

Code of Practice

Education and Training



Preface

The Ministry of Labour and Social Security, through its agency, the JCPD, has the mandate to produce Codes of Practice for the avoidance of discrimination on the ground of a person's disability (The Disabilities Act, 6.1 (e)). The JCPD recognizes its responsibility to ensure the rights of persons with disabilities are preserved and respected.

The Code of Practice for Education and Training is written to provide guidance in educational matters for learners with disabilities across pre-primary to post-secondary levels of education. The Code of Practice for Education and Training is written to assist related Ministries, Department and Agencies, NGOs, service providers and professionals, educational and training institutions, caregivers and persons with disabilities.

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INTRODUCTION

Background

As early as the 1950s, individuals and groups have been involved in activities to educate, inform, and bring awareness to the needs and rights and privileges of persons with disabilities in Jamaica. Issues of negligence, mistreatment, denial of rights and services for persons with disabilities are reported across the nations of the world as human rights violations. International attention and efforts to stem the unfair practices toward persons with disabilities of all ages have resulted in the introduction of United Nations international treaties including, *The Universal Declaration for Human Rights (1948)*, *The Convention on the Rights of the Child (1989)*, and *The Convention on the Rights of Persons with Disabilities (2006)*. These are some of the international agreements that address the basic right of every human being to engage in enriching, satisfying, and dignified life-experiences.

The United Nations considers unfavourable actions or attitudes – *whether they be intentional or un-intentional* - to be acts of discrimination. Unfavourable treatment may include prejudices, negative attitudes, intentional actions to prevent access to education or employment, to deprive an individual of services, support, or other privileges due to them as a citizen of a country. Discrimination may be directed toward an individual because of race, colour, ethnicity, nationality, gender or disability.

In the Jamaican context, the experiences with discrimination for persons with disabilities are likely to involve prejudice, attitudes, treatment, accessibility and availability of services and resources. In the case of discrimination related to education and training, persons with disabilities have been hindered from accessing quality education and training to enhance their personal development, readiness for employment, and enjoyment of improved quality of life.

The Purpose of the Code

The purpose of the Code of Practice for Education and Training (*the Code*), is to ensure that there is clear understanding of the rights, privileges, and provisions to access educational, vocational and training opportunities for learners with disabilities. The Disabilities Act of 2014, and The National Policy for Persons with

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Disabilities (2000) have been developed to focus specifically on concerns for education and training for persons with disabilities. These legal documents are supported chiefly by the United Nations Conventions on the Rights for Persons with Disabilities (CRPD, 2006) and the United Nations Conventions on the Rights of Children (CRC, 1989). Jamaica, along with several countries across the world are members of the United Nations (UN). The Conventions are international treaties. These treaties are agreements signed by UN member-countries. The Code is written to guide the day-to-day treatment and understanding of the rights of persons with disabilities, as recommended by The National Policy for Persons with Disabilities and The Disabilities Act. In addition to the international UN treaties, the Code is linked to parts of The Education Act (1975), The Education Regulations (1980), the Charter of Fundamental Rights and Freedoms (2011), The Child Care and Protection Act (2005), and other policies related to the protection and preservation of the rights, as well as care and treatment of persons with disabilities.

Persons with disabilities are capable of learning and being engaged in gainful employment. An inclusive society will allow more opportunities for persons with disabilities to be educated, trained for employment, and nurtured to achieve their potential to lead healthy lifestyles as successful, achieving, and active individuals. The goal of the Code is to provide information and guidance to government departments, public and private organizations, agencies, parents, and other caregivers, to ensure learners with disabilities are given equal opportunities to be successful learners and responsible citizens, who are able to contribute to the development of the Jamaican society.

Members of the disability community and those who teach, train, work with, and advocate for persons with disabilities have worked over several years to bring attention to the needs of this community. The focus of advocacy efforts has been to create better understanding of the potential and possibilities for positive outcomes for persons with disabilities at every level of their educational experience.

Sections of the Code

The Code presents guidance in the following sections:

1) Guiding Principles:

- *general principles to ensure the Code is implemented with an accepted definition and expectations to be effective*

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- 2) *Roles and Responsibilities:*
 - *guidance to government ministries, and stakeholder groups which are involved in support or services for education and training*
- 3) *Caregiver Involvement and Support:*
 - *guidelines to assist caregivers through steps to advocate for appropriate support, services and outcomes for their children or wards*
- 4) *Admission and Placement:*
 - *guidance to ensure learners are placed in appropriate educational programmes across early childhood, primary and secondary levels*
- 5) *Identification for Services:*
 - *guidance through the steps for early referral, identification, and eligibility for appropriate services and support*
- 6) *Services and Support:*
 - *steps to ensure appropriate services and support are provided for positive educational and training outcomes*
- 7) *Transition:*
 - *guidance for movement across grades or educational levels, as well as planning for exit from secondary level into post-secondary educational or training programmes*
- 8) *Safeguards for Decisions:*
 - *guidance for caregivers and educational institutions regarding steps for rights-based decisions for eligibility, placement, disciplinary action*
- 9) *Resolving Complaints:*
 - *guidance to caregivers, educational institutions in querying placement or support decisions, or addressing complaints*
- 10) *Post-secondary Settings:*
 - *guidance for admission, accommodations and support in post-secondary educational or training programmes*
- 11) *Personnel Qualifications:*
 - *considerations for ensuring educational and training institutions are equipped with suitably qualified personnel in special education and specialized service areas*

Application and Relevance of the Code

Throughout the Code, frequent reference is made to the Ministry of Education (MoE), as the primary government ministry responsible for education and training. The specific remit for disability-matters is delivered through the special education

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agenda articulated by the MoE, while matters relating to independent or private schools and home-schooling, fall to the remit of the Independent Schools Unit.

The Code is a practical guide for the education sector, educational institutions - from pre-primary to post-secondary and tertiary levels; social services, other institutions, or training facilities. The Code is to be applied in daily practice in educational and training institutions providing MoE-approved programmes of instruction. It provides rights-based considerations for education and training for learners with disabilities; therefore, the Code may be used by:

- the leadership, departments, divisions, and units of Government Ministries
- school leadership, teachers, instructional staff of education and training institutions across early childhood to post-secondary and tertiary levels
- professional groups and other service agencies serving persons with disabilities
- education partners and others interested in supporting the education and training programmes and opportunities for learners with disabilities
- parents and other caregivers

The Code is written to empower caregivers to become advocates to access appropriate, rights-based services and support for their children or wards with disabilities. With this in mind, international and local public policy were consulted to ensure the instructions and guidance of the Code were relevant to support positive educational outcomes.

The Code extends considerations to include the education and training of children of migrant workers, while they are living and attending school in Jamaica.

The Code is not intended to replace any existing policy. It is written to support the policies and legislative instruction related to providing appropriate educational and training support for learners with disabilities across educational levels.

The improvement in functioning, achievements and healthy lives we want to see in our citizens with disabilities is possible. If persons with disabilities are given increased opportunities to enjoy, and access education and training, they will be able to contribute meaningfully to economic and national growth. These outcomes we expect for the community of persons with disabilities will depend on the involvement and commitment of multiple government agencies, organizations, and sectors.

Existing Legal Documents Related to Education and Training for Persons with Disabilities

The objective of UN Conventions on the Rights for Persons with Disabilities (CRPD) as an international agreement, is to lead countries across the world to the greater understanding and acceptance that persons with disabilities are entitled to rights, privileges and freedom to lead productive and fulfilling lives. The Code of Practice is influenced by international agreements on how persons with disabilities will be considered. It is based *chiefly* on The Disabilities Act of 2014, The National Policy for Persons with Disabilities, and Charter of Fundamental Rights and Freedoms (2011). These national documents are written with the intention of promoting understanding and acceptance of all persons, despite physical, emotional, behavioural, sensory, or intellectual differences. is to lead our country to become a more inclusive society. The legal documents related to the Code are described briefly.

United Nations Conventions (International Treaties)

The United Nations Conventions on the Rights of the Child UN (CRC), and the United Nations Conventions on the Rights for Persons with Disabilities (CRPD) are both international treaties on which The National Policy for Persons with Disabilities, and The Disabilities Act are based.

The United Nations Convention on the Rights of the Child (CRC)

The UN Convention on the Rights of the Child (CRC) was introduced in 1989 to countries all over the world as an agreement by world leaders to protect and preserve the rights and privileges of the world's children, up to 18 years of age. Jamaica signed and ratified this agreement in 1991. The main aim of the CRC is that countries '*... recognize the rights of children and young people and ensure that they grow up in the spirit of peace, dignity, tolerance, freedom, equality and solidarity*'.

The CRC has 54 sections that guide governments across the world on how to ensure children meet their full potential, by providing for their basic needs. The main principles of the CRC are:

The United Nations
Conventions on the
Rights of the Child (CRC)

References taken from:

Article 23

(Considerations for
children with disabilities)

and

Article 28

(Education of the Child)

To read more about the
UNCRC go to
www.unicef.org/crc

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- non-discrimination
- respecting the child's right to life, survival, and development of personality, talents, and abilities
- commitment to provide education that will meet the best interests of the child; and
- respect of the child's opinions and feelings, while respecting their right to be listened to

The child is protected with the rights to:

- life, survival, and development
- develop to the fullest of their potential
- protection from harmful influences, abuse, violence, and neglect
- participate to the fullest in healthy family, cultural, and social life

Under the CRC, a child with mental or physical disability should be allowed to *'... enjoy a full and decent life in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.'*

What does the CRC say about education and training?

- A child with a disability requires special care. Appropriate support may be provided based on available resources, and in a way that is appropriate for the identified disability.
- If special assistance is provided for a person with a disability, this should be done to ensure that the child is able to access and receive education, training, health-care services, rehabilitation services, or preparation for employment. *Whenever possible, the assistance provided should be free of charge.*
- A child with a disability has the right to enjoy recreation opportunities in a way that allows social integration, personal, cultural, and spiritual development.
- Each child has equal opportunity to access education, particularly primary education, and different forms of secondary education

*The United Nations
Conventions on the Rights
of Persons with Disabilities
(CRPD)*

References taken from:
Article 7
(Children with disabilities)

and

Article 24
(Education)

To read more about the
UNCPRD go to: www.un.org

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or vocational education; to be prepared for *‘responsible life in a free society’*.

United Nations Convention on the Rights of Persons with Disabilities (CRPD)

The purpose of the CRPD is to *‘promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent [inborn] dignity.’*

In 2006, the CRPD was introduced as an international human rights treaty. Jamaica signed and ratified this agreement in 2007. Since that time, Jamaica began its work to inform the country about the CRPD, and what is expected across all aspects of life for persons with disabilities. The sections here focus on the goals for education and training.

Similar to the CRC, the CRPD encourages countries to work toward developing persons with disabilities to their fullest potential, in all areas of their life. The CRPD also emphasizes *‘strengthening of respect for human rights, fundamental freedoms and human diversity.’*

What does the CRPD say about education and training?

Children with disabilities should enjoy *‘all human rights and fundamental freedoms on an equal basis with other children’*. The CRPD states that: *‘in all actions concerning children with disabilities, the best interests of the child shall be a primary consideration’*.

- Children with disabilities have the right to *‘express their views freely on all matters affecting them’*. Just like other children, their views should be considered, with careful consideration for their age and maturity.
- Children with disabilities should also be provided for, on an equal basis with other children, and be provided with appropriate assistance for their age and identified disability.
- Persons with disabilities have the right to equal access to education - without discrimination.
- Learning environments should focus on full inclusion, and provide effective individualized support for a child with a disability, providing equal access to inclusive, quality, and free primary education.
- A child with a disability should not be excluded from free and compulsory primary education, or from secondary education because of a disability.

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- Persons with disabilities should have equal opportunity to learn life-skills, and social skills to prepare them for *‘full and equal participation in education, and as members of the community’*.
- Educating children who are blind, deaf or deaf-blind, must involve appropriate language, ways, and types of communication; and be provided in environments that promote academic and social development.
- Persons with disabilities should be able to access *‘general tertiary education, vocational training, adult education and life-long learning without discrimination and on an equal basis with others’*. At this level as well, reasonable accommodation is provided for persons with disabilities.

The Disabilities Act

In 2014, The Disabilities Act was passed in the Jamaican Parliament. Through this Act, considerations are given through the law, to support Jamaicans with disabilities. The purpose of the Act is *‘to increase awareness and understanding of the fact that persons with disabilities are entitled to equal access to benefits, treatment, protection, and privileges, as other Jamaicans’*.

As a legal document, the Act ensures that the welfare, rights, and dignity of persons with disabilities are preserved. Under the law, a person with a disability is protected against any form of discrimination.

Education and Training under The Disabilities Act

The sections of the Act related to education and training are adapted and summarized below:

- An educational institution is described as a private or public institution *‘engaged in the imparting of knowledge or skills’*.
- The Minister of Education should ensure the education system provides reasonable arrangements to allow persons with disabilities access to education.
 - access to the least restrictive environments best suited for the person’s needs

The Disabilities Act

References taken from:

Part I

Section 2(c)

Part V

Section 26.1

Section 26.2

(a), (b), (c), (d)

Section 26.5

Section 27

Section 28

To read more on The Disabilities Act go to:
<https://japarliament.gov.jm>

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- Educational institutions should provide:
 - reasonable access to the education or training provided
 - reasonable support to engage in educational experiences
 - access to the least restrictive environments best suited for the person's needs
- Institutions should safeguard against learners being placed at a disadvantage because of a disability
- Examinations for professional or trade licensing or certification purposes should be conducted in ways and places which allow persons with disabilities full and fair access to the examinations.

Institutions should regard and comply with the Codes of Practice issued by the Jamaica Council for Persons with Disabilities (JCPD)

The National Policy for Persons with Disabilities

References taken from:

Section IV.2

Section IV.3

The National Policy for Persons with Disabilities

When The National Policy for Persons with Disabilities was passed in the Jamaican Parliament in the year 2000, it was introduced to guide government entities in ensuring equal opportunities for persons with disabilities across all aspects of life.

The Policy provides guidelines for government agencies and how to ensure persons with disabilities are treated without discrimination. Absence of discrimination will provide equal opportunities to engage in meaningful life-experiences as healthy, independent individuals, becoming integrated as part of the society.

Under the Policy, persons with disabilities are to have equal access to education in pre-primary, primary, secondary, post-secondary, tertiary, and training programmes. The Policy aims further to ensure that during educational development, the needs for physical access, appropriate accommodation, services, and support are provided, and that learners with disabilities are treated equally as their peers, with no discrimination, prejudice or disrespect, because of a disability.

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Education and Training under The National Policy for Persons with Disabilities

Under the Policy, the term ‘*persons with disabilities*’ includes children, youth, and adults with disabilities, or in need of special educational services and support. With this in mind, the Policy aims to promote equal access to education and training, and protect the rights of persons with disabilities in such educational arrangements and programmes. The following responsibilities are specified under the Policy:

The Ministry of Education (the Education Sector)

- Establish, maintain, and support a complete, adequate and integrated system of education for all children throughout the country.
- Reflect special considerations for the needs persons with disabilities across all schools.
- Place emphasis on early intervention and inclusion
- Provide placement in appropriate, least restrictive environments for children with disabilities.
- Provide rehabilitation and other services for children who are unable to attend school because of the nature of their disability, so they may benefit from educational development.
- Provide appropriate assistance and support for persons sitting national and international examinations.
- Inspect, review and upgrade special educational facilities periodically.
- Include special education training in Teachers’ Colleges and Universities as part of their curricula.
- Provide funding to assist with setting up special education programmes in schools
- Make national training and educational programmes accessible to youth and adults with disabilities.

Institutions of education and training:

- A learning institution will not deny admission to a person with a disability, *because of a disability*, where reasonable accommodation can be made.
- Educational facilities will ensure appropriate provision for those with communication support and physical accessibility needs.
- Educational facilities will provide appropriate and quality education and opportunities to develop potential and skills.
- Educational policies, programmes, class schedules, and use of facilities should reflect considerations of the special requirements for persons with disabilities, to ensure their full participation in, and access to their programmes of study.

The Education Regulations

Under The Education Regulations of 1980, the Minister of Education is given the main responsibilities to:

- (a) promote the education of the people of Jamaica and the progressive development of institutions devoted to that purpose; and
- (b) to frame an educational policy designed to provide a varied and comprehensive educational service in Jamaica

The Education Regulations and The Education Act state the following:

- 1) the education system shall also provide special schools for children with disabilities

Education Regulations

References taken from:

Part I

Section 2

Section 24 (1); (2); and (3)

Part II

3 (a), (b) and (c)

3(2)

Part III

Section 7 (a,) (b,) and (c)

Part VI

Section 43.1(k)

(The Education Act)

Part III

Sections 21 and 22

To read more on The Education Regulations go to: <https://moe.gov.jm>

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- 2) the Minister of Education is to be made aware of children with disabilities of school age; and make the necessary decisions to provide for children needing special educational treatment
- 3) categories of special educational needs must be defined so that learners needing special educational treatment may receive appropriate provision, based on their disability
- 4) if a child is reported to a school as having a disability, proof of the disability must be presented. *The proof from a medical or (clinical) practitioner is needed to confirm the nature and extent of the disability*
- 5) if a parent is asked to provide proof of disability, and does not do so, without reasonable cause, such a parent would have committed an offence. In this case, court action may be taken against the parent(s)

Educational Institutions are described as:

‘ ... any school, technical institution, training centre, teachers college, community college, institution of higher education or such other institution

Technical institutions are described as:

‘ ... any college, secondary school or other institution established to provide studies, training or research in technology, science, commerce, dance, music or art, or such other discipline ...’

