

## **Integrating students with special needs in regular education institutions**

### **Summary**

In the year 2012 more than 1.9 million students attended the Israeli education system, 160,000 of them were defined by the Ministry of Education as children with special needs<sup>1</sup>. About 73,000 of these students attended schools for special education and special education classes in regular schools (hereinafter - special education frameworks), and 87,000 students were integrated in regular education.

The Special Education Law, 5758-1988 (hereinafter - The Special Education Law), ground the legal right of children with special needs to receive special education services. These services include systematic teaching, learning and treatment, including physical therapy, speech therapy, occupational therapy and treatments in additional areas. By law, when these students are integrated into regular education, they are eligible to receive educational services in the regular institute according to their special educational needs.

State Comptroller's report published in 2002<sup>2</sup> found, among other things, that the Ministry of Education had allocated significant amount of resources to special needs students studying in special education frameworks, but the resources that were allocated to students enrolled in regular education institutes were very limited; the economic burden of integrating those students into the regular education fell considerably on the shoulders of the students' families, which mainly affected the students from weaker population. At the same year, shortly after the publication of the Comptroller, the Supreme Court ruled on a petition<sup>3</sup> that forcing the parents of children with special needs to give up their integration into regular education due to financial hardship hits the heart of substantive equality; the state should follow the law in an equal manner, which involves the equal distribution of the budget between frameworks of special education and regular education in which these pupils study.

Soon after, at the end of 2002, The Special Education Law has been amended, and it was added with a chapter dealing with the services that children with special needs who are integrated into the regular education are entitled to receive.

In 2007 the Minister of Education at the time, prof. Yuli Tamir, appointed public commission to examine the special education system in Israel. Supreme Court Justice (Ret.)

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The term "special needs" indicates various types of disabilities. Disability under special education law is a physical, mental, emotional-behavioral, sensory, linguistic or cognitive disability, or generalized developmental disabilities. <sup>1</sup>

State Comptroller, Annual Report 52B (2002), "Integrating of students with special needs in regular education", p. 224. <sup>2</sup>

HCI 2599/00 Yated et al. v. the Ministry of Education, PD 56(5), 834, pp. 839-840. Yated-Association of parents of children with Down syndrome. <sup>3</sup>

Dalia Dorner was appointed as the Chairman of the committee. The Committee dealt with, among other things, the integration of students with special needs in regular educational institutions. In January 2009, the committee submitted its recommendations to the Minister of Education Mr. Gideon Sa'ar. In July 2009 the Minister of Education appointed a committee to examine the feasibility of the recommendations of the Dorner Committee.

### **The Audit**

In the months of February - September 2012 the State Comptroller's Office examined aspects related to the integration of students with special needs in regular education institutions: the percentage of students with special needs under the framework of the integration; the budget for the integration; methods of treatment for learning disabilities and behavioral-emotional disorders. The State Comptroller's Office also examined the actions taken by the Ministry of Education to implement the recommendations of the Dorner committee: determining the steps and timetable for implementing the committee's recommendations and planning of necessary resources. The audited entity was the Ministry of Education. Complimentary audit were done in Holon Municipality, where the Ministry of Education began to run an experiment (Pilot) in the area of integration<sup>4</sup>.

### **The main findings**

#### Integrating students with special needs in regular education – Data and Trends

1. The Special Education Law reflected a principle that priority should be given to integrating students with special needs in regular schools. The amendment of 2002 provides for the types of services that a child who is integrated in regular education is entitled to receive, with the goal of encouraging the integration. It was found that by 2012, ten years after the amended law, the share of students with special needs integrated into mainstream education did not increase but rather decreased from 66% to 54%. This decrease is inconsistent with the principle reflected in the law.
2. The emphasis that was given in 2002 to the value of integration in the law and case law has not been reflected in an increase in the resources allocated by the Ministry to the integration of students with special needs in regular education - the proportion of the total budget for special education that the Ministry allocated for integration in 2011 remains as it was a decade ago. As a result, the financial burden of the integration continues to fall to a large extent on the shoulders of the families of children with special needs. As a result, the

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Representatives of the state Comptroller's Office met with Supreme Court Justice (Ret.) Dalia Dorner, and with representatives of four organizations working on behalf of children with special needs.

phenomenon that the Court pointed out, namely inequality in the allocation of resources among students in special education and students integrated in the regular education – is still in practice.

