

# The Policy on Education of the Disabled in Vietnam - The Gaps and Its Impact on the Persons with Disability

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## Abstract:

- *Purpose*: This paper aims to present a comparative analysis of Vietnam's current policies and laws to support persons with disabilities (PWD) in education and the international legal framework, to identify the gaps in policies and practices in localities as well as making recommendations on the necessary conditions for effective education for people with disabilities in Vietnam;

- *Method*: Two models of education under study, one inclusive method and one special method for the needed conditions and existing situations. Four factors were taken into account including governance/administration, human resources, financing and coordination. Data were collected through desk research, baseline survey of 63 provinces, and interviews and focus group discussions with education managers, stakeholders from provincial, district and communal levels and with people with disabilities.;

- *Result*: The National Law on Disability and the National Action Plan on Disability (NAP) showed the advancement of Vietnam in securing the rights of persons with disabilities in all aspects of the society, including education. Of those 25 basic articles of the UN CRPD, 25 were referred and applied in the national law on disability and the NAP, proving the transition of approach to support PWD, from charity to right based. Gaps in policy and practices identified by the PWD and local authorities included: no monitoring mechanism, support standard does not meet the need of PWD, a small number of PWD were entitled to the support policy compared to high number of PWD in need of support. Conditions contributing to the effective inclusive education included: multi-sector coordination of services, human resources, financial resources, and plan making for regular support.

*Keywords*: Education services for people with disabilities, Policies and practices, Conditions for effective education.

## 1. Introduction

According to the results of the National Census 2009, Vietnam has 6.7 million people

with disabilities (accounts for 7.8% of total population). People with disabilities were considered by the State as one of the social protection objects that need attentions and support from community. In 2010, the National Assembly of Vietnam officially enacted the

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National Law on Disability, effective from January 1<sup>st</sup>, 2011 - marking an advancement in gradually improving a legal framework to ensure the rights of PWD, contributing to mobilization of resources and participation of Government, Non-Government Organizations (NGOs), related stakeholders, people with disabilities and their families in order to build up a free barrier and right based society, leading to full inclusion of the Vietnamese with disabilities into the society. The law has one chapter regulating conditions to ensure the rights of PWD to education.

However, the legal framework is just a primary condition to ensure effective and sustainable education work to support people with disabilities. Based on the legal framework as foundation, the education support service system on disability should be comprehensively and strategically improved, developed and coordinated by different sectors in responding to the diversified needs of PWD. Although there is yet a formal research/assessment conducted at the national level on the current disability service system on education, the reports from workshops, and information collected from monitoring trips conducted by projects supporting PWD showed that there have been a lot of shortcomings and challenges in the support work to education of PWD, especially the coordination amongst the key sectors of health, education and labor/social affairs. The education support services to PWD were well delivered within the sector itself but the education services are not well coordinated with other sectors to meet the demand/need of PWD.

Being aware of these limitations, Ministry of Education and Training (MOET), with technical assistance and funding from VNAH/USAID, conducted a National Baseline Survey on Disability Support Service System,

focused on education for persons with disabilities. The results of the survey will provide a foundation and suggestions for the Government in improving the educational service system to support PWD.

## **2. Method**

Data were collected using questionnaires, interviews and focus groups involving stakeholders from all levels, to understand different views on effective education system for persons with disabilities in Vietnam.

## **3. Study population**

The study population consisted of persons with disabilities, their families, local authorities at provincial, district and commune levels, the service providers/technical staff and managers on education sector, and the decision maker at the national level (ministry level). Three surveyed provinces of Hanoi, Quang Tri and Vinh Long were chosen for the need assessment of PWD and service system and identification of the gaps between the policies and practices. National Baseline Data on Education were collected in 63 provinces and two case studies were selected - one on special education and one on inclusive education in Danang and Vinh Long respectively.

## **4. Data collection**

The survey was conducted with qualitative and quantitative approaches. The quantitative approach was used to collect information and data, to describe the situation while the qualitative approach was used to understand more deeply about the causes and nature of the

gaps between the policies and the practices as well as the conditions needed for an effective education system for PWD. The below table summarized approaches and tools used for collect information and data. Study was conducted with: 47 policies and legal documents were analyzed, 41 service providers including schools and government agencies, 30 indepth interviews with representatives from provincial, district and commune people's committee, and educational managers and technical staff and 1,200 persons with disabilities were interviewed.