Training centres are described as:

‘ ... institutions established for the purpose of providing education and training in any vocation requiring manual skill.

Educational programmes are described as:

- a) full-time pre-primary and primary education, for children up to the age of 12 years
- b) full-time secondary education, for children between 11 to 18 years

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- c) full-time and part-time tertiary education for persons over the age of 15 years of age, which includes organized leisure-time occupation, in cultural and recreational activities.

The Early Childhood Act and the Jamaica Early Childhood Curriculum Guide

Early childhood education was organized into a formal system for children 3 to 5 years of age, in the 1970s. Early childhood programmes are offered in community-based 'Basic Schools', nurseries, Infant Departments of Primary Schools, or kindergarten facilities. The Early Childhood Act was introduced in 2005 to guide early childhood institutions in how they should cater to children in their care.

The Early Childhood Commission (ECC) is responsible for, and committed to the care and development of children from birth to eight-years-old. Early Childhood Institutions (ECIs) prepare children for formal education by addressing their '*... language, physical, cognitive, creative, socio-emotional, spiritual, and cultural development*'.

Under the Early Childhood Act, each child in an ECI is entitled to the same quality treatment and services, without discrimination. ECI teachers are to pay close attention to how children develop in learning and social skills. Where there are differences in learning and development or skills, they should work to support the special needs of the child.

In its provisions, The Early Childhood Regulations (2005), requires that parents provide documented proof of a confirmed disability or disabling impairment. The educational institution is obliged to provide suitable curriculum, materials, and play equipment to stimulate the learner's development.

The Early Childhood Act
The Early Childhood
Regulations
and
The Jamaica Early Childhood
Curriculum Guide

The Early Childhood Act
Standard 2
Developmental/Educational
Programmes

Standard 9
Child Rights, Child Protection
and Equality

The Early Childhood
Regulations
Section 15: (2 to 5)

For more on the Early
Childhood Act and the Jamaica
Early Childhood Curriculum

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Early specialized services, interventions services are provided through the Early Stimulation and Stimulation-Plus Programmes.

Early Childhood Intervention Programmes

In the mid-1980s, the Early Stimulation Programme (ESP) was introduced under the Public Assistance Programmes of the Ministry of Labour and Social Security. The ESP was introduced to help families of children born with low functioning skills, disabling conditions or disabilities, particularly from low-income communities.

Trained social workers and Development Officers visit homes to work with families and children (birth to 3 years old) to provide intervention to develop basic skills that were low or not seen at the time of birth. Many of the children served by the ESP are born with physical or cognitive conditions such as: Cerebral Palsy, Physical Disabilities, Multiple Disabilities, Down's Syndrome, Autism, or and Developmental Delay.

Hospitals, Health Centres, other social agencies or institutions refer families to the ESP when a child is born with disability risks. Screening of the child's skills is done to identify and understand the needs of the child, and to create a special intervention programme to develop touch, hearing, visual (sensory skills), movement, as well as self-help and social skills.

For children with disabilities, ages 3 to 6 years old, the Stimulation Plus Programme continues intervention in motor or sensory skills as was done in the ESP. The intervention prepares the child who is able, to enter primary education programmes.

To read more on the Early Stimulation or Stimulation-Plus Programmes, go to <http://mlss.gov.jm>

The Charter of Fundamental Rights and Freedoms

The Jamaican Constitution became a national legal document in 1962, at the time of Independence. Chapter III of the Constitution was re-written to bring more attention to the basic rights and freedoms of all Jamaicans.

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What does the Charter say about persons with disabilities?

- a) Every citizen is equal in the eyes of the law
- b) Every child has the right to be protected, as part of the society and State
- c) Every citizen has the right to equal and humane treatment by any
- d) public authority
- e) Every citizen has the right to be treated fairly and without discrimination regardless of: *(i) being male or female; (ii) race, place of origin, social class, colour, religion or political opinions.*

The Charter also states that, as a citizen of Jamaica, every child attending a public pre-primary or primary institution, is entitled to publicly funded tuition.

The Child Care and Protection Act (CCPA)

The Child Care and Protection Act (2005) was accepted into Jamaican law to protect the rights of children. It focuses on ensuring action and decision towards the child are within what is of the best interest of the child's development and welfare and well-being. Under the CCPA the child is protected against abuse, neglect, and harm. The child, by law, is entitled to the basic rights of food, shelter, clothing, medical care, and education.

What does The CCPA say about persons with disabilities?

The Child Care and Protection Act (CCPA) does not make specific references to the educational concerns for a child with a disability. The CCPA highlights the need for child service providers to consider the differences in mental and physical development of children; who, although in conflict with the law, may have special educational needs.

The CCPA also refers to the need for an interpreter to be provided for a child whose disability may present a barrier in communicating decisions about the child's welfare or custody.

The Child Care and Protection Act

The Disabilities Act

References taken from:

Section 3c (ii) and (d)

Part III

Section 62(i)

For more about The CCPA go to:
<https://moj.gov.jm>

The Disabilities Act (2014)

Part V

Section 26

For more about The Disabilities Act go to:
<https://japarliament.gov.jm>

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What is the Disabilities Rights Tribunal?

The Disabilities Rights Tribunal is a provision under The Disabilities Act. The Tribunal's responsibilities include hearing and resolving complaints and appeals related to issues that may challenge the rights of persons with disabilities.

Educational institutions are obliged to provide fair access to educational and training programmes for learners with disabilities, with consideration that the learner is not placed at a disadvantage, because of the disability.

In the event of disagreements, or issues of unfair, discriminatory treatment, persons may follow the appeals process, and file an appeal. In such cases, the Tribunal will refer to the Code to be guided as they consider decisions related to education and training of learners with disabilities.

Summary

The legal documents summarized all show similar recommendations for addressing education and training for persons with disabilities. The Code could not be prepared with reference only to laws and treaties. To be relevant to the needs of learners with disabilities, the Code reflects the practical concerns of the community of persons who will benefit from the Code, as well as parents, policy-makers, advocacy groups, and government agencies.

Government entities, policy makers, educational institutions, NGOs, and other agencies that serve persons with disabilities may have their policies which govern how they fulfil their specific functions. There are children and young persons with disabilities who may not be able to benefit from educational programmes in public learning institutions because of the nature of their disability. These children may be in special living arrangements, and may need highly specialized help to support their education and development.

Partnership is important to bridge gaps in service and support for persons with disabilities. The needs of learners with disabilities require the collaboration and involvement of Ministries, Departments, Agencies, NGOs, and a wide cross-section of stakeholders. The Code will require that these agencies create clear

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arrangements for how they will work together to meet their shared goals of improving outcomes for learners with disabilities. The Code will guide its users in how they may meet their legal obligations and commitments to arrive at suitable and relevant decisions concerning the educational and training needs of learners with disabilities.

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DEFINITIONS OF DISABILITIES OR DISABLING CONDITIONS

A person may be born with a disability, or may develop a disability later in life because of illness or accident. A disability may affect a person in different ways and through different areas of functioning or development, such as:

Sensory:

affects hearing, sight, touch, smell, or taste

Physical:

affects movement or mobility, often resulting in the need for assistance with movement

Intellectual:

affects thinking, reasoning or learning skills

Emotional/Behavioral:

affects moods, feelings, impulses, and social interactions

The National Policy for Persons with Disabilities defines a disability as:

“... any restriction or lack of ability to perform an activity in the manner or the range considered normal for a human being. Such restriction or lack of ability must be as a result of impairment”

The disability categories defined in this section are among those recognized for special educational services and support by the Ministry of Education. These definitions are listed in the MoE's *Guidelines for Identification and Referral: A Handbook for Principals and Teachers*, a resource used to guide the identification and referral decisions for learners. The definitions were adopted from the Individuals with Disabilities Education Act (IDEA; 2004). The IDEA definitions are specific to educational arrangements up to the secondary level. A diagnosis of any of these disabilities has life-long impact for development across the individual's life-span.

NB: The teacher-training programme for special education relies heavily on the practices and guidelines of the United States of America IDEA.

Attention Deficit/Hyperactivity Disorder (ADD/ADHD)

A medical condition which affects the individual's brain development as seen in attention, hyperactivity, or self-control. ADHD often affects learning and social relationships.

Autism Spectrum Disorder (ASD) or Autism (AU)

A developmental disability that often affects one's ability to communicate freely verbally or non-verbally, or to interact socially. The condition tends to affect educational performance significantly.

Persons with Autism often engage in repetitive behaviours, restricted activities or interests, and stereotyped movements. They may also be uncomfortable with changes in their environment or everyday routines, and may respond in unusual ways to things they see, hear, touch, smell, or taste.

Asperger Syndrome (AS) – a condition that falls under Autism Spectrum Disorders. Persons with AS tend to have the same issues with social interaction and communication as is described with Autism. Persons with AS will have *typical to very strong language and intellectual abilities*.

Deaf-blindness (DB)

The combined condition of deafness and blindness. This condition causes severe development or communication challenges, which also affects educational needs.

Deafness (Hard-of-Hearing - HH)

A hearing impairment that is so severe that a person must use hearing aids. The person who is deaf has difficulty hearing and making sense of spoken language. Educational performance may be affected significantly; or

A profound hearing impairment; a complete loss of the ability to hear from one or both ears.

Developmental Delay (DD)

A disorder which causes delays in age-expected development in physical, cognitive, communication, social, emotional, or self-help skills. This condition may be confirmed as early as age 3 to 9 years of age.

Downs Syndrome (DS)

A disorder which affects, intellectual functioning, and physical growth. The disorder affects a person's ability to reason, think, or learn.

Emotional Disturbance (ED)

A condition in which the following features may be seen over a long period of time, and to the extent that the learner's educational performance and social interactions are affected.

- Being unable to learn that cannot be explained by intellectual, sensory, or health factors.
- Being unable to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behaviour or feelings under normal circumstances.
- An on-going mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears linked to personal or school problems.

Hearing Impairment (HI)

A hearing problem that may be permanent, or chronic, having significant impact on the individual's educational performance and general functioning. *(Not the same as Deafness); also*

A complete or partial loss of the ability to hear from one or both ears.

Intellectual Disability (ID - formerly Mental Retardation - MR)

Limitations in general intellectual functioning and self-help skills, which are lower than expected for the person's age or level of development. This condition affects educational performance significantly. Traits are seen usually before age 18 years.

Learning Disabilities (LD)

A variety of brain-based problems that affect learning, reading, writing, or mathematics skill. Learning disabilities also affect reasoning, short term and long term memory, attention, time management, and organization skills. These disabilities include:

Dyslexia	–	language and reading disability
Dyscalculia	–	mathematics disability
Dysgraphia	–	writing disability

Multiple Disabilities (MD)

Impairments or disabilities existing at the same time *(such as mental retardation-blindness, or mental retardation-orthopedic impairment, etc.)*. The combination causes educational challenges so severe, that the learner cannot be accommodated in a special education programme to focus on just one of the impairments. *(The term does not include deaf-blindness)*.

Neurological Disabilities (ND)

Impairment to the nervous system that results in the loss of some physical or mental functions. This condition affects the capacity to move or manipulate things, think, act, or express feelings.

Other Health Impairments (OHI)

Limited strength, vitality or alertness; or a heightened alertness to environmental triggers, that affect a learner's educational performance or alertness in educational environments adversely. (Examples of OHI are chronic or acute health problems such as: *asthma, diabetes, epilepsy and other seizure disorders, a heart condition, hemophilia, lead poisoning, leukemia, nephritis (kidney disease), rheumatic fever, or spina bifida, sickle cell anemia, Attention Deficit Disorder or Attention Deficit/Hyperactivity Disorder (ADD/ADHD).*

Orthopedic Impairments or physical/Motor Impairment (PI)

Impairments seen at the time of birth that results in missing or deformed limbs; or later in life, caused by amputation, fractures or severe burns. Affected persons may need to use some sort of equipment for mobility. (Examples are: *spinal cord injury, cerebral palsy, or poliomyelitis).*

Specific Learning Disability (SLD)

A disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language. It may be seen in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. (Includes conditions such as *perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and severe language development disorder).*

This condition does not include learning problems that result from visual, hearing, motor disabilities, of intellectual disability, mental or emotional disturbance, or because of environmental, cultural, or economic disadvantage.

Speech or Language Impairment (SL)

A communication disorder, such as stuttering, challenges pronouncing words, a language impairment (*understanding or using spoken language*), or a voice impairment (*unusual*

voice quality or sounds when trying to speak), that affects educational performance negatively.

Traumatic Brain Injury (TBI)

An injury to the brain caused by an external physical force, resulting in total or partial functional disability; psychological or social skills functioning that affects educational performance negatively.

(Includes open or closed head injuries that affects understanding, reasoning, language, memory, speech, attention, reasoning, judgment, problem-solving, sensory, motor abilities, psychosocial behaviour, physical functions, and speech. The term does not apply to birth-related brain injuries).

Visual Impairment (VI)

Impairment in vision that, even with correction, affects educational performance significantly. The term includes both partial sight and blindness.

HELPFUL TERMS

The following terms are related to services, support or other action to provide fair and equal opportunities to learners in education and training institutions. The terms are taken from public policy and other professional sources relating to special education and disability rights. Given the range of users of the Code, in some instances, the original language of some terms has been modified to allow easier understanding.

Accommodation

Service or support provided to help persons with disabilities function at maximum abilities, or for improved outcomes *(May include, large print or Braille, audio equipment, extra time on exams, special seating or lighting, wider passage areas, sign language interpreter, for example)*

Accessibility features

Rails, ramps, lifts, lowered tables, signs, used to help persons with disabilities in their daily movements and activities

Accessibility aids include	Braille, hearing aids, canes, crutches, wheelchairs, technology devices used to support persons with disabilities
Appropriate Placement	Placement in a grade or programme that is suitable for the person's abilities or needs
Assessment	The process of testing and getting information to verify if there is a disability, and to decide what type of educational support or services are needed. <i>(Also called 'evaluation')</i> .
Assessment Report	The report that gives a summary of the tests done to verify a disability or need for special educational services
Assistive Technology	Aids, tools, gadgets, and devices used to help persons with disabilities function easily in the classroom or generally. <i>(Includes Braille machine, speech-to-text writing machine, smart phone and other technological devices or services).</i>
Caregiver	A parent, legal guardian; or any other person responsible for caring for the health, financial, physical security and general well-being of a person with a disability; or Any person who has charge or control over a child.
Communication	All aspects and methods of information including how text and language are used and written. <i>For the Blind and Visually Impaired:</i> Braille or large print, audio and other electronic devices for printed information; or providing a qualified reader or writer <i>For the Deaf, Deaf-Blind, or Hard of Hearing:</i> Providing a note-taker; a qualified sign language interpreter, oral interpreter, closed, real-time captioning; written or printed materials <i>For other communication challenges:</i> Providing means to format and adapt communication through multimedia, audio, pictures and charts, and other means of technology.
Continuous Assessment	A variety of tests and ways of testing to track academic progress, continuing over time

Diagnose	The formal process to test development, physical, cognitive, and other skills to verify a disability, areas for improvement, weaknesses, or strength
Diagnosis	The result of formal tests to identify a specific problem; (<i>for example Learning Disability or Attention Deficit</i>)
Disability	A long-term physical, mental, intellectual or sensory impairment which prevents the individual from functioning on an equal basis as others
Disabling condition	A serious mental, physical, sensory difficulty, or chronic illness that could lead to a formal diagnosis of a disability; or result in a disability
Discrimination (against a person with a disability)	Any unfavourable treatment, restriction against a person, depriving them of the recognition, enjoyment or exercise, of all human rights and fundamental freedoms, on equal basis as others. It includes denial of education, training, accommodation, because of a disability, race, ethnicity, culture, social status, or gender.
Documentation or documented proof	Written proof from a qualified clinical, medical or other professional, or agency, to verify that a person has a disability. The proof must be signed (and stamped) by the professional or agency.
Eligibility	Having documented proof of a disability, and being in need of special services or support to assist education or welfare
Equal access	The same opportunity to a learner with a disability to benefit from, and participate in educational programmes and services for which s/he qualifies
Evaluation	See 'Assessment'
General Education Programme	Educational programmes in schools for learners whose academic and other skills typically need no additional support or services to improve their performance. (<i>Also called Regular education programme</i>).
Inclusive education	A general educational arrangement in which <u>all</u> learners, regardless of disability or special educational needs are taught. Support is provided based on identified needs.

