

Special Education for Children with Disabilities: A Review of the Current Policy and Practice in Malaysia

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Abstract – *Experiencing a child with disabilities issues can intensify the negative effects that such conditions have on the whole families' physical, psychological, emotional, and cognitive development. And what makes the issue worse is that, in most developing countries the number of children with disabilities is grossly underestimated. Children with severe and moderate disabilities may be acknowledged, but children with mild or hidden disabilities are ignored. Thus, the education systems overlooked the needs of these groups of children. For that reason, this review paper analyses the current policy and practice of special education for children with disabilities in Malaysia and further discussed about the global issues of special education. Eventually, few suggestions will be given on how to improve the special education system in Malaysia. The article reviewed the reports that produced by international organizations (UNICEF, WHO), the Malaysian Authorities (Ministry of Education and Ministry of Women, Family and Community Development), and scholars view regarding educational policy and practices of special education in Malaysia. Hence, it is highly advisable for the governments and stakeholders to look comprehensively at this issue and tackle their consequences by emphasizing more on children's need for better education. Finally, this paper provides information on how to improve educational access and quality for children with disabilities. Copyright © 2016 Penerbit Akademia Baru - All rights reserved.*

Keywords: education for children, disabilities, educational policy

1.0 INTRODUCTION

According to the World Health Organisation(WHO), about 15 percent of the world's population lives with some form of disability, of whom 2 to 4 percent experience significant difficulties in functioning [1]. In Malaysia, the Persons with Disabilities Act 2008 defined people with disabilities (PWD) as those who have long term physical, mental, intellectual or sensory impairments which interaction with various barriers may hinder their full and effective participation in society [2]. At the end of 2013, there is 494,074 (representing 1.5 percent of Malaysia's population) PWD were registered with the Department of Social Welfare. Among them, 46,307 are visual, 58,706 hearing, 162,215 physical, 178,800 learning, 3,677 speech, 19,914 mental and 24,455 multiple disabled people [3]. Out these numbers, 49,068 people were newly registered in 2013, with 3,304 PWD or 6.7 percent were in the age of 6 years old and below. The detailed number of the new registered PWD by category and age of group in 2013 are shown in Table 1.

Table 1: Number of New Registration of PWD's by Category of Disabilities and Age Group, 2013.

Category/ Age Group	Visual	Hearing	Physical	Learning	Speech	Mental	Multiple	Total
Less than 6 years old	174	260	742	1453	193	4	478	3,304
7 -12 years old	354	434	915	2915	420	7	546	5,591
13 -18 years old	453	521	985	2158	305	69	401	4,892
19 -21 years old	253	251	734	1299	168	150	187	3,042
22 -35 years old	978	1159	2437	2454	361	1383	783	9,555
36 – 45 years old	853	751	2282	1499	243	1507	520	7,755
46 – 59 years old	1,488	1101	3184	1257	202	1427	585	9,244
60 years and above	1,144	872	2575	484	51	377	384	5,687
Total	5,797	5,349	13,754	13,519	1,943	4,924	3,782	49,068

Source: The Department of Social Welfare website

However, these data were incomplete, as registration of people with disabilities in Malaysia is not compulsory, and is done only on voluntary basis. The Department estimated in 2015, there is around 4.2 million disabled people were found to have yet to register with the Social Welfare Department (JKM) based on the population statistics totalling 30.1 million last year due to lack of awareness of the guardian and this resulted them to not able to enjoy the 25 benefits offered under the Ministry of Women, Family and Community Development and Department of Social Welfare respectively [4].

According to UNESCO International Bureau of Education [5], in Malaysia, the special needs children required basic education of 13 years, extra 2 years compared to other students. The schooling consisting of one year for preschool, six years of primary, three years of lower secondary and two years of upper secondary education and extra 2 years either taken at the primary or secondary level as describe in Table 2.