## 5. Analysis

### 5.1. Education Policy to support PWD in Vietnam

The education policies to support PWD in Vietnam were analyzed in two aspects: i) the appropriateness of the existing policies on PWD and how the policies were in line with the international legal framework, and ii) the coverage and enforcement of the existing policies in Vietnam.

### 5.2. The relationship between Vietnam disability policies and the international legal framework

The National Law on Disability promulgated in 2010 is the highest legal binding document that regulates the right of persons with disability to all aspects of the society. The Law has one chapter regulating the conditions to ensure the rights of PWD to education. The policies to support PWD reflect the commitment of the GVN in supporting PWD and this was done through the approval of the National Action Plan for period 2012-2020 (GVN Decision 1019) - the NAP also has one component detailing the programs and activities

to support PWD in education. In 2007, Vietnam officially signed the UN Convention on the Rights of PWD (UNCRPD). Of those 30 basic articles of the UN CRPD, 25 articles were referred and applied in the National Law on Disability and the NAP, including equal access to education for PWD.

### 5.3. The existing education policies to support PWD in Vietnam

Education Support Policy for people with disabilities was regulated in the law and under law documents. The National Law on Disability 51/2010/QH12 has one chapter regulating education for people with disabilities. The Decree 49/2010/ND-CP regulating school fee exemption and reduction for students with disabilities, Decision 23/2006/QĐ-BGD&ĐT regulating inclusive education for people with disabilities, and Correpndent Nr. 9890/BGDĐT-GDTH guiding the contents and approaches for education of students in difficult situation. In theory, the existing policies has mentioned and impact on all related objects, many areas, as well as education support system for PWD. The significant policies include rights of PWD to education, approaches and education establishments for PWD, preferential policies on school fees, for those who work on education for PWD, and guidelines to the contents, approaches, methodologies and assessment of PWD's education.

The law and under-law documents relating to education for PWD include:

- National Law on Disability Nr. 51/2010/QH12: The State shall create conditions for persons with disabilities to study in conformity with their own needs and capabilities (Article 27) and Integrative education development support centers are establishments which provide education consultancy services and support to persons with disabilities (Article 31).

- Decree Nr. 28/2012/NĐ-CP: Detailed regulations on types of disability, level of disability, policies to support PWD, production of equipments for PWD, allowance and preferential policies for teachers, managers and support staff for education of PWD.

- Decree 49/2010/NĐ-CP: Children with disabilities at pre-school, students with disabilities and having difficulties in economics will be exempted or reduced schooling fee (point 3, article 4) and to support with learning cost. (Point 2, Article 6)

- Decree 61/2006/NĐ-CP: Teachers and Managers working for schools, classes with disabilities will receive an allowance of 70% current salary (Point 2, Article 5)

- Circular 06/2007/TTLT-BGDĐT-BNV-BTC: Guiding the implementation of policies for teachers, managers to work at special schools, and in the areas with difficult socio-economic conditions.

- Decree 13/2010/NĐ-CP: Monthly subsidy for people with severe disability without work capability is 180 thousand dong per month, for those who are not able to carry out daily activities will receive 360 thousand dong per month (point a, item 2, Article 7)

- Decree 67/2007/NĐ-CP: People with severe disabilities without ability to work or without ability to conduct daily activities and from poor households are the social protection objects and will receive monthly subsidy (Point 4, Article 4).

- Decision 23/2006/QĐ-BGD&ĐT: Specific regulations on organizing the activities relating to inclusive education for PWD, teachers, lecturers and technical support staff working in the inclusive education, facilities, equipments, and teaching aids for PWD.

- Correspondence 9890/BGDĐT-GDTH: The contents of the inclusive education

programs is based on the common education program and curriculums that are relevant to the ability and learning conditions of students. The students with disabilities will have a individual learning plan that monitor the learning results, conduct review to see the progress of the student after each year.

- Correspondence 9547/BGDĐT - GDTH: Besides the application documents required for all students, students with disabilities who want to participate in the inclusive education need to have individual education plan (personal information and monitoring progress of students).

#### *5.4. The gaps between the policies and practices in education for PWD*

The results from in depth interview (IDI) with local authorities and sector departments and PWD showed that there are some shortcomings to policy enforcement as follows:

- Although the policies regulate the rights of PWD to education, PWD are entitled to school fee and other education exemption and reduction, there are many PWD who come from families with difficult economic conditions can not afford to pay learning costs including text books, special learning equipments, transportation, thus they can not access the educational services. 33.1% PWD interviewed expressed their difficulties in paying the education services they need.

- The implementation of policy on school fee exemption and reduction in particular and other support in general for PWD with the cost much lower than the need of PWD in reality and the process for receiving the support is too complicated.