Inclusion	The practice that allows persons with disabilities to be involved fairly and equally in all activities and aspects of school, social, or community life
Individual Intervention Plan (IIP)	An intervention plan or programme to help a learner with a diagnosed disability improve in their development. The IIP is based on the assessment and recommendations for support or services for the learner.
IIP (Current)	A current IIP is dated <u>within</u> a two-year period of the time it is presented to be used, or is in use. A current IIP is valid and relevant because it matches the learner's need <u>at the time</u> it is being used.
IIP (Out-dated)	An out-dated IIP is <u>dated more than</u> two-years of the time is presented for use, or is being used. An out-dated IIP is not a valid IIP if it is no longer relevant for the learner's needs.
Integrated setting	An educational arrangement in which learners with and without disabilities are taught in the same classes.
Juvenile center	A residential institution for youth (<i>up to age 18 years</i>), who have been charged by the courts for offences against the law
Least Restrictive Environment (LRE)	An educational arrangement in which the learner with a disability is taught in a programme with peers without disability
Mainstream setting	An educational arrangement in which learners with disabilities may participate with their peers in educational and other activities. Learners with disabilities may be placed in mainstream after leaving a <i>segregated setting</i> or <i>Unit class</i> .
Multi-disciplinary Team (MDT)	The MDT is a group of individuals from different areas of service and expertise who work as a team to assist learners with disabilities with educational and life decisions. The MDT includes, caregivers, representatives from the MoE, educational institutions, health and social services sector.
National Assessment Programme (NAP)	The Ministry of Education's national tests taken by all learners at the primary level. The NAP assesses academic performance on benchmarks across primary grades from entry into Grade 1 to the time of exit at the end of Grade 6.
Places of Safety	Residential facilities housing children up to age 18 who are placed in the care of the state (<i>the country</i>).

Post-secondary education	Education after secondary education. This may include participating in a programme in college, university, skills or vocational training, adult education, and life-long learning
Pre-existing services	Support or assistance being received prior to the time of entering a new grade, transferring across educational levels, or into an educational institution.
Reasonable (accommodations)	Considerations, changes, and other suitable provision in the environment, methods of instruction, or assessment that allows the learner with a disability fair access to education and training opportunities, as their peers.
Reasonable (arrangements)	Necessary and appropriate changes and adjustments in which aids and services are provided, without undue burden to the provider (<i>the institution, for example</i>). Such considerations allow the person with a disability to enjoy benefits, treatment and privileges as equally as their peers. <i>Aids and services include equipment and devices, support or other considerations to promote successful and positive outcomes for the individual. (See Accommodation)</i>
Related services and support	Provision of diagnostic, psychological, counseling, medical and other developmental, therapeutic or corrective services to assist the learner, based on the identified disability.
Resource Room Services	An arrangement in which learners receive individual or small-group instruction in specific skill areas. Special sessions are part of the time-table ,and are usually provided, based on the learner's need.
Same basis; or Equal basis	Similar and impartial access to opportunities and experiences for persons with and without disabilities
Screening	The first tests done to see whether there may be a disability, need for special educational support, or further testing
Self-advocacy	Representing views, acting independently, and making independent decisions based on one's interest
Self-determination	Making independent life decisions based on personal goals and ambitions

Segregated setting	An educational arrangement only for learners with disabilities, often in the same disability category. <i>(For example, a school for the deaf; or for children with autism)</i>
Shadow service	A service provided for a learner with Autism. The Shadow is an aide who accompanies and helps the learner to develop and learn skills in the school setting.
Special class	An educational arrangement in a general education setting, especially for learners performing below age or grade level <i>(possibly with mild intellectual disabilities)</i>
Special education	Educational programme including a variety of services and support, designed to help learners with disabilities function at their best, based on their disability or special need.
Special Education Diagnostician	A trained special educator who assesses, identifies specific problems, and designs solutions to improve learning challenges
Special educational placement	Placement in a segregated setting; or ‘special school’; or special education programme which provides specialized instruction based on an identified disability.
Special educational programme	Educational programmes especially for learners with identified needs for specialized instruction, services or support. <i>(Also includes learners who are gifted).</i>
Special educator	A teacher trained and certified to work with learners with special needs in specific disability areas
Special needs	Difficulty which affects person’s ability to function as seen in learning tasks, other skills, or physical conditions than may be seen among age or grade peers; or the majority of learners of the same age
Student Support Team (SST)	A team of clinical and diagnostic specialists engaged by the MoE, to provide screening, assessment, and other support or services for educational institutions. The SST includes clinical and educational psychologists, special education diagnosticians, and child psychologists.

Transition	The process of moving across grade levels, or educational levels.
Transition planning	The process of preparing the learner with disabilities for future studies, independent living, adult roles, and responsibilities, based on their interest.
Unit class	An educational arrangement in a general education setting, for learners whose skills are below grade and age level so that they need intensive intervention. The class is self-contained (<i>in a separate building or location</i>).

DRAFT

GUIDING PRINCIPLES

The guiding principles are based on The Disabilities Act, The National Policy for Persons with Disabilities, the Convention on the Rights of the Child (CRC), and the Conventions on the Right for Persons with Disabilities (CRPD).

A person with a disability:

'Includes a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on equal basis with other persons'.

A person with a disability includes a child, youth, or adult with a disability, as defined and accepted by the local laws and international conventions on which the Code is based.



I. GUIDING PRINCIPLES

In the past, persons with disabilities had many difficulties getting into educational and training programmes on fair terms, or being able to receive the kind of support needed. This may have been so, largely because there was no consistent and clear guidance about how learners with disabilities were to be served in education and training arrangements. A core aspect of the Code is ensuring that the education sector supports inclusive practices, and creates equal and fair opportunities for learners with disabilities to get into educational and training programmes. Without fair access or sufficient support, many have been denied the opportunity to participate in skills or vocational training that would have prepared them for work, keeping jobs, or improving their quality of life.

Ministries, Departments, Agencies (MDAs), Non-governmental organizations (NGOs), social services and other groups provide services for persons with disabilities. Education is provided through pre-primary, primary, secondary, post-secondary educational institutions, as well as training and vocational settings. The Code of Practice will provide guidance and instruction on how to support and accommodate learners with disabilities across various levels of education. The Code ensures fair and equal access to educational programmes and related services, consistent with The Disabilities Act, The National Policy for Persons with Disabilities, the CRPD and the CRC.

Service providers and support service-agencies will comply with the Code, with the understanding that it will benefit all learners with disabilities across all educational levels, and across age and life-span. The instructions within the Code are provided to ensure that learners with disabilities are given fair access and opportunities to reach full potential, as much as available services and support allow.

Critical Areas of Cooperation

The following areas of cooperation are critical for the Code to be helpful and effective.

- 1) Ministries, Departments and Agencies, (MDAs), educational institutions, service providers and others concerned, follow the procedures for identifying disabilities, and confirming if the learner is eligible for services or support.

- 2) Government MDAs provide funding support to assist families to access special educational services and support
- 3) The Ministry of Education (MoE) ensures fair and equal access to educational and training programmes at all levels of the education system
- 4) MoE maintains and provides technical guidance and support to educational institutions so that they function within the MoE standards for learners with disabilities
- 5) Educational institutions work with the MoE for prompt action to identify learners needing special educational services
- 6) Educational institutions of all levels work within the guidelines of the Code to provide full and equal access to educational programmes, services, and support needs
- 7) Assessment and other service agencies provide annual report of persons identified with disabilities
- 8) NGOs and other community partners follow the guidance of the Code to strengthen and support the MoE's efforts to provide quality educational services
- 9) Professional service agencies provide the MoE with information for early identification or services needed, in a timely manner
- 10) Agencies providing information, or educational material present reader-friendly versions, and with consideration for the deaf and blind, to ensure families and individuals are able to make good use of the information.

Fundamental Principles

For the ultimate effectiveness and relevance of the Code, all users need an accepted general understanding to set the foundation for service, support, actions and decisions. The fundamental guiding principle of the Code is based on The National Policy for Persons with Disabilities (2005):

Every individual with a disability, regardless of function has the right to quality and appropriate education and to ample opportunities to develop their skills in the least restrictive environment'.

There are general principles that are necessary to guide government MDAs, caregivers, professional and advocacy groups as they provide services and support for learners with

disabilities. The core principles of the Code are based on the information from The Disabilities Act and The National Policy for Persons with Disabilities and other legal instructions. These principles will be the foundation on which the issues for learners with disabilities in the Jamaican education sector are treated.

- 1) A learner with a disability includes a child, youth, or adult with a disability, as defined and accepted by the local laws and international conventions on which the Code is based
- 2) A learner with a disability should have their educational needs met without prejudice or discrimination
- 3) As much as is possible, the educational needs of the learner are to be met in a mainstream setting, or the least restrictive environment
- 4) Full access to appropriate and relevant education and curriculum should be offered to the learner with special educational needs, with regard for age, disability, accommodations and support required
- 5) The learner's opinions should be respected and considered when making education, service, and support decisions
- 6) Parent/Caregiver involvement is of absolute necessity when supporting or making decisions about the learner's education
- 7) Parent/Caregiver and child should be provided knowledgeable assistance to guide discussions and decisions, particularly if a challenge in understanding procedures or recommendations arises

Definition under The Disabilities Act, The National Policy for Persons with Disabilities and the UN Convention on the Rights for Persons with Disabilities, a person with a disability:

'Includes a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on equal basis with other persons'.

To ensure the Code is used effectively and for the best outcomes, it requires informed and willing compliance. The effectiveness of the Code depends on the commitment and involvement of the several agencies, organizations and institutions that provide education, training and other services for learners with disabilities. More specific expectations are addressed in the section on Roles and Responsibilities.

Principles for partnerships for Effective Services and Support

The Jamaica Council for Persons with Disabilities (JCPD)

- 1) The Jamaica Council for Persons with Disabilities (JCPD) houses and manages the National Database for persons with disabilities to track the prevalence and types of disabilities. The database will assist in proper national planning and appropriate service decisions.
- 2) The JCPD enforces a system for annual reporting of disability diagnosis from government or private assessment and clinical agencies providing these services.
- 3) Where necessary, the JCPD and the MoE will provide support on rights-based issues relating to admission, enrolment, accommodation and other service and support needs.

Caregivers

- 1) Caregivers follow-up on recommendations or referrals for assessment as quickly as possible to ensure the learner receives appropriate services and support.
- 2) Caregivers report diagnosed disabilities as soon as possible. Caregivers use information from the Child Health Development Passport (CHDP), for example, to track risk-factors reported by medical personnel.
- 3) Caregivers provide the necessary documentation to ensure the MoE or educational institutions may make appropriate decisions for placement or support.

The Education Sector (Ministry of Education, MoE)

- 1) The MoE organizes a coordinated system of services and support by:

- a. providing qualified special education-trained personnel across schools
 - b. maintaining partnerships with government MDAs to secure inter-disciplinary service systems, and
 - c. providing appropriate curriculum and resources, access to mandatory services, accommodations and other support for the best educational outcomes for learners with disabilities
- 2) The MoE continues its equal and fair recognition of the efforts and competence of learners with disabilities, by awarding modified diplomas at the end of secondary education:
- a. Secondary level graduates receive a modified diploma based on completion of IIP goals and satisfactory demonstration of skills from an approved educational programme
 - b. The modified diploma is awarded based on significant gains in skill areas, while managing a documented disability. Some secondary school may be able to meet the general standard for graduation, despite a documented disability, and will not need to receive a modified diploma.

The Education Sector (Educational Institutions)

Learners with disabilities need appropriate educational solutions to support their educational development. A collaborative and comprehensive service approach is most ideal for educational planning for learners with disabilities. A Multi-Disciplinary Team works well to create relevant and effective educational plans.

- 1) Educational institutions organize Multi-Disciplinary Teams (MDTs) as soon as possible to create an Individual Intervention Plan (IIP) to guide special educational support and services.
 - a. In the case of primary and secondary education, the IIP may include plans for improving learning, behaviour, social, or self-help skills. The IIP may also include goals for moving the learner from primary to secondary educational programmes, or from secondary to training or post-secondary educational programmes.
 - b. The MDT must meet and plan throughout the learner's primary and secondary years to keep track of progress, service, and support needs.

The MDT includes caregivers, service providers with different skills, knowledge, and experience who work as a team to plan for the best interest of learners with disabilities.

- c. The MoE guides the MDT to ensure the views of caregivers, learner (*where possible*), school representatives, support personnel result in the best outcomes for the learner.
- 2) Early childhood institutions (ECIs) use the Jamaica School Readiness Assessment (JSRA), or agreed screening process for early identification of disabilities, or disabling conditions and learners who may be eligible for services.
- 3) The Early Stimulation and Stimulation-Plus Programmes provide information on enrolment referrals, confirmed diagnosis, referrals for early identification, to be added to disability data base and ensure future services for learners with disabilities.
- 4) Agencies providing assessment services provide annual reports of referrals and diagnosis of disabilities to update the disability database.

Schools' Boards of Management (BoM)

The Code provides the following guidance for Board of Management:

- 1) Ensure institutions comply with the Code
- 2) Adhere to the framework and processes of the MoE for the timely and fair service and support for learners with special educational needs
- 3) In addition to MoE representative, incorporate a disability advocate into the institution's Board of Management (BoM)
- 4) Monitor the scheduled sittings of MDTs to ensure accurate and timely report of learners in special educational programmes and required support needs to the MoE
- 5) Ensure teaching staff includes qualified special educational personnel
- 6) Adhere to the MoE's standards and framework regarding the entry and exit, performance, and curriculum expectations for learners in special educational programmes

Educational Partners

- 1) The MoE, other MDA partners, NGO partners, service providers and other agencies must agree on a system of gathering and managing information so that the needs of learners with disabilities are understood and met.
- 2) Information about disabilities across the island should be organized annually and stored in a national database, to allow the MDAs serving learners with disabilities access to the information for future planning and service decisions.

For example: The Ministry of Health (The Child Guidance Clinic) and the Ministry of Education (The Guidance Counseling Unit and The Special Education Unit) rely on the diagnosis of disabilities and psycho-social challenges to determine how to provide support and services based on the categories of need reported.

Ministries, Departments, and Agencies (MDAs)

The following applies to Ministries, Departments, and Agencies with specific responsibility to provide educational, training, social and welfare support, or other services for persons with disabilities:

- 1) Allocate resources and funding to schools and families to avoid interrupting education, service, and support for learners with disabilities
- 2) Develop inter-sector or inter-agency arrangements and partnerships, and combine resources and skills for a comprehensive approach to support the needs of learners with disabilities
- 3) Use the data on types of disabilities, and related service needs for long-term planning purposes

ROLES AND RESPONSIBILITIES

The JCPD has responsibility for the welfare and general needs of persons with disabilities before, during, and after education and training.

The MoE has responsibility for the educational and training needs across age, grade, and educational levels.

Relationships with other Ministries, Departments, and Agencies (MDAs), NGOs, and services providers are important for the success of the Code.



2. ROLES AND RESPONSIBILITIES

The Jamaica Council for Persons with Disabilities (JCPD)

Under the Code, the JCPD has the following responsibilities:

- 1) Inform MDAs, and educational institutions of the services they provide to support learners with disabilities at all educational levels; and how they may benefit from these services
- 2) Ensure the system for registration of persons with disabilities is understood, used, and monitored for accurate gathering of information
- 3) Create a system to collect data from public and private assessment agencies to confirm the number of learners diagnosed with disabilities, and recommended services and support.
- 4) Work closely with the MoE, other agencies, and departments to track the number of learners diagnosed with disabilities, the services recommended or provided, and the provisions needed for continued education.
- 5) Work with the MoE and other MDAs to ensure educational institutions and other facilities providing educational or training programmes are within expected standards for accessibility and accommodations for learners with disabilities.

Roles and Responsibilities

JCPD should ensure the system of registration for persons with disabilities is understood, used, and monitored

and

Work with the MoE and MDAs to ensure educational and training institutions are equipped with ramps, rails, technology and other accommodation for learners with disabilities

The Ministry of Education

The Ministry of Education has responsibility for education and training. The MoE's responsibilities under the Code include *identification and assessment for eligibility and placement*, as well as *services and support*. Specific responsibilities and are outlined below.

Identification, assessment, and placement:

- 1) Maintain a system of early identification for special education services and support
- 2) Identify learners with disabilities as early as possible and provide appropriate placement and support
- 3) Provide support and accommodation based on the diagnosis, age, and level of need
- 4) Place learners in Least Restrictive Environment, where possible, based on the learner's diagnosed needs, age, and level of functioning.

A learner with a disability may not always be in a special education facility. A learner who is blind, deaf, or has a physical challenge, for example, may be placed in a general education setting. Such a decision must be guided by suitability of the environment and accommodations to support the learner's educational development and progress.