Table 2: Period of Schooling for Special Needs Students in Malaysia

AGE	YEAR	LEVEL OF EDUCATION
4 and below	-	Early Intervention
+4	-	Pre School
7	1st Extra	
8	Standard 1	
9	Standard 2	
10	Standard 3	
11	Standard 4	Primary Level
12	Standard 5	
13	Standard 6	
14	2nd Extra	
15	Form 1	
16	Form 2	Lower Secondary Level
17	Form 3	
18	Form 4	
19	Form 5	High Secondary Level
20	Lower 6	
21	Upper 6	Post-Secondary Level

*Adapted from: UNESCO National Report on The Provision of Inclusive Quality Primary and Secondary Education (2009)

For placement of the student with special needs into public and private schools, the Malaysian Education System categorized students with special needs into three main disabilities; the hearing impaired, the visual impaired and the learning difficulties students. The learning difficulties (LD) group includes those with Down's syndrome, Autism, **Attention Deficit**

Hyperactivity Disorder (ADHD), minimal retardation, and Dyslexia. Meanwhile both the hearing and visual impaired will include those with residual hearing and low vision. These three types of disabilities were determined based on diagnosis made by the medical practitioners. In 2013, Ministry of Education reported that 764 students with special education needs enrolled at the preschool level, 34,363 students enrolled at the primary level and 26,535 at the secondary level of education under special education programs hosted by Ministry of education [6] as shown in Table 3.

Table 3: Enrolment of students with special education needs in SPK, PPKI and PPI 2013

Program Name	Level	No. Students
Special Education Schools (SPK) <ul style="list-style-type: none"> Schools for students with special education needs 28 Primary schools, 2 Secondary schools, 3 Vocational Special Education Schools 	Pre-school	90
	Primary	1,508
	Secondary	743
Special Educations Integration Programs (PPKI) <ul style="list-style-type: none"> Students with special education needs study in special classes in mainstream schools Implemented in 1,768 schools 	Pre-school	674
	Primary	30,617
	Secondary	22,774
Inclusive Education Program (PPI) <ul style="list-style-type: none"> Implemented in mainstream schools Students with special education learning with other students in the same classroom Using national curriculum In 1,742 schools 	Primary	2,238
	Secondary	3,018

*Adapted from: Malaysia Education Blueprint Annual Report 2013

2.0 CURRENT POLICIES AND PRACTICES REGARDING SPECIAL EDUCATION FOR CHILDREN WITH DISABILITIES IN MALAYSIA

2.1 Federal Constitution of Malaysia

The Federal Constitution is the supreme law of the Federation. It stipulates in Article 4 of the Federal Constitution that any law passed by Parliament that is inconsistent with the Federal Constitution will be void to the extent of that inconsistency [7]. In this context, Articles 8 and 12 of the Federal Constitution are particularly relevant to persons with disabilities in Malaysia. Article 8(2) of the Federal Constitution stated [8]:

“8. (2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment “

The article however did not mention any prohibition discrimination against people with disabilities. Similarly, Article 12(1) that directly mentioned about access to education does not specifically prevent discrimination against children with disabilities with regard to admission into educational institutions and the provision of government financial aid [8].

Consequently, because of the loophole of these particular articles, laws that discriminate against persons with disabilities can still be passed and enforced in Malaysia.

2.2 Child Act 2001

This act enacted in 2001 and Malaysia cites in the report to the Committee on the Rights of the Child (CRC) in 2006 [9] that the provisions of the Child Act were based on four core principles of the CRC, namely; non-discrimination, best interest of the child, the right to life, survival and development and respect for the views of the child. The complete definition of “child” under Section 2 of the Child Act is as follows [10]:

“child” –

- (a) *Means a person under the age of eighteen years; and*
- (b) *In relation to criminal proceedings, means a person who has attained the age of criminal responsibility as prescribed in section 82 of the Penal Code [Act 574]”*

Based on the definition, all the rights and protections available to children under the Child Act extend to children with disabilities.

2.3 Persons with Disabilities Act 2008

The Persons with Disabilities (PWD) Act passed the Parliament in 2007 and came into force in 2008. Article 2 of PWD Act defines “persons with disabilities” as including “those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society” [9]. The main functions of PWD Act as stated in Part IV are to protect the rights of persons with disabilities and impose obligations on government, private sector and non-government organisations in relation to [11]:

- (a) *access to public facilities, amenities, services and buildings;*
- (b) *access to public transport facilities;*
- (c) *access to education;*
- (d) *access to employment;*
- (e) *access to information, communication and technology;*
- (f) *access to cultural life;*
- (g) *access to recreation, leisure and sport;*
- (h) *habilitation and rehabilitation services;*
- (i) *access to healthcare, health personnel and protection against further occurrence of disabilities;*
- (j) *lifelong protection for persons with severe disabilities;*
- (k) *access to assistance in situations of risk and humanitarian emergencies.*

The Act also underlined the establishment of a national body called the National Council for Persons with Disabilities with obligations under the Act to oversee, co-ordinate and monitor the implementation of national policies and plans of action relating to persons with disabilities [11].