- While most of interviewees agreed with the view that the policies and laws on education of PWD are appropriate and meet the

expectation of PWD, the conditions for enforcement and implementation of the policies and laws are limited. The localities depend on the development projects and programs in order to carry out the policies properly. This leads to the unsustainability of the programs when the support ends.

- Although there are policies to support education for PWD and those who come from un-poor families and be able to pay for the services, they face problems of transport accessibility, access to schools, and offices in most of places, these are also the obstacles for enforcement and implementation of disability support policies.

#### 5.5. *The impact of education policies on PWD*

The policies and law to support people with disabilities promulgated at the national level were applied and implemented nationwide. However, depending on the local resources, the enforcement and implementation of the policies varied and the rate of PWD accessing services was different.

- There was diversification of approaches and types of services for education establishments for people with disabilities, including special education, semi-inclusive education and inclusive education, and also the private and public education establishments.

- A tendency that needs attention was that a high number of inclusive education establishments is available, based on the existing education system in the localities. Total number of public education establishments implementing inclusive education in 4 reported provinces was 140 at provincial level, 1820 at district level and 1236 at commune level respectively. Meanwhile, total of special education establishments that was reported by 10 provinces was 11 at provincial level, 33 at district level and 0 at the commune level.

- Centers for inclusive education support and development were established and operating in many provinces. Of 6 provinces sending reports, there were 7 centers for inclusive education support and development at provincial levels that means there was one province with more than 1 center.

- As results of policies and law's promulgation to support and diversify the approaches for education of people with disabilities, there have been many people with disabilities receiving disability services in education. The rate of PWD participating in inclusive education is 3 times higher than those in the special education. However, there is a significant differences amongst localities in terms of PWD accessing education. For instant, in the school year of 2011 - 2012, there were 20,875 PWD participating in inclusive education in 16 provinces and so each province has 1305 PWD in average. Similarity, within this school year, there were 5,141 PWD participating in special education in 12 provinces with reports so in average, each province has 428 PWD and the standard deviation was 858.

- Most of the reported provinces had projects or programs supporting community based inclusive education, with the rate of up to 80%.

- The data collected from 41 provinces (out of 63 provinces) showed that there were 7 Center of Inclusive Education Support (resource center) at the provincial level, 11 special education schools at the provincial level, 140 inclusive education schools at provincial level. At the district level, there were 177 semi-inclusive education schools, 1820 inclusive education school, and 33 special education schools. But at the commune level, there were 205 semi-inclusive education schools, 1236 inclusive education schools but no special education schools.

## **6. Conditions contributing to the effective inclusive education included: Resources and Capacity, Multi-sector coordination of services, financial resources, and timely planning**

### *6.1. Resources and capacity*

Resources and capacity of the disability support system depend on the key factors including: finance, management capacity, facilities and infrastructure, knowledge, attitude and technical skills of staff working in the network. The survey provided a lot of information on the disability support system on those areas. Below are the key findings on those areas:

6.1.1. Finance resource mobilized for support work to PWD is not enough and passive (dependent)

The official data on the budget sources and finance allocated for disability services was hardly collected from the provincial reports. Through the in-depth interviews with managers of the sector departments and service providers, the localities had no annual budget line for disability programs but just an estimate percentage of the total budget for the work of education in general. The budget spent for disability programs was usually accounted for a very small portion because the disability activities were not done regularly. The logbook or financial reports did not have specific budget lines for disability therefore the data on financial resources or budget on education was very poor.

The budget allocated for disability service system in general and for education in particular mainly came from the state budget allocated by annual budget planning by the localities. In addition, the mobilization from external sources for socialization of education support to PWD was well done by the localities

(results from IDI, FGDs with local authorities and technical staff). However, the budget mobilized from community and organizations was not stable. Results from FGD and IDI showed that lack of budget resource for implementation of policies, for investment in human resource development and purchase of facilities was mentioned most and this was also the most challenging for localities.

6.1.2. Lack of strategy for development of the disability education service system and improvement of the education service quality.

The data collected from the survey showed that most of the department of education and training (DOET) hardly have strategic plans for disability support services for PWD. There was a very small number of provinces having 3-5 year work plan and those were funded by NGO projects. The DOET reports indicated that only 6% of provinces have 10 year plan or inclusive education plan for 5 years. Surprisingly, 47% localities do not have annual plan for education of children with disabilities.