- 5) Place learners in educational programmes and institutions that are most suitable for their identified disabilities.
- 6) Support and assist the right of fair and equal access to educational and training programmes at all levels of the education system
- 7) Assist educational institutions to establish Multi-Disciplinary Teams (MDT) to provide special educational support for learners identified with disabilities
- 8) Assist MDTs with decisions for eligibility, planning, placement, and review for services and support

Roles and Responsibilities

MoE should maintain a system of early identification of learners with disabilities for special educational services and support

Support and assist the fair and equal access to educational and training programmes

Place learners in Least Restrictive Environment.

Closeness to home, accessibility, or environmental issues should be considered in the decisions.

Create monitoring systems with the JCPD to protect persons with disabilities against discrimination

Code of Practice for Education and Training

Jamaica Council for Persons with Disabilities

- 9) Assist the transition process for learners with disabilities who earn rightful access into educational programmes at the post-secondary, training, and tertiary level

Services and support

- 1) Provide quality education by ensuring that educational institutions are staffed with trained and qualified special educators; and have appropriate curriculum, furniture and equipment to accommodate learners with disabilities
- 2) Provide personnel with specialized skills to support the need for identification, appropriate placement, and support across educational levels
- 3) Provide technical, administrative and monitoring support to ensure educational programmes and curricula are relevant to the special educational needs across all educational settings
- 4) Provide accommodation to allow learners with disabilities fair and equal treatment, and opportunity to function at their maximum capability
- 5) Support and assist educational institutions with MDTs to establish a regular meeting schedule to discuss IIPs, new assessment, reviews, or transition plans
- 6) Set and maintain timelines for screening, evaluation and re-evaluation for special educational support and services
- 7) Promote the principle of, and need for inclusive practices, to ensure educational institutions provide access to education on equal and fair terms
- 8) Provide capacity building to increase awareness and staff competencies to improve interactions and services for learners with special educational needs across educational levels
- 9) Develop partnerships with assessment agencies to support and supplement the Student Support Teams in the eligibility process, or to address more critical cases
- 10) Create coordinated services and partnerships with MDAs and other service providers to help with timely and thorough solutions for placement, services, and support

Roles and Responsibilities

MoE should use best practice for best outcomes for learners with disabilities
(Best practice include learner's input, caregiver input and support relevant skills, and frequent monitoring)

and

Involve MDAs and other partners to provide educational support for children in state-care institutions

Involve MDAs and other partners in capacity-building activities

- 11) Involve MDAs and other partners in capacity-building activities and integrated support committees to maintain educational standards for learners with disabilities in state-care institutions

Government partnerships (MDAs, Social Service Sector partners, etc.,)

Government departments and agencies provide services and support, based on their sector responsibilities or service arrangements. *For example, the Guidance Counselling Unit, or the Independent Schools Unit of the MoE may provide different services than those provided by the Special Education Unit. In the health sector, the Child Guidance Clinic of the Ministry of Health provides services that may not be provided by the MoE, but are needed by learners with disabilities.*

Government MDAs are expected to support the educational needs of learners with disabilities in these general terms. The specific roles and responsibilities are presented under different segments.

- 1) Provide access to information regarding grants, programmes, and services available to support the needs of persons with disabilities.
- 2) Provide public access and clear information about programmes or services for persons with disabilities (*including modes of communication for those who are blind and deaf*)
- 3) Provide financial assistance, with full and equal access to such funds for families of learners with disabilities based on their eligibility for services
- 4) Provide full and equal access to national programmes, with clear considerations to include learners with disabilities
- 5) Provide timely and consistent support and services for learners with disabilities related to the specific MDA's area of responsibilities or commitment
- 6) The Overseas Examinations Commission (OEC) provides examination accommodations for learners with disabilities. The OEC will:

Roles and Responsibilities

Government MDAs should provide information regarding available grants and services to support persons with disabilities

Provide the timely and consistent delivery of services and support needed by learners with disabilities

Overseas Examinations Commission provides information about accommodations for external examination

Code of Practice for Education and Training

Jamaica Council for Persons with Disabilities

- a. collaborate with the MoE to provide information to caregivers and educational institutions on the accommodation services offered for external examinations;
 - b. provide information regarding time-lines and process for requesting accommodation arrangements for external examinations.
- 7) The National Parenting Support Commission (NPSC) coordinates activities to support improved parenting for the nation's parents. Through its activities, The NPSC helps parents to improve their involvement as partners in their children's education.

All Public and private educational institutions

Pre-primary and Early Childhood Institutions

- 1) Admit learners with disabilities to full access of educational programmes
- 2) Track early signs of possible delays in performance that may result in a disabling condition
- 3) Assist caregivers to track reports from the Child Health Development Passport (CHDP) about changes or delays in development that may be signs of a disabling condition or disability
- 4) Work with the MoE to align with its systems for identifying or reporting disabilities, and providing special educational support
- 5) Ensure school personnel includes qualified special educators and related service personnel to work with learners with disabilities
- 6) Provide curricula and educational programmes with relevant and appropriate skills, and assessment methods to allow fair and quality educational development; in least restrictive environments (LRE), where possible

Roles and Responsibilities

Pre-primary and ECIs:

Caregivers should follow the updates of the Child Health Development Passport (CHPD) to track changes that could suggest a disabling condition

Primary educational institutions:

Provide qualified and trained staff with competencies to work with different learning needs and disabilities

Primary Educational Institutions

- 1) Provide full and equal access to quality educational experiences for all learners with disabilities in the LRE, where possible, and with regard for age and level of development
- 2) Provide qualified and trained staff with competencies to work with different learning needs and disabilities
- 3) Provide quality and appropriate materials and resources to ensure equal educational experiences
- 4) Follow and comply with the MoE's system for identification, referral, intervention and support
- 5) Provide referrals within two months of the school term for timely screening, assessment, or review for support and services
- 6) Engage the Multi-Disciplinary Team MDT to create Individual Intervention Plans (IIPs) to include appropriate goals for positive outcomes
- 7) Comply with the IIP recommendations for placement, intervention, and accommodation, with due consideration for the learner's best interest
 - a. Provide the instruction and support for learners with disabilities, based on IIP recommendations
 - b. Provide accommodations or modifications required to allow maximum performance outcomes based on IIP recommendations
- 8) Provide adequate classroom arrangements to accommodate learners with physical and other disabilities
- 9) Communicate with the MoE, related MDA, and the MDT promptly about challenges in providing support and accommodations
- 10) Access the capacity-building and other resources available through the MoE to equip staff with the competencies needed to work with learners with disabilities
 - a. Assist the MoE and Student Support Teams (SSTs) and other services for technical and administrative support; where necessary

Roles and Responsibilities

Professional Agencies:

Caregivers should follow the updates of the Child Health Development Passport (CHPD) to track changes that could suggest a disabling condition

Primary educational institutions:

Provide qualified and trained staff with competencies to work with different learning needs and disabilities

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- b. Request and participate in capacity-building activities to increase ability to serve multiple learner needs
- 11) Assist caregivers to arrive at the best educational goals and outcomes based on diagnosed disability or special educational needs
- 12) Assist caregivers to access services for additional support provided by the MoE and MDAs
- 13) Provide opportunities to assist caregivers to increase their understanding of the intervention and support arrangements for learners with disabilities

Secondary Level Educational Institutions

Note: The guidance outlined (1-13) above, applies at the secondary level. Additionally, secondary level institutions are guided to:

- 1) Provide continued appropriate support and accommodation based on identified disability and relevant needs
- 2) Use the MoE's framework for support and accommodation based on diagnosis and special educational needs
- 3) Ensure school personnel includes qualified special educators or related service providers
- 4) Engage the MDT to create Individual Intervention Plans (IIPs) with appropriate and relevant goals, to include School-to-work transition plans for post-secondary options
- 5) Ensure educational programmes are varied and relevant to satisfy the transition needs of learners with disabilities as they prepare for school exit
- 6) Engage parents and the learner in decisions for placement, support, and services
- 7) Provide curricula and educational programmes with relevant goals and assessment methods to allow fair and quality educational development; in least restrictive environments (LRE).

Roles and Responsibilities

Services and support at the primary level should continue uninterrupted, for the learner at the secondary level

Professional Agencies:

Collaborate with the MoE to provide affordable and flexible services

Collaborate with the MoE to maintain professional standards for assessment

Comply with the MoE's protocol for annual reporting of diagnosed disabilities

Professional partnerships (external service providers)

Persons with disabilities need to access assessment, proper diagnosis, treatment, and services at all levels of life. Caregivers with learners with disabilities may require certain specialized skills that are not available in the MoE; but may be found in private assessment service agencies.

Professional partnerships are determined by the respective and mutual needs of MDAs and organizations. Services provided by external service providers may include identification, in-depth assessment, intervention, counseling, and other support to caregivers. The Code guides service providers in their responsibilities to ensure the services they provide support the educational or training needs of learners with disabilities:

- 1) Adhere to the Code regarding the principles for working with caregivers and learners with disabilities
- 2) Provide information to the MoE about the types of services offered to caregivers or educational institutions. Clear language should be used to ensure the information is understood
- 3) Collaborate with the MoE to provide affordable and flexible services or support
- 4) Provide prompt communication and reports to caregivers after assessment, to assist timely arrangements for placement, services, or support
- 5) Collaborate with the MoE to maintain professional standards for assessment practices, to support suitable services for learners with disabilities
- 6) Collaborate with the MoE to provide technical support to MDTs or its SSTs where necessary, to ensure intervention and treatment goals for learners with disabilities are understood and met
- 7) Collaborate with educational institutions and the MoE to participate in workshops or other activities to support staff and caregivers
- 8) Comply with the MoE's protocol for the annual reporting of diagnosed disabilities so the MoE's and JCPD's data bases may be updated, to ensure appropriate planning and services

Community partners (NGOs, social services, and corporate entities)

As applies in the case of professional service partners, community partners may also provide services and support to improve educational and training outcomes for learners with disabilities. Community partners may function as educational partners, investing and contributing resources and time to support, improve, and enhance education as they are able. Some community partners provide support for the broader welfare and social goals and concerns.

Where community partners intend to provide services or support to educational institutions, the MoE's procedures and expectations will guide. Community partners seeking to support education and training of learners with disabilities should:

- 1) NGOs:
 - a. Adhere to the agreements and arrangements for MoE/NGO-partner educational institutions and programmes
 - b. Engage in discussions and activities that will provide clear understanding of the terms for joint activities or projects to support learners with disabilities, or educational and training programmes
 - c. Collaborate with MoE to provide support and share expertise with staff and caregivers through workshops and other training activities
 - d. Partner with the MoE to ensure accurate data are reported about learners with disabilities in MoE/NGO partner schools.

2) Corporate and other entities:

- a. Provide full information to the MoE or related MoE/NGO affiliate about the entity's interest in supporting, or providing services for learners or the institution

Roles and Responsibilities

The Building Act (2018)

Part III

Section 14 (2a)

(i); (ii); and (iii)

For more on building specifications or accommodations, see:

The Building Act
<https://japarliament.gov.jm>

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Corporate or other community partners may volunteer or be approached to provide support for educational institutions serving learners with disabilities. In this regard, these general expectations should apply:

- b. Comply with the MoE's standards and specifications for infrastructural modifications, building of facilities, provision of equipment or instructional materials.
- c. Ensure intended resources and types of programmes are relevant and appropriate, before partnering with educational or training institutions. *(Consult with the MoE regarding building specifications if renovation or installment of ramps and rails, is intended, for example).*

DRAFT

CAREGIVER INVOLVEMENT AND SUPPORT

The term caregiver refers to:

‘... a parent, legal guardian; or any other person responsible for caring for the health, financial, physical security and general well-being of a person with a disability’.

(The Disabilities Act, 2014).

‘... any person who ... in the opinion of the court ... has charge or control over the child’

(The Child Care and Protection Act, 2005).



3. CAREGIVER INVOLVEMENT AND SUPPORT

In many cases, children may be cared for by others than their natural parents. The caregiver should be the first advocate of the child with a disability. The caregiver has experience, knowledge, and understanding, and desires for the child with a disability that are vital for decisions that are to be made on the child's behalf. Decisions for education, care, and general welfare for learners with disabilities need the input and involvement of their caregiver.

The caregiver's involvement is critical to ensure the best outcomes for learners with disabilities, at every level of their growth and development. Professionals and service providers must recognize that caregivers with children between pre-primary and secondary years, in particular, must be informed and supported. Caregivers need skills, strategies, and knowledge to help them secure suitable benefits and outcomes for their children.

Caregivers should know the following:

- ❖ What is the type of disability my child has, and how will it affect the child's life, learning and potential for adult living?
- ❖ What are the rights of the child, and my rights as caregiver?
- ❖ What are my child's options and opportunities for full and fair education and training?
- ❖ What kind of support is available? How and where do I apply for assistance or support?
- ❖ Where do I go, or what do I do, if I am not satisfied with the treatment, services, support, or assistance provided?

Caregivers may feel particularly pressured and anxious to find a quick answer. In some instances, the solutions required may involve different service and support agencies, and may take a longer time than expected. Professionals and practitioners must be patient and encouraging when working with caregivers to find their solutions.

What does The Child Care and Protection Act (CCPA) say about caregiver responsibility?

- 1) If parents do not live together, as caregivers, they still have the responsibility to see to the best interests of the child.
- 2) Parents should provide children with safety and protection from harmful and abusive situations.

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- 3) Parents should provide for the basic needs of food, shelter, and clothing so the child is physically and emotionally healthy
- 4) Parents should continue to care for the child as he or she develops.
- 5) If a child is in State care, (*living in a place of safety or children's home, run by the government*), that facility has the responsibility and authority for the child's care and protection.

How should educational institutions and caregivers work together?

- 1) Provide caregivers with simple and clear written communication. Give clear instructions for timely responses to requests. Use all available means of communication (*letters, notes, text messages and other means of communication*) for maximum sharing of information.
- 2) Provide clear information to caregivers about what is needed from them, what is expected of the learner, and what is being provided by the institution or service agency. Persons providing services for caregivers should remember to:
 - a. respect their possible emotional and psychological sensitivities
 - b. respect their perspectives and perceptions of the learner's strengths and capabilities
 - c. explain recommendations, actions, or steps in decisions to ensure caregivers understand and agree fully, about decisions in the learner's best interests
 - d. allow time for full understanding of the procedures and systems involved in providing special educational services and support
 - e. provide clear explanations regarding permission for referral for assessment or other services
 - f. provide reasons and explanations for the eligibility process, educational services, or other benefits to be received
 - g. provide clear explanations to the caregivers about their involvement in the MDT planning educational goals for the learner
- 3) Provide clear explanations regarding permission required for referral, assessment, or other services. Ensure the benefits and reasons for the assessment requests are provided to caregivers.

Caregiver Involvement and Support

The family is the best place in which to raise children

Caregivers should provide safety and protection from harmful situations ... provide basic needs of food, shelter, and clothing ... whether they live together or not

If a child lives in state-care, that facility has the responsibility and authority for the child's care and protection

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- 4) Respect the privacy of the caregiver. Any information provided to a third-party service provider should be done only with the knowledge and permission of the caregiver.
- 5) Inform the caregiver of the decisions for placement, services, and support, to ensure they are able to work with the MDT for educational planning.
- 6) Support the caregiver in building a healthy home-school partnership.
- 7) Caregivers should respect the authority and responsibility of those providing instruction, guidance, and assistance for the learner. It is the caregiver's responsibility to:
 - a. maintain frequent communication with the educational institution, to be made aware of, or to share concerns regarding the learner's progress, challenges or programme of instruction.
 - b. comply with the requests of the educational institution or service provider toward decisions in the learner's best interest

Government Ministries, Departments and Agencies (MDAs)

- 8) Government MDAs such as the National Parenting Support Commission (NPSC), and other entities may provide services and support for families of learners with disabilities. In addition to the general principles of communicating with caregivers, MDAs should:
 - a. provide services in an encouraging and supportive atmosphere
 - b. assist caregivers to understand the process and support systems, particularly if, for example, the issue includes information or services from different entities such as: *The MoE, the Child Guidance Clinic of the Ministry of Health, and an assessment agency* to arrive at a solution
 - c. provide caregivers with reading material or other available sources of information for them to use at their leisure, and for their full understanding

Caregiver Involvement and Support

Educational institutions should inform the caregiver of the decisions for placement, services, and support.

Comply with the requests of the educational institution to support the best interests of the learner

MDAs should assist caregivers to understand the process and support systems for services

- d. provide caregivers with support and information to help them fulfil their roles effectively

NGOs and community partners

- 9) Learners with disabilities have many developmental and educational needs. A variety of service providers and support agencies are often involved in order to address these multiple needs. The MoE and NGO partners should continue to support the educational goals for learners with disabilities by working closely to provide information and assistance, where possible.

As the responsible ministry for the education sector, the MoE should:

- a. involve NGOs and other service partners in training and support activities for teaching staff and parents
- b. involve the NGOs in school community meetings (*Parent Teachers' Association meetings and other events*) to allow caregivers more access to information, programmes, assistance, support and services.

