

## The Inclusive Education: Policy Issues and Challenges. Did the Amended Special Education Law in Israel (1988) Make a Difference?

Lea Shaked\*

*Department of Educational Leadership and Management, Orot Israel College of Education, Israel*

\***Corresponding Author:** Lea Shaked, Department of Educational Leadership and Management, Orot Israel College of Education, Israel.

**Received:** March 21, 2021; **Published:** May 26, 2021

### Abstract

**Introduction:** This paper discusses the effects of Special Education law (1988) in Israel and amendments followed in 2002; 2018 on school placement policy and attitudes toward inclusion.

The critics on differential budget to different setting, that the budget doesn't support the least restrictive environment concept and inequality in the allocation of resources among students in special education and students integrated in the regular education lead to the amendment. nr.11 of Special Education law.

**Conclusion:** This paper argues that while state policy makes an ongoing effort to increase access to general education by innovative legislation, increasing the state funding in order to accommodate and meet the needs of students with disabilities in inclusive education the practices of educational institutions perpetuated exclusion from general education. For regular teachers to feel confident in their ability to teach all students, a change in teacher preparation programs should be implemented. A change in teacher preparation programs still needs a profound reform.

**Keywords:** *Inclusion; Least Restrictive Environment; Inclusive Pedagogy; Special Education Law; Educational System and Budgeting Policy*

### Introduction

"School is a place of life for the child in which he is a member of society, is aware of his belonging to it and to which he contributes" [9].

Inclusion is designed as learning with the peers [23]. Inclusive education is an approach to transforming systems so that they will be responsive to all children [1,30]. Differences are not assumed as deficits but rather an educational and social gain when students are included in general education classroom [7,14]. Inclusive education refers to an educational process that seeks that children have access to quality education which take into account the diversity that could be reached by promotion of participation [5,20].

The inclusive pedagogical approach refers to the additional support or extra help learners need without treating them differently from others and without marginalizing some of them [11]. Braunstein and Marino-Lapidus [6] take the definition of inclusive education one step further and state "students with disabilities should fully participate and contribute in all aspects of life and culture, without restriction or threat of marginalization creates no such barriers" (p.137). The inclusive pedagogical requires taking differences into account while avoiding the repetition of exclusion [12].

The provision of special services to children with disabilities has undergone rapid changes. The movement from expert and service models of serving children with special education needs to rights based models describes the transformation of education system [15].

Today, we are seeing dynamic changes in special education paradigm based on human rights; and we have witnessed the development of a professionally rich and engaging work atmosphere. But the inclusive pedagogical practice has still major difficulties because of the reliance on standardization and the demand for accountability [21]. Schuelka, Braun and Johnstone [22] state that there is a need of re-thinking the two polar concepts of educational values, outcomes and processes, they recommended to path away from 'special' or segregated education. The discourse of individual differences relies on the logic of exclusion whereby differentiated teaching for some is the process by which all are included. Sometimes learners are included in the classroom but excluded from opportunities to participate in collaborative or group activities because the work they are given is differentiated to such an extent that they end up isolated from the classroom communities even though they may be physically present. The resulting repetition of exclusion is a key problem for inclusive education [2,23].

Although UNESCO [31] described the different elements needed for promote inclusive education (government and finance, law and policy, curriculum and staff) each country meets the challenges in a different way based on its culture and history of exclusion.

