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# THE RIGHT OF PERSONS WITH DISABILITIES TO SCHOOL EDUCATION IN SUBSIDIARY LEGISLATION TO THE JORDANIAN EDUCATION LAW

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## Abstract

*This study examined the adequacy of the subsidiary legislation issued based on the Jordanian Education Law to promote the rights of persons with disabilities in education, and the extent of its consistency with the provisions contained in the Rights of Persons with Disabilities Law No. (20) of 2017, which emphasized a set of principles that guarantee access to students with disabilities have their right to school education. This study was based on the descriptive, the analytical, and the comparative approach. By reviewing and describing subsidiary legislation related to the educational process for students with disabilities, then analyzing the content of these legislation and comparing them with the provisions contained in the Law on the Rights of Persons with Disabilities and the International Convention on the Rights of Persons with Disabilities. The study concluded the importance of subsidiary legislation in activating and strengthening the right of students with disabilities to school education, and that some of this legislation contains provisions that are not consistent with the provisions of the Law on the Rights of Persons with Disabilities. The researchers suggested reviewing this legislation and introducing some amendments to it, the most important of which are: abolishing the provisions of the general secondary certificate examination instructions No. 8 of 2017, which include exempting the blind and deaf to submit for exams in some subjects or being exempt from answering some questions, and setting clear foundations and standards for the specifications of educational buildings suitable for education.*

**KEYWORDS:** The Right of Students with Disabilities to Education, Blended Learning, The Law on The Rights of Persons with Disabilities, The Convention on The Rights of Persons with Disabilities.

## 1. INTRODUCTION

In the amendment of the Jordanian Constitution<sup>1</sup> in 2011 and in Article (6/5) thereof, it was keen to emphasize the care of people with disabilities and protect them from abuse and exploitation, while the Convention on the Rights of Persons with Disabilities established<sup>2</sup> a set of obligations for countries to ratify the Convention to guarantee the right of children with disabilities to obtain education, the school is considered the main gateway to the development of the child's personality, providing high-quality school education for all students, including those with disabilities, contributes effectively to the establishment of just and interdependent societies in which no one is marginalized, the Law on the Rights of Persons with Disabilities<sup>3</sup> came to clarify and explain the obligations placed on the Ministry of Education and the Supreme Council for Human Rights. Persons with disabilities to ensure that students with disabilities obtain their right to appropriate education.

The Law on the Rights of Persons with Disabilities is considered the special law regarding the education of students with disabilities. It includes a stipulation of the right of students with disabilities to school education in particular, in a way that guarantees them the right to appropriate education as a major part of the education of all students whose right to education is guaranteed by the Education and Learning Law to the school education, therefore, the legislation regulating school education, foremost among which is the education Law and the subsidiary legislation<sup>4</sup> that emerges from it, such as regulations, instructions, and foundations, must adhere to the provisions contained in the Law on the Rights of Persons with Disabilities to secure the requirements of appropriate education for students with disabilities, especially since the Law on the Rights of Persons with Disabilities is considered Disability as a qualitative leap in the field of promoting the rights of students with disabilities; The subsidiary legislation regulating school education is supposed to benefit from the provisions of the Law on the Rights of Persons with Disabilities

to enhance the rights of students with disabilities, especially since the Education and Learning Law<sup>5</sup> came with general provisions for the education of all students, but they do not generally meet all the requirements contained in the Law on the Rights of Persons with Disabilities, and this is due to a number of reasons, including the issuance of the Education Law in a period of time prior to Jordan's ratification of the International Convention on the Rights of Persons with Disabilities, and the adoption of the Law on the Rights of Persons with Disabilities, which included provisions and principles that enhance the opportunities for students with disabilities to obtain their right to school education, and since amending the provisions of the Education Law to be compatible with these provisions requires constitutional procedures that may take a long time or be difficult to pass by the legislative authority, subsidiary legislation emanating from the Education Law can contribute and accelerate the promotion and protection of this right, the executive authority has the right to amend and develop it in a way that is consistent with the provisions of the Law on the Rights of Persons with Disabilities, as it is the special law regarding students with disabilities without the need for approval by the legislative authority, therefore, the development of subsidiary legislation emanating from the Education Law is viewed as a basic and rapid entry point for the proper implementation of the obligations contained therein in the Law on the Rights of Persons with Disabilities, and the International Convention on the Rights of Persons with Disabilities, which Jordan has ratified and has become part of its legislative system and enjoys supremacy over educational legislation, whether issued by the legislative authority or the executive authority, as settled by the Jordanian judiciary, and from here emerges the problem that this study will attempt. to research is as follows: Has the Jordanian government reviewed, revised and developed the subsidiary legislation emanating from the Education Law in a manner consistent with the Rights of Persons with Disabilities Law No. 20 of 2017? The following questions arise from the problem:

<sup>1</sup> Amended Jordanian Constitution 2011 published in Official Gazette No. (5117) dated 1/10/2011.

<sup>2</sup> The Convention was adopted by the United Nations General Assembly on 13/12/2006. It entered into force on 3/5/2008 AD and was ratified under the Law of Ratification of the Convention on the Rights of Persons with Disabilities No. (7) of 2008 published in the Official Gazette No. (4895). On 25/3/2008 AD.