2.4 Education Act and Regulations – need updating

The legal framework for education insofar as children with disabilities are concerned is the Education Act 1996 (Education Act) and the Education (Special Education) Regulations 1997 (Special Education Regulations).

- (a) Section 40 of the Education Act requires the Minister for Education to provide special education in special schools or designated primary and secondary schools.

- (b) The Special Education Regulations specify the children with disabilities who are eligible for special education...

2.5 Registration of People with Disabilities under PWD Act 2008

The Department of Social Welfare under the Ministry of Women, Family and Community Development was assigned to manage the registration of persons with disabilities. The registration is made voluntarily throughout the Social Welfare District offices nationwide. The objectives of the registration are as follows [12]:

- (a) to determine the number, distribution and category of the disabled in this country for the purpose of designing programmes related to the prevention, education, habilitation and rehabilitation, training and services;
- (b) to plan for the provision of facilities to suit the needs of PWD; and
- (c) to enable registered PWD to get appropriate services in accordance with the requirements based on the level of functional or disability.

For registration purposes of the disabled, the Department of Social Welfare has categorized the group into seven categories as shown in Table 4.

Table 4: Categories of Disabilities Eligible for Registration as Persons with Disabilities

Category	Details
Hearing Disability	Inability to hear clearly in both ears without the use of hearing aids or inability to hear completely even with use of hearing aids. Hearing impaired can be divided into four stages, namely: <ul style="list-style-type: none"> • Minimum 15 - <30dB (kids) • 20 - <30dB (adults) • Medium 30 - <60dB • Severe 60 - <90dB • Profound \geq 90dB
Sight Disability	Blind in both eyes or blindness in one eye or limited vision in both eyes or other permanent vision problems. Visually impaired can be divided into 'Limited means vision worse than 6/18 but equal to or better than 3/60 even by using vision aid appliance or visual field of less than 20 degrees from fixation'; 'Blind means vision less than 3/60 or visual field of less than 10 degrees from fixation' and 'Other permanent vision problems (can only be confirmed by an Ophthalmologist)'.
Speech Disability	Inability to speak resulting in communication disorders and they cannot be understood by those who interact with them. This condition is permanent or will not heal. For children this condition must be based on an evaluation made at the age of five years and above. If there are any doubts on their condition Otorhinolaryngology Experts should be consulted.
Physical Disability	Permanent disability of part of the body whether caused by the loss or absence or inability of any part of the body that can affect their full function in the basic activities. Basic activity is defined as self-care, mobility and changing the position of the body. This condition can occur as a result of injury

	<p>(trauma) or disease in any of the central nervous system, cardiovascular, respiratory, hematology, immunology, urology, Hepatobiliary, musculoskeletal, gynecological and others that cause malfunction.</p> <p>Examples of causes of disability are 'Limb defects (congenital / acquired), including loss of thumb', 'Spinal Cord Injury', 'Stroke', 'Traumatic Brain Injury', 'Dwarf (Achondroplasia) of $\leq 142\text{cm}$ for men and 138cm for women \leq', and 'Cerebral palsy'.</p>
Learning Problems	<p>Learning problem means the problem of intelligence that is not consistent with the biological age. Those who fall into this category are Late Global Development, Down syndrome and intellectual disabilities.</p> <p>This category also includes conditions that affect the ability of individuals such as autism (autistic spectrum disorder), Attention Deficit Hyperactivity Disorder (ADHD) and specific learning difficulties such as (dyslexia, dyscalculia and dysgraphia).</p>
Mental Disability	<p>Mental Disability refers to a state of severe mental illness which cause a person to be incapable of work, whether in part or in full in respect of himself or relationships in the community. Among the types of mental illnesses are serious and chronic Organic Mental Disorder, Schizophrenia, Paranoid, Mood Disorder (depression, bipolar) and such other Psychotic Disorder Schizoaffective Disorder and Persistent Delusional Disorders.</p> <p>Clients must have undergone psychiatric treatment for at least two years.</p>
Multiple Disabilities	<p>Multiple disabilities have more than one type of disability, and are generally not appropriate to be classified in category I to VI.</p>