### **The educational system in Israel**

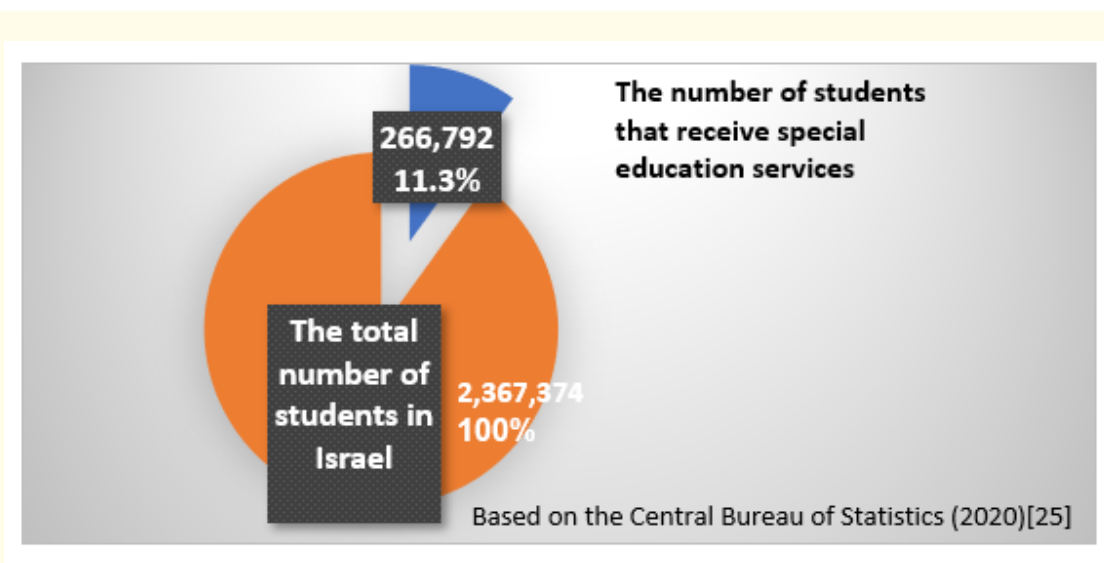
Special education in Israel is based on the following laws:

- The Law of State Education [27] Includes obligation to access the general curriculum in all settings, from age 3-18.
- Special Education Law [28] including the chapter on integration (added at 2002) and amendment number 11, at 2018). The Israeli system is based on least restrictive environment and not necessarily on full inclusion. The least restrictive environment (LRE) principle means that children with disabilities must be educated in the general education setting and involved with non-disabled peers to the maximum extent [18]. The removal of children with disabilities from the regular education environment should be done only when the severity of the disability of the child is such that the education in regular classes with the support of supplementary aids and extra services cannot be achieved satisfactory [8,17].

The Basic principles of the curriculum for children with special needs includes obligation to core curriculum, regardless of the intellectual function of the students, and ensuring participation and progress in the curriculum by providing educational services, support modifications and individual goals in the IEP.

The Law of Equal Rights for People with Disabilities [29] including the chapter on accessibility (added at 2003).

### **Students with special needs in the Israeli system (2020)**



**Diagram 1:** Students with special needs in the Israeli system (2020).

The percentage of children with special needs in the education system

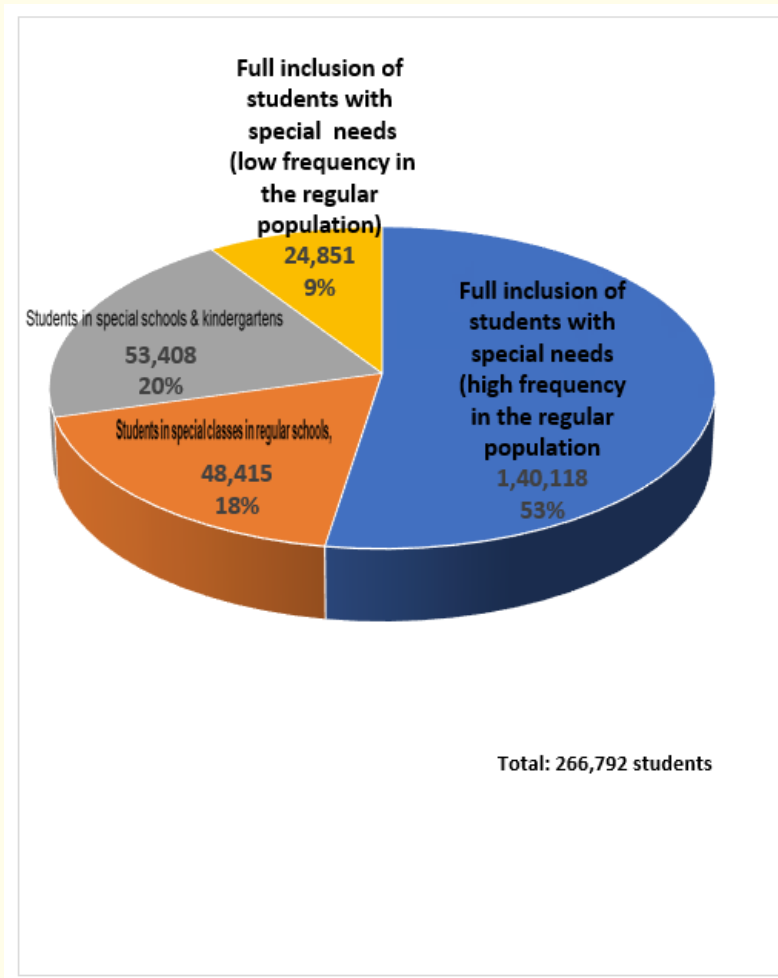


Diagram 2: The percentage of children with special needs in the education system.