3. Students with special needs whose disabilities are considered relatively common in the population<sup>5</sup> attend both the special education and the regular education. Those who are integrated into regular education are funded by the Ministry through statistical allocation<sup>6</sup>.

It has been found that the Ministry is under-budgeting the integration in this way; it has also been found that the number of weekly hours per student integrated in this manner is limited - 1.85 hours only. These can be used as an incentive to assign children who suffer from these disabilities to special education frameworks and not to integrate them in the regular education. The distribution of students with common disabilities (excluding learning disabilities) between both types of educational settings raises concern that this is indeed the practice - most of them are taught in special education and are not integrated in the regular education.

4. Research<sup>7</sup> findings show that educational teams in the regular education schools lack the tools to handle students with behavioral-emotional disorder, and they find it difficult to deal with them. So, for example, studies showed that only part of the students who have behavioral and emotion difficulties (17%) received appropriate treatment to their difficulties. According to the words of the Director of Psychology at the Ministry of Education, the treatment given to children with emotional and behavioral problems who learns as part of the integration and that are integrated via statistical allocation, is essentially tutoring, treatment that does not provide an adequate response in a substantial manner to the behavioral and emotional aspects. Without adequate treatment, the

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Mild retardation, borderline IQ, behavioral-emotional disorders, learning disabilities, <sup>5</sup> developmental delay or linguistic delay.

Statistical allocation – the Ministry allocate to each regular educational institution resources for <sup>6</sup> students with disabilities that are considered to be relatively common to assist in teaching or providing accompanying medical services, but the allocation is not calculated according to the real number of these students in the same educational institution, but by the calculation of 1.85 hours per week per student for 5.4% of the students in the educational institution. However, for students with learning disabilities that are considered uncommon the Ministry allocates budget through differential allocation - allocation of assistance hours per week defined individually for each included student: In addition some of the students that the allocation for them is differential are entitled to receive the help of an assistant who accompany the student in part of school hours <sup>7</sup> and special auxiliary equipment, if required.

Denise Nunn, Alan Milstein, Merav Merom, integrating children with special needs in primary <sup>7</sup> schools: monitoring the implementation of “integration chapter” in the Special Education Law, Center for Research on Disabilities and the Employment of Special Populations, Myers-JDC-Brookdale Institute, June 2011: The support for students with special needs as part of the integration plan - in kindergartens , elementary and middle schools - evaluation documents for the years 5765 and 5766, the National Authority for Measurement and Evaluation in Education (RAMA).

integration of a student with such disabilities in the regular education may fail. Actions of the Ministry of Education to implement the recommendations of the Dorner Committee

According to recommendations of the Dorner committee, submitted as mentioned in 2009, the process of budgeting the services of special education and the manner of placement of children with special needs has to be fundamentally changed: the parents and the child with the special needs should be given, as much as possible, the right to choose the educational setting in which he will attend – various types of special education or integration in the regular education; Furthermore, each child should have personal budget based on the characterization of his function and not just the disability from which he suffers, and allocate this budget to the educational framework in which he attends.

1. During the process of examining the implementation of the recommendations of the Dorner committee, the Ministry of Education stated that the implementation would only apply to students in special education, and regarding students integrated into mainstream education - only to those that their entitlement to integrate was approved by way of differential allocation. This means that according to this determination, the committee's recommendations will not be implemented for about 80,000 students who were integrated in the regular education, and who are the vast majority - about 92% of students who are integrated into the regular education.

