportion of PWDs can comply
- To PWDs' detriment

Disability Harassment

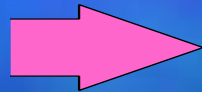
- On the ground of disability
- Engage in unwelcome conduct
- Offended, humiliated or intimidated
- Reasonable person test

Vilification



Incite hatred towards

Activity in
public



Serious contempt for



PWDs

Severe ridicule of

Serious Vilification



- Intentionally
- Threatening physical harm or inciting others to threaten physical harm

Penalty : \$50,001 - 100,000 and imprisonment for 2 years

Victimization

Treats the person victimised less favourably because he/she:

- brought proceedings
- given evidence or information
- otherwise done anything under or by reference to the DDO
- alleged that someone has committed an act which (whether or not the allegation so states) would amount to a contravention of the DDO

Disability Discrimination in Education

- Refusing admission
- In the terms and conditions on which it is prepared to admit that person as a student
- Denying or limiting access to any benefit, service or facility provided
- Expelling
- Any other detriment

Practical Guidelines



School Policy

- Add a DDO angle
- Promote the policy
- Conduct regular reviews
- Consult relevant stakeholders

General Considerations

Reasonable accommodation

Unjustifiable hardship

Practical steps



Areas requiring special attention

- Admission
- Recruitment
- Selection criteria
- Selection procedures
- Curriculum
- Access to premises
- Providing goods, services and facilities
- Assessment
- Discipline
- Request for information and confidentiality
- Staff development