6.1.3. Poor facilities and infrastructure or reasonable working conditions

The survey results collected by MOET showed that facilities and equipments used for education of PWD was poor; many equipments were not working. The infrastructure including service rooms are small that created difficulties in service delivery. The results from IDI with technical staff and managers showed that the most of service providing agencies did not have technical rooms for special interventions. The infrastructure and facilities of the existing service providing agencies were not qualified for providing services to PWD. Therefore, it is very necessary for investing and upgrading the service providing agencies with poor facilities and infrastructure. Investment in buying new facilities is necessary, especially for rehabilitation facilities.

As for the education establishments (the special education and inclusive education schools), the situation of teachers teaching PWD without guidance or materials and PWD learning in the inaccessible settings or the learning environment was not accommodating PWD were very popular. The assistive devices for PWD including wheelchairs, hearing aids, and supportive software, Braille, glasses, sticks for the blind were provided by the PWD themselves or charity organizations and usually not available to students in the special schools.

When being asked about the working conditions in teaching PWD, 36,9% teachers said lacking of reference materials, 33,9% teachers said lacking of technical documents, 33,9% said lacking of area and infrastructure for support activities, 31,5% said lacking of equipments, 26,2% said lacking of access to information through internet. A very low rate of teachers said the conditions for teaching PWD is “comprehensively enough” (1,8% for the reference documents and 12,5% of access to internet). Only 6/13 establishments (46,2%) with ramps for wheelchairs and accessible restrooms, 7/15 establishments (46,7%) was equipped with blackboard and desks accommodating PWD, more than half (66,7%) establishments with playgrounds for children. It was worth to note that one of the establishments with the blind learning have accessible features for the blind (ribbed bar navigation)

6.1.4. Human resources yet meeting the need in terms of qualitative and quantitative

The human resource to support disability work at all levels was weak in terms of quantity and quality. The rate of staff that was trained in teaching CWD was very low. The results of surveying 167 support staff and teachers working in the education service system in three surveyed provinces showed that the rate of teachers trained in special education was

only 28,7%, and only 6,7% was trained in general teaching methodology and also had degree in special education. In fact, it is very difficult to attract staff working on disability issues because the cost norm for preferential policies is very low but staff has to work hard in difficult situation. The capacity of staff doing disability work is very limited. The survey result showed that only 48% of education staff feel confident in working with PWD.

Percentage of provinces with education services for PWD is gradually increasing and stable over the past three years. For example, in three years from 2009 - 2011, the rate of provinces with services of “*disability screening, disability detection*” was 48,28%; and 55,17% by year. With 80% of provinces reported that there have been inclusive education services.

Special education was reported as the most stable approach, with the highest level of frequency in providing services to PWD, while inclusive education was reported as the least services provided. The places for providing education services were mainly in the schools while the support services provided to families and the centers were very limited.

## 6.2. Multi-sectoral coordination in providing services to PWD

The education sector usually coordinates with social sector in providing services to PWD. Through survey on 75 special education schools/centers for education of CWD, the results showed that 14% schools worked and coordinated with social sectors in order to ensure CWD be entitled to receive support/subsidy, 11% schools transferred children of older ages to vocational training centers. The coordination between health and education sectors in early detection and early intervention was not as expected. The survey results of 75 education establishments showed

that there were 3 key activities of coordination between health and education were 1) diagnosis and assessment of people with disabilities (39.1%), early intervention in education (30.9%) and 3) practice of special skills (27.7%).

## 7. Conclusion

The promulgation of the Disability Law in 2010 marked an improvement in the disability legal framework in Vietnam. In pursuant to the Disability Law, Decrees and Circulars are developed and enacted to provide guidance on the implementation of the Law. However, the gap between policies and the implementation of policies remain. In general, policies are not implemented as expected. One of the main causes for the poor implementation of disability policies is that many policies are developed with neither sufficient evidence nor baseline survey to provide justifications for policy development. The implementation and efficiency of policies are usually not monitored and evaluated on frequent basis. Awareness-raising and dissemination of policies activities did not have proper attention; both beneficiaries and implementing staff at local level have little say in policy development process. Other challenges included the capacity of the disability support service system and limited multi-sector coordination.

Education support services for PWD in Vietnam are provided by the service provider networks of the health, education and LISA sectors. The current network is rather developed in terms of quantity while the quality is limited, based on the judgement of the staffs of service providers and PWDs' level of satisfaction. Human resource capacity is limited; services provided are not comprehensive and do not meet the diverse needs of PWDs; facilities and infrastructure are not well-equipped; inter-

agency coordination is still poor and there is big gap in quality of services provided by different levels. Services are better developed at central and provincial levels than those provided at local and community levels.