Resolving complaints and challenges

As caregivers seek assistance, they will need clear understanding of eligibility, admission, and placement decisions concerning the learner with a disability. The caregiver has the right to seek help in ensuring that appropriate decisions are made based on the learner's disability, level of development, and recommendations for services and support.

If caregivers are uncertain or dissatisfied with the process, recommendations, or decisions for educational programmes, it is their right to raise a query or make a complaint.

(Resolving complaints is addressed further in Chapter 9).

Caregiver Involvement and Support

MoE and NGO partners should work together to support the educational goals of learners with disabilities

Involve NGOs and other service providers in training and support activities for caregivers and teaching staff

Caregivers have the right to seek help in ensuring that appropriate decisions are made based on the learner's disability

ADMISSION AND PLACEMENT

Under the support of the CRC, the CRPD, The Education Act, and The Disabilities Act - citizens are entitled to education without discrimination, as a basic human right. At the appropriate age for entering school, students with disabilities shall not be denied entry to school.

‘... no person who is eligible for admission as a student to a public educational institution shall be refused admission’. (*The Education Act, 1980*)



4. ADMISSION AND PLACEMENT

Admission and appropriate educational placement

Childhood disabilities may not always be identified within the early stages of development. Some conditions may become more evident as the child matures. As soon as a disability or disabling condition is diagnosed or confirmed, action should be taken to help the learner. The following is to be considered for learners in early childhood settings:

Early Childhood and Pre-primary settings (Birth to 6 years)

- 1) No learner should be denied entry into a school programme because of a disability or disabling condition.
- 2) All learners of school age are admitted to government schools, and provided special education services at no extra cost.
- 3) Learners with disabilities or other special needs entering an early childhood setting, must present proof of disability (*Child Development Health Passport, Assessment Report*) or other MoE-accepted evidence from medical or clinical practitioner. The documented proof must be on the agency's letter-head, stamped, and dated by the authorized person.
- 4) Learners with disabilities or disabling conditions are equally entitled to access public educational facilities, as stated in The Education Act.
- 5) If a disability or disabling condition is not confirmed at the time of admission to the educational programme, but is pending, *the caregiver must present the documented proof within the first two (2) months of the school term.*
 - a. The confirmation is needed to ensure that appropriate educational services and support will be provided.
- 6) Educational facilities must:
 - a. provide appropriate physical accommodations for learners using wheelchairs, crutches, calipers, or other aids for physical challenges.

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- b. Adhere to the MoE's School Building Code and standards for classroom size, entry and exit, furniture, lavatories, etc., to accommodate children with disabilities
- c. ensure staff includes teachers trained to modify curriculum and use appropriate instructional and assessment strategies to allow learners with disabilities to function at their best.

Primary years (6 -12 years old)

- 1) As the learner enters primary years, education should not be interrupted, if at all possible.
- 2) If a disability was confirmed formally during, or at the end of pre-primary years, the documented proof must be presented to ensure that appropriate special educational services and support continue.
- 3) The documentation for admission to the primary level should include the diagnosis, services and support received previously in early childhood settings.
- 4) It is the caregiver's responsibility to present the report to the school within the first two-months of the school term.
- 5) The documentation must be certified and signed by a medical or clinical practitioner who provides recommendations for treatment for learners.
- 6) If an assessment was recommended before admission to primary level, and the report is not available at the time of admission, the caregiver must inform the school of the pending report. *Both caregiver and institution must agree on a time within which the documented proof will be presented.*

Secondary level (13 to 21 years)

Entry into secondary education is based on learners meeting the academic standards to exit the primary level of education. The arrangements to enter secondary level institutions need careful considerations. The learner's educational programme becomes more

Admission and Placement

Documentation for admission at the primary level must include diagnosis, services and support received at the early childhood level

It is the caregiver's responsibility to present the report to the educational institution

Both caregiver and institution must agree on a time within which documented proof will be presented

The documentation must be signed and certified by a medical or clinical practitioner

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demanding as the learner is exposed to a broader curriculum and involvement with different teachers.

As the learner transitions to the secondary level, again, education should continue without interruption or delay, if possible.

- 1) Pre-existing services from the primary level must be reported to the intended secondary level institution.
- 2) If an evaluation or re-evaluation was requested before leaving the primary level, and the report is not available at the time of entry into secondary education; *the report must be presented within the first two (2) months of the school term.*
 - a. It is the caregiver's responsibility to present the report to the school within the first two-months of the school term.
 - b. Both caregiver and institution must agree on a time within which the documented proof will be presented.
 - c. The documentation must be certified and signed by a medical or clinical practitioner, who provides recommendations for treatment for children of school age or in an educational programme.
- 3) If the educational institution has concerns about its capability to provide the services and support recommended in the assessment report, it is the educational institution's responsibility to communicate the issue promptly to the MoE and the institution's MDT. Quick action is necessary to avoid delay or interruption to the learner's educational programme.

Independent or private educational institutions

Independent schools are non-government owned schools, also called '*private schools*'. A caregiver may choose to enroll a learner into an independent educational institution. The arrangements for private education are made generally, between the caregiver and the institution.

Admission and Placement

Pre-existing services from the early childhood level must be reported to the intended secondary level institution

The Multi-Disciplinary Team (MDT) will review the report to ensure appropriate services and support are provided

The arrangements for private education are made generally, between the caregiver and the institution

At times a learner's special needs may require placement in an independent educational institution

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The treatment and considerations for placement, accommodation, and support for learners with disabilities are the same, as applies for learners in government-owned educational institutions. Where the MoE provides grant-assistance to support learners in independent educational institutions, the arrangements may be different.

MoE Placement in Independent Institutions

The MoE provides placement assistance in special educational programmes to ensure the learner receives appropriate education. The expectations for qualified special educators among teaching staff, are the same for independent and government-owned institutions.

At times, a learner's special needs may require that the learner be placed in an independent educational institution. In such a case, the MoE, educational institution, and caregiver agree on the arrangements for placement, based on available space and tuition support. For such arrangements, the MoE and the educational institution will:

- 1) discuss the services, procedures, and support to ensure the most beneficial educational arrangement for the learner
- 2) involve the caregiver in the decisions for placement arrangements in the independent educational institutions
- 3) provide assistance as agreed with the institution and caregivers, and continuing or initial and special educational services and support to be received; and
- 4) maintain accurate paperwork regarding special educational arrangements for the learner.
- 5) If an assessment report is not available at the time the learner is entering the independent educational institution, it is the caregiver's responsibility to present documented proof of a disability, within the first two months of the term. This is necessary to ensure appropriate arrangements for special educational services and support are provided.

Admission and Placement

Where the MoE provides grant-assistance, the, the educational arrangements may be different

It is the caregiver's responsibility to present documented proof of disability to ensure appropriate special educational services are provided

See The Education Act, Section 33 (1); (2)

www.moe.gov.jm

- 6) The educational institution should seek assistance from the MoE to organize its MDT, so that IIPs are written for learners with disabilities, based on recommendations from the learner's assessment report.
- 7) The educational institution may seek further assistance from the MoE to ensure suitable and reasonable accommodations and support are provided for the learner.

Least Restrictive Environment

In some instances, depending on the severity of a disability or disabling condition, or its nature, a learner may be placed in a segregated setting, sometimes referred to as a '*special school*'. Placement in such an educational arrangement may be an option, if the learner is unable to learn or progress in a Least Restrictive Environment (LRE), despite receiving special educational services and support.

The LRE is an educational arrangement which allows learners with disabilities to be educated with their peers who are without disabilities. These educational arrangements may be public or private institutions, or any other facility providing care for children of school-age.

- 1) Education is provided in the LRE to allow the learner to be taught in the most appropriate educational environment, based on the IIP recommendations for social and academic development. LRE placement decisions are made based on:
 - a. the recommendations from assessment reports
 - b. the special educational needs and services for which the learner is eligible
 - c. the recommendations from the MDT and the learner's Individual Intervention Plan (IIP); and
 - d. rev-evaluation recommendations from the annual IIP review

Admission and Placement

No child who is eligible for admission to a public educational institution shall be refused admission because of a disability

The LRE allows the learner to be taught in the most appropriate educational environment

LRE placement is made after considering the most appropriate options for the learner's educational development

- 2) Decisions for placement are made after considering the most appropriate educational arrangements including segregated (*most restricted*) to general education (*least restricted*) arrangements
- 3) The closeness of the institution to the learner's home, and its accessibility must be considered when making placement decisions

School Transfer

Caregivers may choose to seek a transfer for a learner from one educational institution to another; and may do so for their personal reasons. The decision to transfer should be guided by the best interest of the learner.

- 1) A caregiver must secure a place in the transfer educational institution before beginning with transfer proceedings. The caregiver must give reasons for the transfer request to both educational institutions.
- 2) A caregiver seeking to transfer a learner must present the necessary documentation of transfer to the new educational institution.
- 3) The caregiver and related educational institutions, must ensure the MoE is made aware of the transfer to allow the learner to receive continued services and support.
 - a. Supporting documents (*proof of eligibility, accommodations, services or support etc.*) must be included in the paperwork to the transfer institution.
 - b. The history of pre-existing services is necessary to avoid delay or interruption in the learner's educational development.
- 4) The decision for removal, or transfer must be made with the best interest of the learner in mind.

Admission and Placement

A caregiver seeking to transfer a learner from one educational institution to another must present the necessary documentation to the new institution

The caregiver and the related educational institutions must ensure the transfer is recorded to allow special educational services to continue

The decision for removal or transfer must be made with the learner's best interest in mind

For more on School Transfer See

*The Education Regulations
Section 28(1)*

www.moe.gov.jm

- 5) The MDT makes the recommendations for the most appropriate placement for the learner, considering all relevant concerns.

Extended enrolment

The Education Regulations acknowledges secondary education up to age 18 years. In many instances, learners diagnosed with intellectual and developmental disabilities require more time in formal instruction to acquire reasonable competence in academic and social development. In the case of Intellectual Disability or Developmental Disabilities, there is often a noticeable gap between the skills demonstrated, and the expected intellectual or social functioning. For this reason, it is a widely accepted special educational practice to allow learners with these diagnoses to continue secondary education up to age 21 years.

During the extended enrolment, learners engage in a transition programme that prepares them with job skills and independent living skills for life after secondary school. (*See more on Transition in Chapter 10*).

- 1) The MoE is advised to consider extended enrolment beyond age 18 years for the learner with disability whose functioning level and documented IIP recommend extended years in educational arrangements.
- 2) The extended enrolment does not apply to a learner with disabilities who meets the agreed terms of their IIP or educational programme, for exit from the secondary level.

Programme Exit

During the course of pre-primary, primary, or secondary education, intervention and support may result in significant improvement in the learner's skills. For example: a diagnosis of a *mild* Learning Disability; a learner with a hearing loss being fitted with a

Admission and Placement

It is a widely accepted special educational practice to allow learners to continue secondary education up to age 21 years

Extended enrolment does not apply to a learner with a disability who meets the agreed terms of their IIP or educational programme

Educational institutions or other service providers should submit an annual report of the number of learners with disabilities served to the MoE

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hearing aid; or a learner with visual impairment being fitted with spectacles or contact lenses. In such instances, learners may have been diagnosed with mild cases of a disability and may have been sufficiently rehabilitated, able to function independently, and be (re)integrated into mainstream. The extent of improvement in functioning and skills minimizes the need for direct intensive special education support. *Functionality* has improved, but the *diagnosis* remains.

For the purpose of planning and tracking service and support needs, providing personnel or resources in educational institutions, exit information is as important as enrolment and placement information.

Educational institutions or other service providers who were named as providing intervention for learners with disabilities should report to the MoE annually. This will allow accurate records of disability categories and prevalence, as well as the service status of those in treatment programmes.

A learner may discontinue a special educational programme for any of several reasons. Educational institutions and service agencies may account for service or support status, by noting the following possibilities or conditions in their reports:

Dropout

- 1) Learners began the prescribed special education programme at the beginning of an academic year or school term, but did not continue the programme through to its end; and did not exit a special educational programme through any other documented means. *Such a learner may have moved, but the institution has no formal notification of the learner's withdrawal from the institution*

Withdrawal

- 2) Caregivers may have agreed for special educational services or placement, but later withdraws consent, and removes the learner with or without informing the educational institution or MoE of a reason. *Such a learner would*

have begun to receive special education support or services, but discontinued with no provided or documented reason.

Admission
and
Placement

Transfer to other educational institutions

- 3) The learner began special educational programme at one educational institution, transfers to another; and requests continued services or support.
- 4) The learner began attending one educational institution, but was referred for alternative placement based on a diagnosed disability, and the need for special educational services and support.

A learner with a disability who has met agreed goals for graduation, should be allowed to participate fully in graduation activities as other learners

Aged out of services

- 5) The learner who reaches the maximum age for special educational services and support at the secondary level, would have aged out of services. *Such a learner would be beyond age 21, whether enrolled in a post-secondary programme or not.*

See Chapter 2 for more on
Modified Diploma

Written out of services

- 6) The learner began special educational services based on IIP recommendations, but during the academic year, returned to general education. *Such a learner's IIP confirms that goals are met; performance is maintained; formal evaluation indicates expected performance and competence, to the extent that the learner is no longer in need of special educational services or support.*

Graduation

A learner is entitled to participate in graduation or school-leaving events and ceremonies, providing the agreed requirements and policies of the institution have been met. Learners with disabilities would have gone through their school years with services and support related to their identified need. With this in mind, the requirements for graduation should reflect the modified educational programme which was written into the learner's IIP.

- 1) A learner should be allowed full access to participate in the graduation activities as all other learners who have met graduation requirements, according to educational goals
- 2) Suitable accommodations must be made to allow the learner's participation.
- 3) At the secondary level, a learner may receive a modified diploma based on satisfactory completion of an approved programme.

IDENTIFICATION FOR SERVICES

A caregiver, teacher, professional in the area of special education, or doctor may notice that the child seems to be having challenges in an area of functioning, and may make the referral or request for screening or assessment

Referral for screening or assessment of a possible disability must be supported by evidence:

What is the problem? What is different?

How long has the problem been seen? What has been done to help?

If there was help, was there any change?



5. IDENTIFICATION FOR SERVICES

The early childhood years begin with informal educational experiences in pre-school and nursery settings. At the end of the pre-school years, the child is expected to be showing skills that would make him or her ready for primary education. Although there may be possible signs in learning, behavioural, or physical functioning, the pace and quality of development may differ from child to child. Some children may be born with a disability that is confirmed at the time of birth. In other cases, a disability may be seen much later as the child develops.

The services provided by the Early Stimulation and Stimulation Plus Programmes focus on developing language, cognitive, physical, social, and emotional skills during the early childhood years. The earlier a disability is identified, the earlier the child can begin to receive services and support to manage the condition.

The ECC's Jamaica School Readiness Assessment (JSRA) may be among the tests that are used to identify children in ECIs with disabilities and disabling conditions.

Confirming eligibility - the need for special educational services

A caregiver may be asked to have a learner assessed, or a teacher may ask for screening to verify whether there is a learning, or behaviour problem. The *referral* is made for screening or assessment. The results from the tests used may suggest that more testing needs to be done. The results may also show that there is a difference in how the learner learns, thinks, or behaves. The results may show that there is a disability or a disorder. In such a case, the learner will need additional services or support for educational, sensory, physical, emotional, or social development. These results make the learner eligible to receive special educational services and support.

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The screening or assessment report will include recommendations to support the learner's development in school or home. The recommendations will be used to develop an Individual Intervention Plan (IIP).

- 1) The IIP is the document that the MoE and the educational institution's MDT, will use to plan and track the learner's progress and decide when, if at all, services should end. The IIP should include:
 - a. all available information about the learner
 - b. clear information about the learner's special educational needs
 - c. recorded comments or concerns about the IIP goals, intervention strategies from the MDT or other professionals working with the learner; and
 - d. MoE's support or services being provided by other professional agencies

Identification and Referral Process

- 2) A caregiver, teacher, professional in the area of special education or doctor may notice that the learner has challenges in an area of functioning, and may make the referral or request for screening or assessment to be done. The referral may be made for the following reasons:
 - a. to verify that there is a disability
 - b. to verify whether there has been any change in how the disability affects progress
 - c. to provide special educational service or support
 - d. to change the placement, type of service or support being received
 - e. to decide whether special educational services or support should end

Identification for Services

Results from screening or assessment may show that there is a disability or a disorder.

The learner may need additional services or support for educational, sensory, physical, emotional, or social development ...

... these results make the learner eligible to receive special educational services and support

The screening or assessment report will include recommendations to support the learner's development at home and school.