Source: The Department of Social Welfare website

2.6 National Action Plan for Persons with Disabilities

The National Policy for Persons With Disabilities sets out the national strategies for the implementation of the provisions in the PWD Act and includes strategies for persons with disabilities relating to:

- (a) Advocacy;
- (b) Accessibility to facilities, transport services and information and communications technology;
- (c) Health services;
- (d) Rehabilitation programmes;
- (e) Access to education;
- (f) Employment opportunities;
- (g) Personal safety and social protection;
- (h) Capacity Development;
- (i) Participation of society in programmes for persons with disabilities;
- (j) Housing; and
- (k) Development, advancement, and empowerment of children with disabilities.

However, critics say that it lacks full commitment from the main stakeholders. In meetings to discuss the implementation of the policy, no timelines were set. Also, the outcomes of the policy were stated in large sweeping statements and objectives were not operationalised. There was no clear idea of who, or which departments, would be responsible for each of the outcomes.

3.0 CURRENT PROGRAMS AND SERVICES BY THE GOVERNMENT AGENCIES

The United Nations Children's Fund (UNICEF) had produced a report on Child with Disabilities on 2014. The research was conducted from 12 November 2012 to 11 January 2013. The comprehensive report had identified and summarized the programs and services provide by nine government bodies related to the protection, rehabilitation, development and well-being of children with disabilities in Malaysia [7] as shown in Table 5.

Table 5: List of Government Bodies in the Formulation and Delivery of Services for Children with Disabilities in Malaysia

Organisation	Services / Programmes
Department of Social Welfare, Ministry of Women, Family and Community Development	<ul style="list-style-type: none"> • Registration and issuance of identification card for children with disabilities; • Management of institutional care and rehabilitation services for children with disabilities who are abandoned, orphaned or without a caregiver; • Provision of pre-vocational training and rehabilitation programmes; • Operation of 11 institutions for persons with disabilities; • Provision and management of facilities and privileges for children with disabilities including financial assistance for prosthetics, reimbursement of white canes and Braille machines; • Monitor and adapt the running of the Community Based Rehabilitation (CBR) programme; • Conduct Disability Equality Training (DET) to enhance understanding of the cause of disabilities and train advocates of the rights of persons with disabilities; • Supporting and facilitating training of persons with disabilities in Independent Living programmes; • Coordination of the delivery of services from other government agencies such as the Ministry of Transport and the Ministry of Health to children with disabilities; • Development and periodic review of policies, services and programmes for persons with disabilities.
Ministry of Health	<ul style="list-style-type: none"> • Provision of and promoting early detection of disabilities; • Provision of initial assessment of children with disabilities; • Provision of follow-up treatment of children with disabilities; • Provision of primary health care, management and rehabilitation services including speech therapy, hearing therapy / audiology, physiotherapy and activities of daily living in hospitals and health clinics; • Provision of immunisation and nutritional guidance; • Formulation of healthcare policies and plans for the detection, treatment and rehabilitation of children with disabilities; • Development of health education materials focused on specific disabilities; • Conduct of national campaigns to increase public awareness on disability detection and prevention;

