UNCC300 CASE STUDY 2:
HUMAN DIGNITY AND SPECIAL EDUCATION

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CASE STUDY: HUMAN DIGNITY AND SPECIAL EDUCATION

INTRODUCTION

The right to an education is a basic right belonging to all children. The UN Convention on the Rights of the Child enshrines this notion in Articles 28 and 29. And yet it seems that even in our relatively wealthy and developed nation, not all children's needs are being served.

The educational needs of children with disabilities are often not catered for in a way which allows them to grow to reach their full potential as human persons. The story of Jake and Cooper highlights some of the issues. Be sure to read the article here as well as listen to the podcast (or read the transcript available on the same page).

The rights of children with disabilities to an education have been protected by Law in Australia for many years. The Disability Discrimination Act was passed in 1992.

Under section 22 of the Act, it is unlawful for an educational authority to discriminate against a person on the ground of the person's disability or a disability of any associates of that person. Section 31 of the Act enables the Attorney-General to formulate disability standards in relation to a range of areas, including the education of persons with a disability.

Standards for the education of children with disabilities were enshrined in government regulations in 2005, by then Attorney-General, Phillip Ruddock in the Disability Standards for Education 2005. "The primary purpose of these Standards is to make more explicit the obligations of education and training service providers under the Disability Discrimination Act 1992 and the rights of people with disabilities in relation to education and training."

The United Nations Convention on the Rights of Persons with Disabilities 2006, Article 24, deals specifically with Education. It states:

1. States recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life-long learning directed to:
   1. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
   2. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
   3. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States shall ensure that:
   1. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
   2. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
   3. Reasonable accommodation of the individual's requirements is provided;
   4. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
   5. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

Whether Australia is in compliance with its obligations under both national and international law can be questioned. The Victorian Government recently announced a major review of disability education in that State.

In recent years the preferred trend in providing special education has been to integrate students into mainstream classrooms. This Academy Award winning short documentary (with full transcript available) tells the story of Educating Peter and the achievements he makes. The greatest transformation highlighted in this story is that of Peter's classmates who learn so much from him.

But this is not universally seen as the best option for all students. This 7.30 report (transcript available) highlights some key reasons why keeping students with special learning needs separate from the mainstream is valuable for some. Various views on this question are examined in this article from The Age.

No matter the context in which special education is provided, be it mainstream classrooms or special schools, all students should be able to reach their full potential. Further, governments have an obligation to adequately resource disability education so that all students can achieve the best outcomes.
Of significance to this are questions of the dignity of the disabled learner and how best to protect and foster this dignity. Is the dignity of the learner best enhanced by inclusion in mainstream schooling or is it best protected in a specialised environment where individual needs are better catered for? Is the sense of self-worth lowered for special needs students if they are separated from other learners and seen as different? Can inclusion in mainstream classrooms mean that students with additional needs are left behind and therefore unable to reach their full potential as persons? Do governments, as responsible authorities, undermine the dignity of children with disabilities if they fail to adequately resource their special education requirements?

These questions and others are discussed in the perspectives and readings below. As you read the perspectives and articles below, consider which understandings of human dignity are operative in each argument, and what shortcomings such understandings may have in light of a multidimensional understanding of the human person.

THREE MAIN PERSPECTIVES

Perspective 1: As human beings with inherent dignity, all children have the right to an education which will foster their full flourishing. Children with additional needs require additional consideration, and education should be tailored to their individual needs. For some, this may be provided in a mainstream integrated setting while, for others, full flourishing may best occur in a special school setting.

Perspective 2: Educating children with disabilities in the mainstream schooling system not only enhances the dignity and self-worth of the learner with special needs, through inclusion, but it also enhances the dignity and understanding of all members of that school community by breaking down barriers and misconceptions.

Perspective 3: Integrating students with disabilities into the mainstream education system can result in them being overlooked for educational and inclusion opportunities. If their educational needs are not being met, their dignity as human persons is compromised. Educating such students separately enhances their dignity, as it allows for the specialised adaptation of curriculum for their unique capacities and capabilities as learners.

As you read the articles in the links below, analyse the understanding of human dignity that underpins the arguments and consider how this understanding of human dignity is being brought to bear on the question of the education of children with additional needs. Note that you may find two authors of different ethical positions explaining dignity in a similar way or in more than one way such that it could fit into the same quadrant as another author or into several quadrants. Look carefully for the nuances and underlying assumptions that further qualify the understandings of human dignity, such that the authors nonetheless arrive at different ethical positions.

In some of the articles provided, the authors also refer to other authors who offer perspectives on dignity different from their own in relation to the question of the education of children with additional needs. You may wish to use the references in the articles provided to trace these additional perspectives.
REQUIRED READINGS

The first article examines the research about options for students with disabilities. It concludes that while not all students will benefit from mainstream schooling, it is not the placement of the student which most impacts on their education. Rather, the quality of educational programs and the provision of resources have the most significant impact on educational outcomes, whether this be in an integrated, mainstream classroom, or in a special education setting.


This second article examines the question of the personhood of people with disabilities from a number of angles and argues that all people are in fact disabled in some way at some points in their life. The author argues that humans only become capable of independent reason through recognising our dependence on others. Excluding children with disabilities from mainstream classrooms therefore teaches a negative moral lesson and diminishes the dignity of the entire community.


The final article applies Monica Nussbaum’s Capability Approach to the question of educating children with additional needs. At the core of this approach is the need to ensure that each individual learner is able to flourish and achieve their full potential. The authors conclude that a policy of full integration may not be the best outcome for all learners with additional needs.

ADDENDUAL READINGS AND RESOURCES

Finally, we have provided references to additional articles for you to find yourself, bearing in mind that being able to locate relevant information goes towards meeting the requirements of Graduate Attribute 8. These resources can be located either in the ACU library database or online. You should access these resources if you choose this case study for your final assessment.