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- 3) The steps in the process to confirm a disability usually involve:
 - a. referral or a recommendation to a caregiver to have an assessment done to verify if a disability is the reason for the learning or other challenges identified
 - b. referral for screening or assessment of a possible disability must be supported by evidence (*What is the problem? What is different? How long has the problem been seen? What has been done to help? If there was help, was there any change?*).
 - i. the appointment for assessment must be made as quickly as is possible (*the MoE should provide information regarding assessment services*)
 - ii. trained persons test the learners' performance in mathematics, reading, reasoning, thinking, behaviour, emotional, or social skills
 - iii. a report is written with the assessment of the learner's skills, based on what was seen during the assessment
 - c. a report which includes recommendations about the best ways to help the learner
 - d. decisions about special educational services to be made by MoE representatives, the institution's MDT representatives, and caregiver:
 - i. Special educational services may include: placement in the most appropriate educational institution, services or support to help the learner through school.
- 4) The process of identification and referral must be followed to ensure quick and appropriate action is taken in the learner's best interest.
- 5) Where needed, re-assessment may be done at a *minimum of 6-months, or a maximum one year* after the most recent assessment. At most, to be considered valid, an assessment report should not be dated beyond 2-years of the time it is presented to the MoE or educational institution.

Identification for Services

Special educational services may include placement in the most appropriate educational institution, services, or support

The process of identification and referral must be followed to ensure quick and appropriate action

Re-assessment may be done at least 6-months after the most recent assessment

An assessment report is considered invalid if it is older than two (2) years of the time it is presented to the educational institution

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- 6) The screening, assessment, or evaluation reports may contain personal and sensitive family information. Reports should be handled with the strictest confidentiality to protect the privacy of the learner and family.
- 7) Teachers at all educational levels must be trained in the procedures for referring learners demonstrating learning or other challenges for screening or assessment, for early identification
- 8) The Child Health Development Passport (CHDP) is used to track progress or changes recorded by a medical practitioner during visits to a health facility.
- 9) If the CHDP notes changes that could affect any area of development, the caregiver should share the information with the educational institution, and used when making decisions for placement and services.
- 10) Information about diagnosis, intervention, support, or services should be used as the learner moves across grade levels, educational levels, or transfers from educational institutions. The information should be used to ensure special educational support and services continue, based on the diagnosed condition.
- 11) Across the pre-primary to secondary level, Individual Intervention Plans (IIPs) must be based on the diagnosed disability, and used as agreements for intervention, services, and support.

Initial Referral or Request for Assessment

To prevent delays or interruption in educational activities, assessment referrals or requests should be handled promptly. The steps for referral or request for assessment are below:

- 1) The MoE or the assessment service provider outlines clear instructions to the caregiver about the procedures for assessment for special educational decisions.

Identification for Services

Teachers at all educational levels must be trained in the procedures for referring learners for screening or assessment

Information about diagnosis, intervention, support or services should be used to ensure special educational services continue across grades and educational levels

IIPs must be based on diagnosed disabilities and used as agreements for intervention, services, and support

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- 2) The caregiver provides background information, concerns, and observations from the home-perspective that would provide better understanding of the problem for which the learner is referred.
- 3) The teacher, school personnel, or related service provider present background information about how the problem for which the learner is referred affects educational development.
- 4) The assessment is completed within the first two months of the school term in which the referral or request is made.
- 5) The assessment agency provides the caregiver and educational institution with an assessment report promptly, at the end of the process
- 6) If the assessment cannot be completed within the expected time, the assessment agency should provide written communication to the caregiver and the educational institution, with a commitment for the earliest time for the assessment to be done.
- 7) Because the learner will be without services or support, while awaiting assessment, all efforts should be made to complete the assessment as soon as possible.

Request for re-assessment

Re-assessment (*also referred to as 're-evaluation'*) is done to verify whether there has been academic or non-academic improvement; and whether placement, or services for support should be changed.

- 1) A caregiver or the educational institution may request a re-assessment
- 2) Re-assessment may be done at minimum, 6-months of the most recent assessment, as is seen fit by the MoE, or the MDT, and with the caregiver's agreement.
- 3) Re-assessment may be done *every two years* to ensure appropriate and relevant services are provided The re-assessment should be considered, based on:

Identification for Services

The caregiver provides background information from the home-perspective

The teacher, school personnel, or related service provider provides background information about educational development

While awaiting assessment, the learner is without support – all effort must be made to complete assessment as soon as possible

Re-assessment may be done to verify progress and the need for changes to services or placement

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- a. the concerns of the caregiver or educational institution about the learner's development or functioning
 - b. the outcomes of the most recent assessment, IIP review, or general report
- 4) Assessment reports that are dated *over two years* from the time they are presented to support a request for special educational services, will be considered *out-dated or not valid*; and will not be considered for use in placement, services or support decisions.
- 5) The caregiver or educational institution may request a re-assessment. Re-assessment will not be done more than once *in the same year*, unless the caregiver, MDT or the MoE agree that such an action is necessary for placement or service decisions.

Identification for Services

Re-assessment will not be done more than once in the same year, unless it is found necessary for placement or service decisions.

Procedures for identification across educational levels

Early Years (0-8 years)

The Early Childhood Commission (ECC) recommends preliminary screening of development and progress be done at age 4 years. At this age and stage of development, it is possible to identify early risk indicators of potential disabilities.

- 1) The Development Officers of the ECC, should ensure appropriate screening using the JSRA or other agreed test is done to confirm a disability or disabling condition. The information will be necessary to help the learner's transition into the primary level:
 - a. All learners must be screened at the end of their pre-primary programmes to ensure early detection of risk factors for disabilities or disabling conditions.
 - b. Screening must be done within the time-frame set by the MoE to ensure the necessary information for appropriate action and decisions for the learner.
 - c. Screening must be conducted using the appropriate tests and procedures.

At the early childhood level, learners must be screened to ensure early detection of risk factors for disabilities or disabling conditions

Screening must be done within the time-frame set by the MoE for appropriate action and decisions

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- 2) The learner's enrolment documentation should include information about educational needs and disability, to ensure support and services are provided, based on the screening recommendations.
- 3) The representatives of the MDT of the receiving educational institution, and caregiver should meet before the start of the school year, or at latest, the first month of the school term to discuss IIP intervention decisions for the learner.

Primary Years (6-12 years)

- 1) The learner's enrolment documentation should include information about educational needs, disability, and IIP, to allow continued services and support, as recommended.
- 2) If the learner enters the primary level without a formal diagnosis, or is be found to be in need of special educational services; a formal referral for screening must be completed within the first month of the school term the learner enters the educational institution or grade.
 - a. The learner should be assisted in the area of need as much as possible, while awaiting screening or evaluation report. The MoE should provide guidance regarding support to be given during the waiting period.
 - b. The IIP should be revised to ensure it meets the learner's needs and the diagnosed disability.
 - c. The learner with a disability should be involved in the revised goals for the IIP, as the age and level of functioning allow.
 - d. Caregivers should be involved in the decisions for intervention, services, support, or recommendations for referral or re-evaluation.
 - e. The educational institutions should observe the MoE's processes for identification to ensure appropriate action and decisions are taken
 - f. Assessment reports beyond two-years will not be considered as valid.
 - a. *If the learner is at the age to sit the primary exit examination, the MoE may request a more current assessment.*

Identification for Services

If the learner enters the primary level without a formal diagnosis of disability ... a formal referral for screening must be completed within the first month of the school term the learner enters the educational institution nor grade

If the learner is at the age to sit the primary exit examination, the MoE may request a more current assessment to verify accommodation needs.

Secondary years (13 to 21 years old)

As children mature, there may be significant differences in development and demonstrated academic and other skills. For the learner who may not have been identified with a disability or special educational need before entering secondary education, learning and general functioning may be very challenging.

For the learner with pre-existing services or support, re-assessment may be necessary to ensure suitable educational arrangements. Re-assessment will ensure that intervention, support and services are appropriate for their level of development or functioning.

The referral steps must be followed between educational levels, where necessary, to ensure the learner receives appropriate assistance for disabilities that may not have been identified or diagnosed at the primary level.

- 1) The learner's enrollment documentation should include information about educational needs, disability, and IIP, to allow continued services and support, as recommended.
- 2) The most recent assessment is to be included with school records and enrollment documentation to ensure the recommendations are relevant and current to the learner's needs and development.
- 3) Assessment reports beyond two-years will not be considered as valid.
 - a. *If the learner is being prepared to sit external examinations, the MoE may request a more current assessment to verify accommodation needs.*
- 4) For the learner who may not have been identified with a disability or special educational need before attending secondary school, learning and general functioning may be very challenging.
- 5) The steps for referral must be followed as quickly as possible to ensure appropriate solutions for a disability or disabling condition that may not have been identified or diagnosed earlier.

Identification for Services

When the learner enters the secondary level, the most recent assessment should be presented to the educational institution

The process of identification and referral must be followed to ensure quick and appropriate action

The steps for referral must be followed quickly to ensure appropriate help to identify a disability or disabling condition that was not identified or diagnosed earlier.

The MoE may request a current assessment to verify accommodation needs for external examinations

Procedures for children in Home-schools and State-run Institutions

Children in home school or home-education programmes, are not registered in traditional education arrangements. Educational programmes are usually delivered by caregivers, private tutors, or internet-based educational programmes. Where caregivers make the decision to home-school children with disabilities as an option for education, they do so as their own choice. The MoE recognizes the caregiver's choice for home-schooling.

Children of school-age who are in state-run institutions may have been diagnosed before entering state-care; or may be diagnosed while in state-care. While they are of school-age, although not in the custody of their natural parents, wards of the state are entitled to continue their education either in educational institutions in nearby communities, or in an on-site educational programme. They also have the right to benefit from special educational support and services.

In the case of home-school or state-care, learners are expected to sit the curriculum qualifying test of the MoE's National Assessment Programme (NAP) for their corresponding grades. The MoE should provide guidance to caregivers for learners in home-school or state-care to ensure they have equal access to appropriate accommodations for sitting the NAP. The following procedures apply for learners in home-school or state-care.

- 1) It is the caregiver's responsibility to contact the MoE to seek all relevant information about services, support and the curriculum for the learner.
- 2) The caregiver may request initial assessment, or re-assessment, as is necessary.
- 3) The MoE provides guidance regarding the curriculum, timing of NAP tests, assessment procedure, examination accommodation, and the services or support it provides for learners in home-school or state-care educational programme.

Identification for Services

Wards of the state are may continue their education in community educational institutions or in on-site educational programmes

The MoE should provide guidance to caregivers to ensure appropriate access for sitting NAP tests

If documented proof is not available at the time of admission, it must be presented within the first two months of the school term

It is the caregiver's responsibility to contact the MoE to seek all relevant information about services and support

- 4) The home-school or state-care facility should arrange with the MoE to see how best learners with disabilities may be supported in their educational arrangements, by:
 - a. assisting the home-school or state-care facility with staff training, or identifying professional partners to provide services for learners with disabilities
- 5) It is the caregiver's responsibility to:
 - a. comply with the MoE's procedures for appropriate support and services for learners in home-school or state-care educational arrangements, including accommodations for examinations
 - b. comply with the MoE procedures for referrals for assessment or re-assessment for appropriate educational decisions for the learner
 - c. maintain contact with the MoE in the event that enrolling the learner in a special educational programme in a public or private institution becomes a later need.

Children in special circumstances

Some disabilities exist with health challenges. Special circumstances relate to considerations for learners who are hospitalized for extended periods, or frequently because of chronic health conditions. In these instances, their education may be interrupted because of health issues.

- 1) If the hospital facility has a hospital school, the learner should have opportunity to continue learning, to the best extent possible, in the educational facility.
- 2) For the learner who may be eligible to sit the NAP at any phase, but is hospitalized at the time of the sitting, arrangements should be made for the test to be administered in the hospital facility.
- 3) The MoE guides regarding special examination accommodation arrangements.

Identification for Services

The home-school or state-care facility should arrange with the MoE to see how best learners with disabilities may be supported

Caregivers must comply with the MoE's procedures for appropriate support for learners in home-school and state-care facility

For the learner who is hospitalized at the time for sitting a test from the NAP, arrangements should be made for the test to be administered in the hospital facility

For more information on home-schools, see the Independent Schools Unit,

www.moe.gov.jm

Juvenile Institutions

If a learner was receiving special educational services before being committed to the care of the juvenile justice system, to the extent possible, the pre-existing special educational services should continue.

- 1) The caregiver-institution and other related-MDAs should collaborate with the MoE to ensure the special needs of the learner continue to be met within the on-site educational programme connected to the juvenile institution.
- 2)
- 3) The MoE and related MDAs should work with the caregiver-institution toward understanding the nature of the disability to guide actions and decisions regarding educational plans

Exceptions

There may be instances in which decisions for services, support, or referral are not made in a timely matter. Without caregiver consent, the learner is without services or support needed, and as a result, the learner's educational programme is affected. In such instances, the learner's best interest should prevail.

- 1) Efforts should be made to ensure the learner continues to benefit fully from services or support.
- 2) Where the caregiver fails to comply with the request for assessment or fails to appear to discuss the learner's disability and educational needs, the learner's right to access appropriate education is affected. To ensure action to secure the learner's right, the MoE should:
 - a. extend the time for assessment to be done if the caregiver has difficulty following up on the request for referral within the expected time.

Identification for Services

A learner committed to the care of the juvenile justice system should continue to receive pre-existing special educational services

The care-giver institution MDAs should collaborate to ensure the special needs of the learners are met within the on-site educational programme

Where the caregiver fails to comply with a request for assessment, the learner's rights to access appropriate education is affected

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- b. The MoE and caregiver must agree in writing about the extended time and new deadline for assessment and submission of the report
 - c. provide special educational support for the learner, based on demonstrated need, to allow education to continue, while awaiting formal assessment; *(or where the caregiver delays to comply with the request for assessment; or fails to appear to discuss the educational needs, despite the school's multiple attempts to make contact).*
- 3) The MoE may not take action for a placement decision without the consent of the caregiver.
- 4) If attempts to contact a caregiver to address the learner's needs are not successful, the MoE may consult with the NPSC and collaborate to determine how the caregiver might be supported in the best interest of the child and for improved school relationship.
- 5) *Failing to report to a school to address the learner's education and welfare may be seen as neglect. (The Education Act and The Child Care and Protection Act).*
- 6) All attempts should be made to assist the caregiver and understand the issue before the case is defined as neglect; or extreme action is taken.

Identification for Services

The MoE may not take action for placement decision without the consent of the caregiver

Failure to report to an educational institution to address the learner's education and welfare may be seen as neglect

The National Parenting Support Commission Act
Section 4(2d)

The Education Act
(Sections 21 and 22)

The Child Care and Protection Act
Part II
Section 28 (1 and 2)

SERVICES AND SUPPORT

The Individual Intervention Plan (IIP) is the blue-print that guides the arrangements for special educational services and support for the learner at primary or secondary level.

The IIP is written by the Multi-Disciplinary Team (MDT), and is based on the recommendations from screening or assessment.

Services and support include professional services, academic, and non-academic support. The range of services and support may be provided by government ministries, departments, agencies, or private service providers.



6. SERVICES AND SUPPORT

Decisions for special educational services and support are based on the recommendations from the learner's assessment and IIP. The services and support to enhance educational development include professional services, as well as academic and non-academic support. The range of services and support may be provided by MDAs, or private service providers.

The Individual Intervention Plan (IIP) is the blue-print that guides the development of special educational programme, including the services and support the learner will need. The IIP is written by the educational institution's Multi-Disciplinary Team (MDT), and is based on the recommendations from screening or assessment. The assessment report is provided by the assessment agency or MoE's Student Support Team (SST). The following are important guidelines for services and support.

The MDT is a group of individuals from different areas of service and expertise who work as a team to assist learners with disabilities with educational and life decisions. The MDT includes, caregivers, representatives from the MoE, educational institutions, health and social services sector.

NB: Reference to 'the MDT' is specific to the particular educational institution's MDT.

The SST is a team of clinical and diagnostic specialists engaged by the MoE, to provide screening, assessment, and other support or services for educational institutions. The SST includes clinical and educational psychologists, special education diagnosticians, and child psychologists.

Support and Services

- 1) A learner seeking special educational placement or services needs to be assessed formally for appropriate diagnosis for eligibility. From the assessment, relevant recommendations will be made for the best outcomes for the learner.
- 2) The MDT should work to ensure the learner's IIP includes the most appropriate and relevant goals for development, based on the recommendations of the assessment report.
- 3) The IIP should include specific time-lines, goals, and activities to track the learner's progress for re-assessment, increased support or services, continuation of services, or termination of services.