	<ul style="list-style-type: none"> • Provision of essential medical examination for students entering the first year of primary level education including physical examination, eye examination and hearing assessment; • Conduct of post basic training for health care providers; • Provision of technical input and outreach services to some CBR centres; • Advocacy on issues and policies on persons with disabilities; • Development and periodic review of health policies, services and programmes for persons with disabilities.
<p>Ministry of Education</p>	<ul style="list-style-type: none"> • Provision and management of special needs education to certain categories of children with disabilities through special education schools, Special Education Integration Programme (SEIP) and inclusive education programmes; • Formulation of curricula and educational modules for special needs education; • Management of the training of teachers and teaching resources for special needs education; • Provision of support services and augmentative and assistive devices for students in special needs education; • Facilitation of sports and co-curriculum activities and art programmes for children in special needs education; • Management of early intervention for children with disabilities at preschool level and from 0 – 6 years of age at Special Education Service Centres; • Registration and monitoring of private special education institutions at pre-school, primary and secondary level including teaching curricula and infrastructure; • Development and periodic review of education policies, services and programmes for persons with disabilities.
<p>Economic Planning Unit, Prime Minister's Department</p>	<ul style="list-style-type: none"> • Formulation of the country's policies and strategies for socioeconomic development including in health, family and community development and youth and sports development sectors; • Provision of sectoral planning work structure for the medium and long term periods for these sectors; • Evaluation and coordination of financial allocation for projects and programmes under these sectors.
<p>Performance Management and Delivery Unit (PEMANDU), Prime Minister's Department</p>	<ul style="list-style-type: none"> • Oversee the implementation and assess progress of (amongst others) government transformation programme in relation to education; • Coordination of the multi sectoral effort to develop the new National Education Blueprint (which includes policies on the education of children with disabilities).

Source: UNICEF Report on Children of Disabilities: Mapping the Policies, Programmes, Interventions and Stakeholders (2014)

4.0 ISSUES ON SPECIAL EDUCATION IN MALAYSIA

There are many issues on special education in Malaysia that can be summarized in the following table.

Table 6: Issues and Recommendations on Special Education for Children with Disabilities in Malaysia

Issue	Recommendation
<p>Law and Regulation</p> <ul style="list-style-type: none"> - No constitutional provision on discrimination of PWD - No provision for People with Learning Difficulties (only focus on hearing and visual impairment) - The term educable/non-educable has not been deleted the Education Act - Lack of penalty for infringement of the Act 	<p>Amend Article 8 and 12, Federal Constitution</p> <p>Involve children and adolescents with disabilities in the discussion</p> <p>Promote a concerted global research agenda on disability</p>
<p>Definition</p> <ul style="list-style-type: none"> - Different definition of PWD by different act (PWD act, Special Education Act, Dept of Social Welfare) 	<p>More Awareness is needed</p>
<p>Data</p> <p>-Different data by different agencies (integrity of data)</p>	<p>Consolidate all datas</p>
<p>Access</p> <ul style="list-style-type: none"> - public transport - public infra eg. Schools - job opportunity 	<p>Fight discrimination and enhance the awareness of disability among the general public,</p> <p>Call for societal wellbeing and Encourage the public to love and care about children wellbeing</p>

REFERENCES

- [1] UN World Health Organization (WHO), World Report on Disability: Summary, 2011, WHO/NMH/VIP/11.01, available at: <http://www.refworld.org/docid/50854a322.html> [accessed 12 December 2015]
- [2] Højgaard, Persons With Disabilities Act (2008). Retrieved 2015, from: www.jkm.gov.my/images/stories/pdf/personswithdisabilitiesact2008.pdf
- [3] Department of Welfare Malaysia official website on Registration of Persons with Disabilities. Retrieved 2015, from: http://www.jkm.gov.my/content.php?pagename=pendaftaran_orang_kurang_upaya&lang=en
- [4] 4.5 million disabled persons not registered with ministry, Retrieved 2015, from: <http://www.theborneopost.com/2015/04/10/4-5-mln-disabled-persons-not-registered-with-ministry/#ixzz3u4w0o9Ik>
- [5] UNESCO National Report on The Provision of Inclusive Quality Primary and Secondary Education (2009).
- [6] Malaysia Education Blueprint Annual Report (2013).

- [7] Trinidad, UNICEF 2014, Children of Disabilities: Mapping the Policies, Programmes, Interventions and Stakeholders Retrieved 2015, from:
http://www.unicef.org/malaysia/UNICEF_Children_with_Disability_in_Malaysia_2014_lowres.pdf
- [8] Laws of Malaysia, Federal Constitution.
- [9] UN Committee on the Rights of the Child (CRC), UN Committee on the Rights of the Child: Initial Report of States Parties Due in 1997, Malaysia, 22 December 2006, CRC/C/MYS/1, p. 21.
- [10] Laws of Malaysia, Child Act 2001.
- [11] Wetherell Laws of Malaysia, Persons with Disabilities Act 2008.
- [12] Dugan, Laws of Malaysia, Education Act 1996.