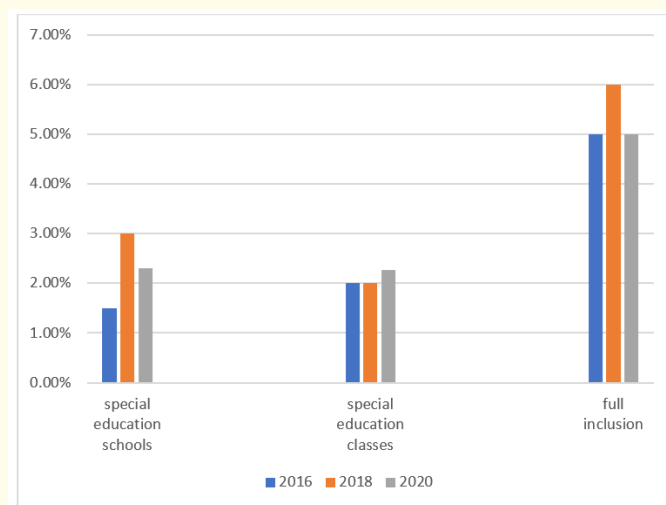


Diagram 3: Comparison between year 2016 - 2020.

### **Percentage of students receiving special needs education comparison between 2016 - 2020**

The chart above shows that since 2016 the rate of children that received special education services grew from 8.5% to 11% in 2018, to 11.3% in 2020. The comparison between the years also shows that the “least restrictive environment” principle in the special education law (amendment 2002) wasn’t implemented. The number of children that were referred to a segregated environment at 2018 was doubled in two years from 2016 and still increased by 2 more percent by 2020, although the parents were allowed to choose the type of the school for their child. While the rate of children included in special classes in regular schools didn’t change, the growth in number of children in full inclusion is smaller than the rate of growth in special schools.

### **The need for amendment of special education law (1988)**

Israel as many other countries as well, adopted inclusion as a top-down approach by legislating the Special Education Law (1988) [28]. At first, Israel’s Special Education Law was an attempt to create procedural certainty and codify guidelines for referring the students with special needs in the least restrictive environment (LRE). The LRE is the place where education and related services can be provided to students with disabilities while also participating in general education classrooms to the greatest possible score [18].

After Salamanca Statement (1994) [30], Countries and Israel among them, adopted inclusion practices as a result of parental and disabilities groups that pushed for legislative change that promote inclusive education [3].

The amended law intended that the number of segregated individuals should be reduced. It was stated that special education does not relate to a place, but rather to a range of educational, didactic, and therapeutic procedures that are carried out in different settings. Although the Special Education Law reflected a principle that priority should be given to integrating students with special needs in ordinary schools it was found that by 2018, almost two decades after the amended law (2002), the share of students with special needs integrated into mainstream education did not increase but rather decreased from 66% to 56%. This decrease is inconsistent with the principle reflected in the law that intends to place students with special needs in a least restrictive environment. Most restrictive placements are also the most segregated and offer the most intensive services; Least restrictive placements are the most integrated and offer the least intensive services. Significant numbers of students with disabilities, especially those with severe disabilities, continue to be found at the most restrictive ends continuum.

### **Critics of the original Israel’s special education law-1988**

Critics of Israel’s Special Education Law state that it views disability from a deficit and medical model, rather than an educational model based on the analysis and reinforcement of strengths and abilities.

The involvement of parents in their child’s education is limited. The parents, although had legal rights to attend the actual Placement Committee meetings, didn’t take an active part in the decision- making process.

### **Budgeting policy**

The Ministry of Education funds special education schools independently of the general system. The service package is the way the government estimate annual costs for special schools. This would not support broader policy aims toward greater inclusion [15].