The Multi-Disciplinary Team (MDT)

- 1) To avoid delay in decisions or interruption to the learner's education, the educational institution's MDT should meet prior to the start of the school term, or at latest, the first month of the school term to discuss the IIP, intervention, and support.
- 2) If the MDT is unable to meet within the recommended time-frame, the educational institution's special educator or MDT representative should consult the MoE for recommendations for support, until the MDT has met.
- 3) It is the responsibility of the MDT to ensure the following, as quickly as is possible:
 - a. an IIP is written for the learner, and is in use by the end of the school term in which the special educational support is requested, or the report is presented
 - b. once presented, a current and valid IIP is to be used to delay interruption or delay in special educational services and support as soon possible to avoid delayed support or services.
- 4) If there is concern about a learner possibly having a disability, or needing special educational services, the MDT must follow the steps outlined in *Chapter 5 - Identification for Services*.
- 5) During the waiting period for confirmation of diagnosis for eligibility, the MDT must seek guidance from the MoE regarding reasonable support that may be provided for the learner, while awaiting eligibility confirmation.
- 6) The MDT should adhere to the timelines for evaluation or re-evaluation to ensure the services and support are relevant and helpful for the learner's developmental needs.
- 7) The caregiver may invite independent support from someone to act as advocate, or provide support to help them understand the discussions and decisions for

Services and Support

The MDT must meet within the first month of the school term for IIP decisions, to avoid delay or interruption in the learner's educational programme

During the waiting period for confirmation of a disability, the MDT must consult the MoE regarding reasonable support for the learner, while awaiting eligibility confirmation

The caregiver may invite someone to act as an advocate to provide support to help them understand discussions and decisions

The invited advocate may be included in the learner's MDT

eligibility and special educational services. *The advocate may also be included as part of the learner's MDT.*

- 8) The caregiver should inform the MDT of the advocate's role and responsibility in writing, for the learner's records.
- 9) The MDT may meet without the caregiver. However, decisions may not be made in the caregiver's absence.
 - a. The advocate may attend MDT meetings on the caregiver's behalf.

Accommodations

Seating arrangements, enlarged print, examination assistance are some accommodations that may be provided as part of special educational services. Reasonable accommodations include changes to how work is presented, time given to finish tasks, or adjustments in the learning environment, to allow the learner equal opportunity to participate in an educational programme. The following are important guidelines for MDAs, service or support agencies, public or private educational institutions, training, and other facilities, providing accommodations for learners with disabilities.

The Ministry of Education

- 1) Provide equipment and adequate supplies to educational institutions to support the developmental and intervention needs of learners with disabilities
- 2) Ensure appropriate and up-to-date equipment are available for use, as part of its monitoring activities
- 3) Work to assist educational institutions to provide reasonable accommodations, relevant to the reported disabilities, to the best extent possible
- 4) Provide trained support personnel as readers, writers, prompters; or any other reasonable accommodation for learners sitting the tests of the NAP, or external examinations
- 5) Provide instructional material in timely manner to ensure learners who are blind or visually impaired have material for tests or instruction without delay.
- 6) Collaborate with MDAs and NGOs regarding other coordinated arrangements for on-going accommodations which a learner may need in their education

programme (such as: sign language interpreter, braille support, guide, Shadow service, etc.,)

Educational institutions

- 7) Inform the MoE or relevant MDA of the accommodation requirements for learners with disabilities to ensure accommodations are appropriate and relevant for the learners' safety, well-being, and educational development.
- 8) Inform the MDT and MoE as soon as possible if there are concerns about their capability to provide accommodations or support, to avoid delay or interruption in the learner's educational programme.
- 9) Provide timely information and thorough details for examination accommodation requests as specified by the MoE.

MDAs, assessment agencies, or other service providers

Based on the learner's assessment report, support or services may be recommended that are not provided through the MoE.

- 10)MDAs or external service agencies should provide the caregiver with the range of service and support options available to support the learner with a disability.
- 11)Assessment agencies or others providing services should state the recommended accommodations or services clearly in a written report. The details of the recommendations should be appropriate for the diagnosis, age, and developmental level of the learner, to ensure proper guidance is given to the MoE or educational institution.

The Caregiver

- 12)The caregiver should inform the MDT and the educational institution if the learner's intervention includes services or support outside of the educational institution, which may cause possible interruption to the school day or affect the learner's attendance
- 13)Arrangements requiring the learner to receive external services during the school day should be made by mutual agreement between caregiver and the educational

institution. *(Where possible, every effort should be made to ensure minimal loss of time in school.)*

Assistive Technology

Assistive technology and devices are part of the services and accommodations provided for persons with disabilities. Persons who are blind or visually impaired, as well as those who are deaf require devices to support their learning and daily communication needs. Other technological support includes special devices to support motor skills development, or functioning (*head pointers e.g.*); audio devices (*hearing aids, personal microphones, audio-phones e.g.*), special computer software and applications (*text to speech conversion, e.g.*), and home-installed devices, to name a few.

- 1) A public or private educational institution providing services for learners with sensory disabilities should provide equipment to assist the learner's access to instruction and activities that are part of the learner's educational programme.
- 2) The general expectations for assistive technological support are that the MoE:
 - a. Provides related and appropriate assistive technological devices, assistive technological services, or both, for public educational institutions serving learners with disabilities, to support the developmental and special educational needs, to the greatest extent possible.
 - b. Provide maintenance services for assistive technological devices in timely manner to ensure the educational programmes for learners using such devices are not interrupted, unduly.
 - c. If the MoE lacks the technical services among its team, the MoE may consult and collaborate with MDAs, NGOs, and other service providers to develop a comprehensive or cross-disciplinary approach or contractual service and support arrangement.

Services and Support

Educational institutions should inform the MoE of the accommodation needs of their learners with disabilities

Public and private educational institutions providing services for learners with sensory disabilities should provide equipment to assist the learner access instruction

The MoE, MDAs, NGOs and other service providers may consult and collaborate to develop a comprehensive or cross-disciplinary approach to support learners with disabilities

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- 3) In the case of home-school or state-care institutions, the caregiver, MoE or other MDA should consult to arrive at agreed arrangements to provide assistive technological support, where required.

Extra-curricular Involvement

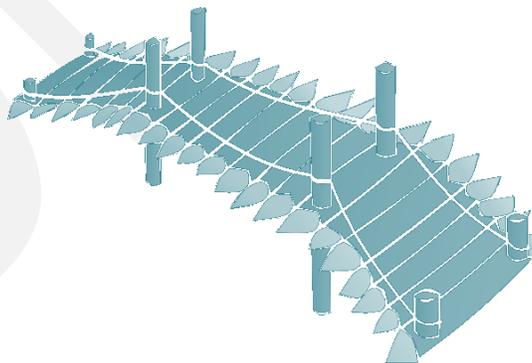
Persons with disabilities at every level of their educational development should be included in all aspects of school-life to promote equal participation, but also healthy personal and social growth. Non-academic services include extra-curricular and co-curricular activities which do not include academic content. Non-academic services provide opportunities for learners with disabilities to integrate with their peers to foster social and emotional development through uniformed groups, special interest groups, schools' clubs, and recreational activities.

- 1) Educational institutions should provide reasonable and appropriate accommodations to allow participation in Physical Education, Music, and Theatre Arts activities, where the learner's disability does not prevent participation in such activities.
- 2) The MoE, MDAs, NGOs should collaborate where necessary, to create opportunities to support the educational institution's ability to cater to the participation of learners with disabilities in non-academic activities as part of their general development, and in the spirit of inclusiveness.

TRANSITION

Transition planning begins much earlier than high school. Every stage of the child's life brings new challenges and concerns for the next life-stage and level of development.

The transition plan focuses more on the learner's abilities than on the disability. In addition to plans to improve reading, mathematics or social skills, the learner with a disability needs a transition plan that would include practical goals for independent living and a productive adult life.



7. TRANSITION

For learners with disabilities, the term ‘transition’ refers to the steps, stages and activities involved in preparing them for life beyond secondary education. Transition planning begins much earlier than high school because at every stage of development, there are new challenges, and concerns for adjusting to each life-stage. The goal of transition planning is to equip learners with disabilities with appropriate skills to become a part of daily social and work life, despite the disability. At the time of transition planning, focus is placed on the learner’s abilities and potential to function confidently, as an adult. In addition to plans to improve reading, mathematics, or social skills, the learner also needs a transition plan that includes practical goals for independent living, readiness for employment, and a productive adult life.

At the secondary level the learner is expected to take more responsibilities for actions and decisions, be more independent, and be interested in seeking a job or career, or continuing in an educational programme. Over time, the learner would have developed strengths, identified interests, preferences, and hobbies. The transition planning process involves support from the MDT for the learner and caregiver. Together, the MDT and learner develop a plan with practical and realistic objectives to meet the transition goals of: (a) education (b) employment (c) social and community life; and (d) independent living.

From the time of diagnosis, the learner is supported in the transition from grade to grade, or across educational levels. The IIP is the document used to plan for services and support during the learner’s educational development. The IIP goals would have been written and used to guide the learner’s educational progress. As the IIP’s targets are met, and skills improved, the foundation for the transition plan is being laid. Throughout the school years, the IIP will reflect non-academic skills for problem solving, personal hygiene and appearance, attitude, time management, and independence, for example. In addition to skills or competencies that may be observed overtime, the learner may have personal ambitions and preferences. The learner should be able to contribute to discussions regarding their Transition Plan (TP).

- 1) The MDT in its frequent review of the learner's IIP should track the learner's progress across grades, and in relation to the set IIP goals.
- 2) As a member of the learner's MDT, the caregiver should also keep track of the learner's time-line to exit secondary level education.
- 3) At the secondary level, particularly closer to the time of programme-exit, the learner may participate in the MDT meeting, or contribute to the transition goals and decisions.
- 4) The learner should be allowed the opportunity to express opinion, preference, or objection, but be guided in appropriate and realistic decisions.
- 5) Where the learner is unable to contribute independently, but has a desire for a transition goal, the caregiver may invite an advocate to help to represent the learner's interest.

The following are the important steps to the transition planning process:

- 6) Each learner with a formal diagnosis for disability should have a Transition Plan (TP) to help the family plan for goals after secondary education
- 7) The TP should be added to the IIP by age 12 years, and be in use no later than age 16 years.
- 8) The TP, like the IIP is written by the MDT, and written with the best interest of the learner in mind.
- 9) The TP should also include pre-existing services or support, as well as any new and relevant support that may be linked to transition goals
- 10) The TP should include goals for skills or vocational training, job training, or post-secondary education, based on the learner's abilities and preferences
- 11) The curriculum used for transition should be appropriate and relevant for the learner's TP goals, age, abilities, and skills. The curriculum should also include practical and functional activities for real-world application and educational experiences.
- 12) Recommendations or decisions for career or job interest should include the use of a career interest inventory to give proper guidance about such choices.
- 13) Educational institutions should create community partnerships to allow job coaching, work-experience, or mentorships as part of the transition process.

- 14) Towards the end of the learner's educational programme, a transition programme-exit report should be written. The report should summarize the learner's present level of performance, strengths, skills, and support needed for after secondary level.
- 15) The programme-exit report is important whether the learner intends to go into post-secondary education or not.

Transitioning into Post-secondary programmes

- 1) The MDT should work with the learner and caregiver to identify options for academic or vocational post-secondary educational programmes.
- 2) Efforts should be made to get all the necessary information about entry requirements, programmes, accommodation and services

(See Chapter 10 for more on Post-Secondary Settings)

DRAFT

SAFEGUARDS FOR DECISIONS

If a caregiver reports concerns about a learner's behaviour or functioning to the educational institution, and there is no response, the caregiver may report the concern directly to the MoE

If the school has made multiple attempts to contact a caregiver, and the caregiver fails to take action in the learner's best interest, the educational institution may report the concern directly to the MoE



8. SAFE-GUARDS FOR DECISIONS

During the process to determine eligibility for special educational services, there may be delays in the completion of the request within the recommended time-frame. During the waiting period, the learner is without the protection of eligibility status, or an IIP to outline the special educational service and support status. For the learner who has an initial assessment or re-assessment pending, the MDT of the educational institution will need to put cautions in place for fair and rights-based provision for the learner. The educational institution should inform caregivers of the procedures for handling complaints, should the need for formal complaints arise.

If a caregiver reports concerns about the learner's behaviour or functioning to the educational institution, and there is no response, the caregiver may report the concern directly to the MoE.

If the school has made multiple attempts to contact the caregiver, and the caregiver fails to take action in the best interest of the learner, the educational institution may report the concern directly to the MoE.

Communication between caregiver and educational institution

- 1) Records must be treated confidentially. The educational institution should ensure a proper system for updating the learner's records. (See *Chapter 2 - Guidelines*)
- 2) Communication to caregivers about the learner's functioning or behaviour must be in plain language, free of technical language, and in a mode appropriate for the caregiver's ability to understand, and respond
- 3) The educational institution should make every effort to use a variety of ways to contact caregivers (letters, phone calls, text messages, etc.)
- 4) Discussions or attempts to communicate with caregivers regarding the issues of concern must be documented as part of the learner's records
- 5) Caregivers must be given clear time-lines within which to visit or return a call to the educational institution in response to the communication sent to them

School records - eligibility and placement decisions

- 6) Among information for enrolment, documentation for eligibility and placement to ensure the learner's rights are protected and decisions are documented, the following should be included in the learner's records:
- a. documented proof of disability or disabling condition
 - b. a copy of the assessment report(s) from the assessment agency or service professional
 - c. documented eligibility records for special educational services
 - d. the IIP (*for initial or continuing services*) based on the recommendation from the assessment and MDT
 - e. signed consent form by the caregiver and related persons for special educational services
 - f. approved placement decisions, special educational services and support
 - g. referrals, or requests for initial or continuing special educational services
 - h. special education service status (*drop-out, age-out, termination, etc.,*)
 - i. disciplinary referrals, action taken, and further recommended action
 - j. dispute issues, investigation, resolve, and decisions
 - k. other arrangements decisions made by the educational or the MoE regarding instructional support or intervention for the learner

Disciplinary Action

Emotional or behavioural disorders result in behaviour challenges that are often difficult to manage. In some instances, a learner may have more than one disability, one of which may cause behaviour issues. At times, behaviour issues may result from the learner's inability to explain the triggers for a behaviour problem, other challenges or irritations that may be present in the learning environment.

- 1) A learner with a disability is not exempt from complying with the disciplinary rules of any educational institution. In the case of a disciplinary issue, the action to be taken should be weighed against:
 - a. the functioning level of the learner
 - b. the learner's understanding of the issue and the result; and
 - c. whether the behaviour is a direct result of a known disability

Suspension or Expulsion

- 1) In the event that a learner's actions result in a disciplinary action, the educational institution will follow its procedures to ensure the issue is handled fairly.
- 2) If disciplinary action against a learner results in suspension, expulsion, or the learner being otherwise separated from the educational institution, and the problem is due to a disability, the MoE will ensure fair treatment and considerations for the learner.
- 3) The caregiver may appeal to the educational institution and the MoE for reconsideration of its action if:
 - a. a request or referral for assessment was made and/or is pending
 - b. a concern was expressed by the caregiver in writing or formal report to the educational institution, the MDT, or MoE
 - c. a teacher or representative of the educational institution had communicated to the caregiver about the behaviours or functioning that required attention; or
 - d. if the concern reported required action from the educational institution
- 4) If the conditions above apply, the MoE and the educational institution, along with the caregiver must agree on an urgent solution to the issue, including:

Safeguards for Decisions

A student with a disability is not exempt from complying the disciplinary rules of an educational institution

If disciplinary action results in suspension or expulsion and the problem is due to a disability, the MoE will ensure fair treatment and considerations for the learner

If the behaviour issue is due to a disability, the assessment report must communicate that information clearly

- a. a referral for urgent assessment to confirm that the behaviour was due to a known or undiagnosed disability
- b. arrangements for an MDT to meet promptly to address the learner's educational options, based on the assessment report
- c. agreement among the care-giver, educational institution, and the MoE for disciplinary decision, while awaiting the assessment report

(If the appropriate action will result in suspension or expulsion, all parties must agree with the decision)

- 5) If the assessment confirms the learner's eligibility for special education, the decisions for appropriate services and support must be made promptly, and in the learner's best interest
- 6) If the behaviour which resulted in the disciplinary action was due to a disability, the assessment report must communicate that clearly. *Decisions for appropriate services and support must be discussed by the MDT.*
- 7) If it is found that the learner had an IIP which identified a disability with goals for behaviour management, but the institution did not begin the recommended support or intervention, the IIP goals should be implemented as quickly as possible
- 8) A learner may not be out of school beyond 10 consecutive days, while a disciplinary matter is being investigated
- 9) Where the educational institution expels a learner because of a behaviour issue, prior attempts to address the behaviour should be documented
- 10) To avoid unnecessary or harsh disciplinary action against learner whose disabilities include behaviour challenges, educational institutions should seek to implement the goals and interventions as agreed on in the learner's IIP
- 11) Where a referral is made for assessment, the caregiver should act promptly to arrange the assessment, in the learner's best interest.

Safeguards for
Decisions

Education Regulations
Part II

Sections 29 and 30

Part VI
Section 44

*To read more on The
Education Regulations go
to: <https://moe.gov.jm>*

RESOLVING COMPLAINTS

Caregivers, service providers, educational institutions, or the learner with a disability may be unclear in understanding how to get necessary services, how to handle changes in educational decisions, or how to address actions toward the learners with disabilities.

Where there is a complaint or concern about the learner's educational programme or support, the educational institution should make every effort to settle the matter within the best rights-based context.

The MDT should work quickly to address the matter ... the MoE representative on the MDT should provide MoE-related guidance ...