## 8. Recommendations

1. Education Sector needs to develop plan and implement awareness raising, dissemination and guidance on disability support policies on education to all service providers, staffs involved in implementation of disability policies, PWD and the community.

2. The Government and related stakeholders need to develop a monitoring and evaluation system to monitor the implementation of disability support policies in general and in education for particular. PWD, organizations of and for PWD need to be involved in the monitoring and evaluation of disability support policies and programs.

3. Education sector needs to develop a strategy for strengthening and developing education support system of the sector from now until (at least) 2020. These strategies should focus on provision of comprehensive, diverse services to meet the support needs of PWD, development of services and improvement of service quality at the community, with particular focus on early detection and intervention of disability; restructuring and development of the education system, development of human resources at local and community levels; investment in facilities, infrastructure for service providers. In addition, each sector needs to establish an agency in charge of conducting research and application of high technology to support PWD, especially in rehabilitation and education support for PWD.



4. Three ministers of Education, Health and Social/Employment need to work closely with each other and cooperate with NGOs to continue to develop and pilot new disability support service models based on the lessons learnt from the existing models, with focus on multi-disciplinary cooperation among different sector and among different levels within one sector.

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# Chính sách giáo dục khuyết tật ở Việt Nam - Những tồn tại và tác động của chính sách đối với người khuyết tật

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**Tóm tắt:** - *Mục đích:* Bài viết này trình bày kết quả nghiên cứu so sánh về chính sách và pháp luật của Việt Nam trong lĩnh vực giáo dục cho người khuyết tật với khung pháp lý quốc tế, từ đó xác định những tồn tại và bất cập giữa chính sách và triển khai tại địa phương, đồng thời đưa ra những khuyến nghị về các điều kiện cần thiết đảm bảo giáo dục cho người khuyết tật một cách hiệu quả tại Việt Nam;

- *Phương pháp:* Hai mô hình giáo dục được nghiên cứu, một mô hình giáo dục hòa nhập và một mô hình giáo dục chuyên biệt với mục đích tìm hiểu thực trạng và những điều kiện cần thiết để thực hiện hai mô hình giáo dục cho người khuyết tật. Bốn yếu tố được cân nhắc nghiên cứu, bao gồm: quản lý, nguồn lực, tài chính và cơ chế điều phối. Thông tin và số liệu được thu thập thông qua nghiên cứu tài liệu thứ cấp, khảo sát các nhà cung cấp dịch vụ và cơ quan chức năng của ngành giáo dục tại 63 tỉnh, và thảo luận nhóm chuyên sâu với các nhà quản lý giáo dục, chính quyền và các cơ quan liên quan tại địa phương bao gồm cấp bộ, cấp tỉnh, cấp huyện, và cấp xã, người khuyết tật và gia đình của người khuyết tật;

- *Kết quả:* Luật về Người khuyết tật và Đề án trợ giúp Người khuyết tật (NAP) của Việt Nam ra đời đánh dấu mốc phát triển đáng kể trong việc hoàn thiện các khung pháp lý khẳng định quyền của người khuyết tật tại Việt Nam, trong đó có quyền được tham gia học tập. Tổng số 25/25 điều cơ bản của Công ước Liên hợp quốc về Quyền của Người khuyết tật được áp dụng để xây dựng Luật về Người khuyết tật và Đề án trợ giúp Người khuyết tật, thể hiện sự chuyển đổi trong phương pháp tiếp cận trong việc hỗ trợ người khuyết tật từ nhân đạo sang nhân quyền, dựa trên nhu cầu của người khuyết tật. Những tồn tại giữa chính sách và thực tế triển khai chính sách cũng được xác định bao gồm: không có cơ chế giám sát chặt chẽ, trợ giúp không đáp ứng nhu cầu của người khuyết tật, một số lượng nhỏ người khuyết tật được trợ giúp theo diện hưởng chính sách trong khi người khuyết tật có nhu cầu trợ giúp rất lớn. Các điều kiện và yếu tố cần thiết đảm bảo giáo dục cho người khuyết tật hiệu quả bao gồm: điều phối đa ngành trong công tác cung cấp dịch vụ cần thiết cho người khuyết tật, nguồn nhân lực chuyên nghiệp, nguồn tài chính, và lập kế hoạch trợ giúp thường xuyên.

*Từ khóa:* Dịch vụ về Giáo dục cho người khuyết tật, chính sách và thực tế, các yếu tố cần thiết cho Giáo dục người khuyết tật hiệu quả.