2. According to the schedule set by the Ministry, the process of implementing the recommendations of the Dorner Committee will begin at the earliest on the following dates: Elementary Education - September 2014; junior high schools - September 2016, and kindergarten - September 2017. It can be assumed that the process, if exhausted, will end at the earliest only towards the year 2020, a decade after Dorner Commission submitted its recommendations to the Ministry.

3. The Ministry performed an experiment in Holon to test the implementation of the Dorner Committee's recommendations. It has been found that only in the middle of August the Ministry confirmed the budgeting of the personal baskets for the students, and notified so to the Holon Municipality. Following this, parents to students who participated in the experiment received the full information on the total personal budget approved for their children only a few days before the school year of 5773 started, and in some cases even after the beginning of the school year. Only then the parents had all the information required to make a decision regarding the framework of education in which their child will study - a special education school, special class in a regular school or integration in a regular class in the regular education. In this situation the parents' decisions were received at time that did not allow the preparation of the child to move from one framework to another, if required. Also, the school administrators and teachers could not know at the time which of the students will be studying with them, and could not prepare or it.

The late delivery of information therefore seriously harm the ability of parents to achieve one of the main objectives of the Dorner Commission's recommendations - an informed choice for their child's education framework. In addition, the Ministry's ability to learn from the experiment on the selections of the parents in the new conditions of placing children in special education and in integration, was also harmed.

4. Restrictions on the budget to implement the Dorner Commission's recommendations and the findings from the experiment in Holon, indicating that it may be necessary to increase the budget for the Implementation, and raising doubt about the ability to implement the Committee's recommendations regarding the integration of students in regular educational institutions without additional resources. The Ministry of Education's response to the State Comptroller indicates that it doubts the ability to implement the Dorner Commission's recommendations using existing budget.

#### **Summary and recommendations**

Although a decade has passed since the amendment to the Special Education Law and since the court's ruling, the principle that it is preferable to integrate child with special needs in regular education has not yet been implemented. The percentage of students with special needs who were integrated into the regular education out of all special education students has declined; the share of the budget of the integration in 2011 out of the total budget for special education remained as it was in 2002, ten years before, and the financial burden of the integration is still lying substantially on the student's parents.

The Dorner Commission's recommendations, submitted in 2009, were the basis of the leading for change and implementing the said principle that is reflected in the special education law and the principles established in case law. At the date of completion of the audit there is no certainty that the Ministry will indeed bring about such a change, and that in the coming years the education system as a whole will enable parents of children with special needs to realize their right to choose the education framework which their child will study - a choice between two different educational settings, which will provide to the student services according to characterization of his educational needs.

The implementation still lacks two fundamental pillars: first, the experimental program for the implementation of the Dorner Report fails to provide response to approximately 80,000 students with special needs from about 87,000 students integrated into the regular education system. The Ministry is committed to examine whether the removal of this population from the framework of the change is consistent with the provisions of the law; second, the Ministry of Education does not clarify the issue of budget involved in implementing the program in its full format, on a national level, and for that there is a need of the Ministry staff work in collaboration with the Ministry of Finance. Lack of these fundamental pillars, in addition to the schedule set for the implementation of the

recommendations, raise substantial doubt about the ability of the Ministry of Education to implement them and bring about the change required to comply with the provisions of the law according to their purpose.

The Ministry of Education has to perform the next phase of the experiment testing the feasibility of the Dorner Commission's recommendations, under conditions that will ensure that the findings of the study will provide the necessary information to the Ministry regarding the selection of parents from different educational frameworks, and ensure that the conclusions regarding the ability to work within the existing budget could be produced from the findings.

In addition, the Ministry of Education has to examine the response provided in regular educational institutions for students with behavioral-emotional disorder, considering the tools<sup>8</sup> that the institutions receive for this purpose. If it will be found that these institutions have no tools to meet the needs of the students and the institutions alike, the Ministry ought to prepare a detailed action plan to formulate such tools and to implement this plan.

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Paramedical therapies such as treatments in art and expression as well as behavior analysis tools are tools that can help students and educational staff to deal with these disabilities. <sup>8</sup>