### **Supports in regular class vs special classes**

The budget doesn’t support the least restrictive environment concept. Inequality in the allocation of resources among students in special education and students integrated in the regular education is still in practice. Students with special needs in special classes and special schools receive higher budget than pupils in regular classes. The special education budget in special classes is based on a class

budget differentiated on age and type of disability. The kindergartens receive more services as well as the segregated classes in special schools. For instance, supports in special education class & special education school for students with autism includes Extra hours per day - from 8:00 to 16:45, Extra days per year-at long vacations, including July and two weeks in August. Teacher-aid, Feeding, Transportation and Therapies 3.4 hours per student per week.

In the regular class 5.4% of the students receive eligibility for special needs (1.85 hours per student). It's an automatic non personal budget support. A committee at the school level decides which child will be included in the special education program. The fact 8%-10% of the children are included in the special education programs. It means that more children receive less. Additional support (2.7 hours per student), to those with an identified disability (Low frequency in the regular population): moderate mental retardation, autism, mental disorders, cerebral palsy, rare diseases. In addition, those children receive personal teacher-aid, based on the student's degree and type of disability.

The law until 2018 stipulates general ideological practices for children with special needs, focused on rights of the children in general rather on services in a particular way to maximize inclusion. Because of this causes, special education remained highly categorical and segregated and needed amendment. At the year 2009 the ministry of education nominates a public committee for the examination of the Special Education System - the "Dorner committee" [10]. On the base of the committee recommendation the special education law was amended at 2018 [29].

Special education law - 1988	Special education law amendment (number 11, 2018)
<ul style="list-style-type: none"> <li>• View the disability from a deficit and medical model                             <ul style="list-style-type: none"> <li>• Students with special needs in special classes receive higher budget than pupils in full inclusion.</li> </ul> </li> <li>• The special education budget is based on a class budget differentiated on age and type of disability. The kindergartens receive more services as well as the segregated classes in special schools.</li> <li>• A local placement Committee decides where the child will be educated and gives "priority to placing the child in a recognized school that is not a special education school" - means least restrictive environment.</li> <li>• The law does not guarantee parental or the child's teachers' participation in the Placement Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• View the disability from an educational model based on the analysis and reinforcement of strengths and abilities.</li> <li>• Each student will undergo a special test to determine his functional level. The results will determine the kind of support and budget.</li> <li>• The school will receive the funds, but the budget will "follow the child" according to his functional level.</li> <li>• Eligibility Committee to special education services.</li> <li>• Only the parent chooses the type of the school for his child.</li> </ul>

**Table 1:** Original special education law vs. amendment nr.11.

At the year 2020, a decade after Dorner Commission submitted its recommendations to the Ministry of Education and two years after the law amendment (number 11, 2018) there is no significant change in the rate of students with special education needs in mainstream education. One powerful lesson which could be learned is that technical strategies are effective only in long term [19].

**Critics of Israel's education system**

The inclusion policy recognizes the importance of promoting inclusive education, however, this inclusion is rarely translated into consistent practices within institution.

The Special education law amendment (number 11, 1988) although resolved the paradox of least restrictive environment by offering the same budget, regardless the type of the school the child is referred to, the discourse of individual differences relies on the logic of exclusion whereby differentiated teaching for some is the process by which all are included. The resulting repetition of exclusion is a key problem for inclusive education [2,22,24].

The belief of the regular teachers that they aren't trained enough to teach students with special needs might absolve them from feeling responsible for educating students with disabilities, consequently reinforcing the belief that some students, with disabilities, especially those with severe problems, can only be educated in resource room [16].

In Israel, inclusive education is based on providing a range of additional services in a regular classroom, a special classroom in a regular school and special schools given by special education teachers, Para - professionals and teacher aids. The child with special needs receives educational services from the regular school staff and the special education staff parallelly, that are not always coordinated.

The dual system of regular and special education can be found both in a parallel system of schools as well in teacher education programs which lead to certification as either general education or special education teachers [4]. It means that the regular staff has not enough qualification to provide all the individual needs of the children in the regular system.

### **Conclusion Remarks**

Inclusion is a process. It has to be seen as a never-ending search to find better ways of responding to diversity. It is about learning how to live with differences [1].

Examining inclusion through lens of educational laws and finances models can help policymakers and educational staff to understand how to increase and facilities inclusion.