At the post-secondary level of education, it is the learner's responsibility to get as much information from the Disability Services Advisor about guidelines for handling academic or non-academic issues



9. RESOLVING COMPLAINTS

There may be times when caregivers or service providers are not satisfied with the services or support being received. Differences in expectations or understanding what was agreed or planned, may arise. Caregivers, service providers, educational institutions, may be unclear in how to address actions toward learners with disabilities. Learners with disabilities may be unclear in understanding how to get necessary services, or how to handle changes in educational decisions. Where there is a complaint or concern about the learner's programme or support, the educational institution should make every effort to settle the matter within the learner's rights.

If the issue cannot be settled by the educational institution, the caregiver may choose to make a formal complaint to the MoE. The educational institution should support the right of the learner for appropriate services, and assist the caregiver through the necessary process to ensure the best outcomes for the learner.

The MoE should guide educational institutions and the MDTs on the complaints procedure. To ensure there is fair and objective resolve of issues, the committee handling complaints should be an interdisciplinary committee, with informed and unbiased persons who are able to address special educational matters fairly and promptly. The committee's goal should be to arrive at decisions in the learner's best interests. Decisions should be guided by knowledge of the education system, special educational needs, and related policies. *Complaints are to be handled confidentially.*

Steps for the caregiver, learner, educational institutions and the MoE to resolve formal complaints, should be done with attention to the following:

- 1) A complaint may be made through the procedure provided by the MoE
- 2) A complaint is made in writing to the MoE, and the educational institution is notified by receiving a copy of the written complaint
- 3) The MoE responds within two weeks of being notified, and arranges with the parties involved to address the matter
- 4) If the matter is not resolved satisfactorily, the caregiver may take the matter to the JCPD for further guidance, action, or resolve

Caregivers

- 1) Access information about the procedure for complaints from the educational institution, or MoE to guide the steps to resolve the issue of concern
- 2) Follow the complaints process in place in post-secondary institutions (*if acting on behalf of a learner with a disability in a post-secondary institution*) for the decisions or outcomes that may be unsatisfactory, or needing to be revisited
- 3) Access information about the programmes, support, services, and service partners available to help with further support or assistance
- 4) Pursue further action to be guided to resolve issue through the Jamaica Council for Persons with Disabilities (JCPD). The issue may be better addressed through the JCPD's Disabilities Tribunal.

Learner with disabilities

- 1) A learner with a disability has the right to make a complaint, and deserves to be heard and treated respectfully. The learner is to be guided through the complaint process, and supported by an advocate or neutral member of the MDT
- 2) The learner may raise a complaint for any of these reasons primarily:
 - a. the learner's special educational arrangements are not met as agreed in the IIP and MDT meetings
 - b. belief or evidence of a learner being treated with discrimination, unfairly or unequally, and against their established rights
 - c. other matters linked to interaction, treatment, discipline, educational arrangements, or services
- 3) All persons, including the learner, will be treated with equal respect, and be allowed to speak openly about the complaint with careful attention to the options to settle the matter, and avoid a repeat or similar issue.

Educational institutions

The educational institution should do its best to provide the programme and support agreed with the MDT, as stated in the learner's IIP, to avoid formal complaints regarding its duties.

The educational institution should support resolving complaints with the following guidance:

- 1) inform caregivers about the procedure for making formal complaints, should this action be necessary
- 2) provide caregivers with the information on the steps and procedures for making a formal complaint
- 3) make every attempt to address the complaint for an appropriate solution in as short a time as is possible, with care to avoid interrupting the learner's educational programme
- 4) address the complaint in the quickest time-frame possible so that the learner's participation in school is not affected

If the issue is related to uncertainty about decisions for special educational services and support, the MDT should work to ensure the caregiver and learner, where possible, understand the goals of the IIP and the educational arrangements.

- 1) The MDT should work quickly to address the matter. The MoE representative on the MDT should provide MoE-related guidance on the matter.
- 2) An answer should be made to the learner making the complaint within 10 days of receiving the complaint. The learner should be informed of arrangements to meet and address the matter.
- 3) If the matter is not resolved at the MDT level, it may be taken to the Board of Management (BoM) of the educational institution. The BoM includes a representative of the MoE, and should also include a representative of the disability community, possibly appointed by the JCPD.
- 4) If the matter requires further action, a formal complaint may be made to the MoE. The MoE should use its processes and resources to settle the matter.
- 5) If the matter is not settled at the previous levels, it may be taken to the JCPD's Disabilities Tribunal for a final settling of the issue.

Complaints at the Post-secondary Level

Learners with disabilities are accepted into post-secondary educational or training programmes on equal merit as their non-disabled peers. The educational institution (*university, teacher-training institution, community college, nursing school, skills training, or vocational facility*) has the obligation to provide reasonable accommodations, and other support to enable learners with disabilities to enjoy equal opportunity to succeed.

The post-secondary institution must provide information about their complaints procedure, along with other enrolment information. The learner should get as much information about programmes, expectations for performance and involvement in the institution during the preliminary transition discussions or visits.

- 1) It is the learner's responsibility to get as much information from the Disability Services Advisor about guidelines for handling academic or non-academic issues. (*Learner Handbook, for example*).
- 2) If a matter of discrimination, unfair or unequal treatment, retaliation, or harassment arises relating to academic or non-academic matters, present the matter first with the Disability Services Advisor. *It may be that the matter can be addressed quickly at this point, with no need for further action.*
- 3) After the complaint is made, the educational institution should follow its written procedures for how, when, and the time-frame within which it will invite the learner for a meeting. *It is the learner's responsibility to give clear information and reasons for the complaint to be handled fairly and settled quickly.*
- 4) If the matter is to be investigated, the office of Disability Services should provide assistance or support during this procedure. The learner making the complaint, and the person against whom the complaint is made, both have the right to be supported through the complaint process.
- 5) If the learner is not satisfied with the decisions of the complaints process, a formal appeal may be made to the JCPD's Disabilities Tribunal.
- 6) Caregivers and families should ensure that learners with disabilities know their rights, responsibilities, and expectations, as they engage in post-secondary educational or training programmes.

POST-SECONDARY LEVEL

Learners with disabilities have equal right to continue in educational or training programmes after secondary education

Learners with disabilities enter post-secondary programmes on their proven academic merit to meet the expectations for further education

The caregiver and learner should discuss post-secondary goals, and getting ready for life beyond secondary school

The learner is responsible to present the documented proof of disability and eligibility for services to allow the institution opportunity to provide the recommended accommodations



10. POST-SECONDARY LEVEL

Learners with disabilities have equal right to continue in educational or training programmes after secondary education. In addition to qualifying to enter vocational or skills training, community college or university programme, the learner is expected to function with more independence and maturity at this level. The skills of self-advocacy and self-determination are important skills for being successful in post-secondary programmes. The caregiver and learner should discuss post-secondary goals, and getting ready for life beyond secondary education.

The learner should be given appropriate and adequate advice to ensure the expectations of the educational or training programme are understood. At the post-secondary level, the learner may still need to receive pre-existing accommodations provided at the primary or secondary level. The services and support learners with disabilities require are not for preferential treatment. The accommodations are necessary to allow the learner equal and fair means to function toward gaining the same beneficial and successful outcomes as their peers. *Where necessary, the JCPD and the MoE will provide support in rights-based issues.*

Admission and Enrolment

Learners with disabilities enter post-secondary programmes on their proven academic merit to meet the expectations for further education. Finishing a programme successfully at this level may lead to a degree, diploma, or certificate.

- 1) In some instances, learners with disabilities may choose not to report a disability because of fear of discrimination and unfair treatment. Educational institutions should provide a Disability Services Advisor among the student services staff
- 2) The institution should provide all forms from which to gather information about the needs of learners with disabilities at the time of enrollment
- 3) The institution should inform the learner of the procedures and timelines for qualifying examinations for certifying or trade licensing.
 - a. The institution should conduct these in locations and ways that allow the learner with disabilities to be assessed fairly as peers in their programme of study

Roles and Responsibilities

Post-secondary institutions are guided in how to support learners with disabilities as follows:

- 1) a learner with a disability who meets the entry requirements for a post-secondary programme should not be denied access to the programme *because of a disability*
- 2) provide fair and equal access to educational and training programmes
- 3) provide clear details about the institution's system and procedures for admission into educational, training or vocational programmes
- 4) provide disability service advisors across all post-secondary institutions who will assist to ensure that learner's matters are handled without discrimination
- 5) provide learner-advisors to assist the documentation and transition process from secondary settings into the post-secondary programme
- 6) provide all reasonable accommodations to ensure the learner full and equal access to participate in the related programme
- 7) the accommodations and support are among the rights of learners with disabilities, and do not allow them unfair advantage; but allow them opportunity to demonstrate competence in their chosen areas of study
- 8) ensure appropriate provisions for easy accessibility and accommodations
- 9) explore and discuss alternative arrangements for participating in the programme of instruction if the nature of the disability prevents easy physical access and presence (*For example, on-line or distance teaching arrangements may be made to allow the learner to benefit from instruction*)
- 10) provide access to information, materials, resources, and ensure reasonable accommodations to access services, buildings, events or other activities for successful integration into the institution
- 11) provide reasonable accommodations such as: sensory equipment (*where necessary*), appropriate presentation of examinations, writers or readers, and other support which may be needed for successful programme completion
- 12) maintain updated learner profiles and records to provide and track relevant services and support

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- 13) provide support service-staff with competencies to assess and work with learners who may have disabling conditions which become apparent while in the post-secondary education programme
- 14) ensure instructors and facilitators include persons who are able to support fair and equal opportunities for learners to perform in the course of study or programme
- 15) monitor performance and provide support through the institution's system of academic counselors, disability service advisors, and other processes

Learner's responsibility

- 1) It is the learner's responsibility to:
 - a. inform the institution of a diagnosed disability and pre-existing services or support which were provided before entering the post-secondary programme
 - b. present the documented proof of disability and eligibility for services, as early as is possible to allow the institution opportunity to consider the recommended accommodations for instruction, examinations, practical requirements, and any other support needed during the programme of study
 - c. inform the institution of any developing or emerging condition which may affect functioning or ability to complete the programme of study
 - d. seek assistance for formal assessment of emerging or recurring condition which may impair ability to function or complete the programme of study

Caregiver Involvement and Support

Caregivers may have additional concerns and questions about possibilities beyond secondary education, as their children prepare to leave the secondary level. As with all children, learners with disabilities are expected to be more independent at this level. In some cases, caregivers may still need to provide close guidance, or be heavily involved in the post-secondary activities.

Caregiver should work with the MDTs to ensure that the goals and decisions from the learner's Transition Plans are written clearly to help them understand the goals and options for other educational programmes, or for skills or vocational training programmes.

Transition Preparation

Towards the end of secondary school, the MDT, care-taker, and learner should review the transition plans as part of the transition goals in the IIP. The care-giver and learner should begin to visit their chosen educational institution to see whether it is suitable for the learner's abilities and needs. Special educational services and support from an IIP come to an end when the child has completed secondary education. Arrangements should be made to meet with a Disability Service Advisor at the post-secondary institution to discuss concerns and help with the transition process. *(See Chapter 7 on Transition)*

Disabilities are often life-long conditions that affect persons with disabilities differently at different stages of their lives. As persons with disabilities begin to mature and interact in different social settings they may experience more stresses, and show different aspects of behaviours that may not have been seen before. There may also be disabling conditions and disabilities that may not have been noticed until later stages of development.

Persons with disabilities who have received services and support through primary or secondary levels would enter post-secondary programmes aware of their service and support needs. Learners who would not have been assessed; or may not have received services or support, would be uncertain or unaware of their needs and how the condition may affect them at this later stage of their life.

Some learning disabilities, language processing challenges, or attention disorders may become more obvious after secondary education. It is the learner's responsibility to seek the counseling and support services available at the educational institution.

Pre-existing condition or diagnosis

The learner should inform the institution's Disability Services Advisor of a pre-existing disability or disabling condition at the time of enrolment. In the event of an undiagnosed or pre-existing condition that may not have been addressed prior may be addressed as follows:

- 1) the learner should present documentation regarding a disability and the recommended services or support during the enrolment process
- 2) the learner should inform the Disability Services Advisor of a pre-existing challenge which may not have been formally assessed prior, but appeared since the post-secondary level, so that appropriate treatment or services and support may be provided (*assessment may be necessary to confirm the disability or make appropriate decisions for support or services*)
- 3) the learner should initiate the request to access the assessment services and accommodations to assist successful completion of the programme of study.

Transitioning into vocational/skills training settings

The process to transition into vocational or skills training facilities are the same as far as meeting the requirements to enter a post-secondary educational programme. The enrolment guidelines listed earlier are to be applied to vocational or skill training programmes as well. Vocational and trade facilities have equipment and machinery which may be laid out in ways that could cause a challenge for easy accessibility and movement. It should not be assumed that because there are physical limitations, a wheel-chair user, or someone with other movement challenges is not able to handle equipment and machinery.

- 1) If the learner with a disability meets the requirements to enter the vocational or skills training programme; and is also found to have physical challenges, the institution should do a preliminary assessment of the learner's needs, and ability to participate meaningfully in the programme

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- 2) The institution should also provide its policy for working with learners with disabilities.
- 3) To ensure the best accommodation the learner, the caregiver and learner should visit the facility to assess the risks, limitations and restrictions, to see if the physical layout and demands of the programme are manageable.
- 4) The training facility should:
 - a. provide information to the caregiver and learner about the academic and physical expectations of the programme
 - b. provide fair and honest guidance about the assessment and qualifying process, of the chosen programme, so the caregiver and learner understand
 - c. provide the necessary accommodations to allow the learner to function competently, and be assessed as fairly as peers in the programme
 - d. ensure the safety regulations for the facility and programme are in keeping with expected standards; and
 - e. ensure the accommodations in the physical environment are suitable to allow the learner uninterrupted participation in the chosen programme

PERSONNEL QUALIFICATIONS

It is important that the education sector provides qualified and versatile special educators who are able to provide education at the highest quality.

In addition to special educators, professionals providing diagnostic, intervention, therapeutic and other clinical services also need to be highly qualified practitioners and professionals.



II. PERSONNEL QUALIFICATIONS

The growing need for special educational services makes it necessary for the sector to be served by an adequate supply of qualified and trained teachers and other support professionals. The disability categories reported annually by the MoE include:

Blind and Visually Impaired	Deaf and Hard of Hearing
Intellectual Disabilities	Multiple Disabilities
Physical Disabilities	Speech and Language Disabilities
Autism Spectrum Disorders	Attention Deficit/Hyperactivity Disorders
Other/unspecified Disorders	

Several persons with disabilities often have significant challenges which affect their educational, personal and social development across their life-span. It is important that the education sector provides qualified and versatile special educators who are able to provide highest quality education across all disability groups. In addition to special educators, professionals providing diagnostic, intervention, therapeutic and other clinical services also need to be highly qualified practitioners and professionals.

As part of the University of the West Indies, The Joint Board of Teacher Education (JBTE), has responsibility for the development and certification of teachers in Jamaica, as well as recommending changes to the curriculum of Teacher Training Institutions. The Jamaica Teaching Council (JTC) has the improvement of the quality of education and teacher-quality as its aim. These entities, other Ministry of Education departments and agencies, NGOs and service organizations, should funnel their efforts to ensure the field of special education and the disability service sector are equipped with suitably qualified professionals.

To meet the goals of adequate and quality education and services, the MoE should:

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- 1) recruit and employ qualified teachers; including teachers with disabilities, who would have met the professional standards to teach in their areas of specialization
- 2) ensure that the placement of special educators matches their qualified area of specialization
- 3) provide in-service training to retain the services of special educators; capacity-building should include training in the use of appropriate technologies, educational strategies for different disability areas, educational and transition planning, positive behaviour support, and parent support
- 4) recruit and employ specialist support service-providers (*diagnosticians, educational or clinical psychologists, as well as child psychologists*) to support the goals for special educational service and support
- 5) ensure specialist service providers meet the qualifying professional standards associated with their related licensing body
- 6) ensure the technical, professional and teaching staff are acquainted with related policies and regulations for working with learners with disabilities across educational levels
- 7) pursue arrangements with other MDAs providing education for learners with disabilities, to maintain quality educational services and support across all levels, where the MoE lacks adequate services
- 8) include considerations and arrangements for integrated support to provide itinerant services to support state-run on-site educational programmes
- 9) ensure teacher training institutions include introductory courses in special education and disability awareness as a mandatory requirement for pre-service teachers;
- 10) expand the capacity of qualified special educators to provide adequate ratios to ensure quality services for learners with disabilities, across all educational levels.

RESOURCES

Guidelines for Identification and Referral for Principals and Teachers: Indicators of Disabilities

The Building Act (2018)

The Child Care and Protection Act (2005)

The Disabilities Act (2014)

The Early Childhood Act (1975)

The Early Childhood Regulations (2005)

The Education Act (1965)

The Education Regulations (1980)

The National Policy for Persons with Disabilities (2000)

The United Nations Convention on the Rights for Persons with Disabilities (2006)

The United Nations Convention on the Rights of the Child (1989)

The Individuals with Disabilities Act (IDEA, (2004)