### **Bibliography**

1. Ainscow M and Miles S. "Developing inclusive education systems: How can we move policies forward?" University of Manchester (2009).
2. Allan J. "The repetition of exclusion". *International Journal of Inclusive Education* 10 (2006): 121-133.
3. Artiles AJ, et al. "Inclusive education: Examining Equity on Five Continents". Harvard Educational Press, Cambridge, MA (2011).
4. Avisar G and Vogel G. "'The inclusive program was the highlight of my practicum experience': Analyzing narratives of Israeli students - teacher following a special school placement". ISEI: Issues of Special Education and Inclusion, University of Haifa (2014).
5. Buli-Holmberg J and Teyaprathaban S. "Effective Practice in Inclusive and Special Education". *International Journal of Special Education* 31.1 (2016): 119-134.
6. Braunstein ML and Marino-Lapidus S. "A Perspective of inclusion: Challenges for the future". *Global Education Review* 1.1 (2014): 32-43.
7. Cosier M Cston-Theoharis J and Theoharis G. "Does access matter? Time in general education and achievement for student with disability". *Remedial and Special Education* 34.6 (2013): 323-332.
8. Dancer JR. "Kansas principals' knowledge of special education policies and procedures". (Doctoral dissertation, Baker University, Kansas) (2013).
9. Dewey J. "Democracy and education". Teddington: Echo Library (1916).

10. "Dorner's Committee recommendation to the ministry of education". [In Hebrew], Ministry of Education, Jerusalem, Israel (2009).
11. Florian L. "Conceptualizing inclusive pedagogy: The inclusive pedagogical approach in action". This is a chapter in J. Deppelar, T. Lohremann, R. Smith and L. Florian (Eds.) *Inclusive Pedagogy Across the Curriculum International Perspectives on Inclusive Education*, Volume 6. Melbourne: Emerald (2015).
12. Florian L and Beaton M. "Inclusive pedagogy in action: getting it right for every child". *International Journal of Inclusive Education* 22.8 (2018): 870-884.
13. Florian L., et al. "Achievement and inclusion in schools". 2<sup>nd</sup> edition, London: Routledge (2017).
14. Giagreco NF, et al. "How inclusion can facilitate teaching and learning". *Intervention in School and Clinic* 30.5 (1995): 273-278.
15. Johnstone C., et al. "Resourcing inclusion: Introducing finance perspectives to inclusive education policy rhetoric". *Prospects* 47.2 (2019): 339-359.
16. Kirsby M. "Implicit Assumptions in Special Education Policy: Promoting full inclusion with Learning Disabilities". *Child Youth Care Forum* 46 (2017): 175-191.
17. La Morte MW. "School Law; Cases and concepts (9<sup>th</sup> Edition)". Boston, MA: Allyn and Bacon (2008).
18. Marx TA., et al. "Guiding IEP teams on meeting the least restrictive environment mandate". *Intervention in School and Clinic* 50.1 (2014): 45-50.
19. Neuville T. "Forty Years towards School Inclusion in the United States: Lessons Learned and the Promise of the Future". *Excellence in Education Journal* 6.2 (2017): 66-77.
20. Ochoa A. "The type of participation promoted in schools is a constraint factor for inclusive education". *Alteridad* 14.2 (2019): 184-194.
21. Pryor J and Crossouard B. "A socio-cultural theorization of formative assessment". *Oxford Review of Education* 34.1 (2008): 1-20.
22. Schuelka MJ., et al. "Beyond Access and Barriers: Inclusive Education and Systems Change". In *FIRE: Forum for International Research in Education* 6.1 (2020): 1-7.
23. Shoulders TL and Krei MS. "Rural secondary educators' perception of their efficacy in the inclusive education". *Rural Special Education Quarterly* 35.1 (2016): 23-30.
24. Slee R. "The irregular school: Exclusion, schooling and inclusive education". London: Routledge (2010).
25. Slee R. "Inclusive education: From policy to school implementation". In *Towards inclusive schools?* Routledge (2018): 30-41.
26. The Central Bureau of Statistics. The 2020 yearly statistic report of Israel, 71 [In Hebrew], Jerusalem (2020).
27. The Law of State Education in Israel (1953).
28. Special Education Law in Israel (1988).
29. The Law of Equal Rights for People with Disabilities in Israel (1988).
30. UNESCO. The Salamanca statement and framework for action and special needs education. Adopted by world conference on Special Needs Education: Access and Quality. Salamanca, Spain. Paris: UNESCO (1994).

**Volume 10 Issue 6 June 2021**

**©All rights reserved by Lea Shaked.**