<sup>3</sup> Law on the Rights of Persons with Disabilities No. (20) of 2017, published in the Official Gazette No. 5464, dated 1/6/2017, p. 3710.

<sup>4</sup> - Subsidiary legislation means the general and abstract rules issued by the executive authority to contribute to implementing the provisions of the laws issued by the legislative authority that are unable to address many of the issues addressed by the law. Subsidiary legislation includes regulations (called regulations in some Arab countries), instructions, and regulatory administrative decisions. . For more details, see: Faraj, Tawfiq Hassan, Introduction to Legal Sciences, University Culture Foundation, 1981, pp. 99 et seq. See also Al-Khalayla, Muhammad, Administrative Space, first edition, Dar Al-Thaqafa for Publishing and Distribution, Amman, 2020, p. 37.

<sup>5</sup> - Jordanian Education Law No. (3) of 1994, published in the Official Gazette, Issue No. 3958, p. 608, publication date 2/4/1994.

1. Did the legislation emanating from the Education Law include provisions that guarantee and enhance the equality of students with disabilities with their fellow students without disabilities?
2. Did the legislation emanating from the Education Law include provisions that implement the principle of inclusive education?
3. Did the legislation emanating from the Education Law include provisions that provide an educational environment capable of properly implementing the accessibility of educational services for students with disabilities?
4. Did the legislation related to school education include provisions that enhance the provision of the necessary facilitation arrangements for students with disabilities to obtain their right to education?

To answer the previous questions, the researcher will rely on the descriptive, the analytical, and the comparative approach. By reviewing and describing the legislation related to the educational process for students with disabilities, and then analyzing the content of this legislation and comparing it with the provisions contained in the Law on the Rights of Persons with Disabilities and the International Convention on the Rights of Persons with Disabilities to indicate the extent of its consistency or disagreement with it,<sup>6</sup> in preparation for submitting proposals that ensure the compatibility of what is stated in the laws regarding the educational process in accordance with the provisions of the Law on the Rights of Persons with Disabilities and the International Convention.

To answer these questions, this study will be divided into two topics, topic one is devoted to the general principles directly related to the right of students with disabilities to school education (the principle of equality and non-discrimination, and the principle of blended education). Topic two is devoted to the appropriate educational environment for students with disabilities (accessibility, provision of facilitating arrangements).

## 2. TOPIC ONE

### GENERAL PRINCIPLES DIRECTLY RELATED TO THE RIGHT OF STUDENTS WITH DISABILITIES TO SCHOOL EDUCATION

Article (3) of the Convention on the Rights of Persons with Disabilities stated the basic principles on which the agreement is based as follows:<sup>7</sup> respect for the inherent dignity and autonomy of persons, including the freedom to make their own decisions and independence, non-discrimination, full and effective participation and inclusion in society, respect for differences and acceptance of persons with disabilities as part of human diversity and human nature, equal opportunities, accessibility, equality between men and women, respecting the evolving capabilities of children with disabilities and respecting their right to maintain their identity. Referring to the Law on the Rights of Persons with Disabilities, it becomes clear that it stipulates almost the same principles in its fourth article.

In view of the breadth of these principles, the researcher will limit himself to explaining the two main principles,<sup>8</sup> from the researchers' point of view - that are directly related to the right to education, which are: the principle of equality in school education, which was stipulated in Article (24) of the Convention, which affirmed the recognition by the States Parties of the right of persons with disabilities to education without discrimination and on the basis of equal opportunities, which is confirmed by Article (17/A) of the Law on the Rights of Persons with Disabilities when it prohibits the exclusion of a person from any educational institution on the basis of or because of disability. The principle of blended education stipulated in the convention in the field of education when it affirmed that States Parties shall guarantee an inclusive educational system at all levels and lifelong learning, is the same direction adopted by the law in Article (18/B) when it obligated the Ministry of Education to coordinate with the supreme council for the rights of persons with disabilities by ensuring the admission and integration of children with disabilities into

<sup>6</sup> It is noteworthy that a large portion of the principles and provisions contained in the Law on the Rights of Persons with Disabilities are derived from the Convention on the Rights of Persons with Disabilities, which adopted these principles as a result of human experiences in developing and enhancing the rights of persons with disabilities. Indeed, human society is still developing and improving the rights of persons with disabilities. The best evidence of this is the general comments issued by the Committee on the Rights of Persons with Disabilities, which interpret the provisions contained in the Convention

<sup>7</sup> For the concept of these principles, see: Office of the High Commissioner for Human Rights, Convention on the Rights of Persons with Disabilities, Training Manual, Vocational Training Series No. (19), New York and Geneva, 2012, p. 12.

<sup>8</sup> The researcher's limiting himself to explaining these two principles does not mean that the rest of the principle is not important. The researcher believes in all the principles adopted by the agreement, but due to the nature of the research and the promise of being able to study all the principles, the researcher found that these two principles are the most read and related to school education.

educational institutions. In order to understand the extent of the Jordanian state's commitment to these two principles, a requirement will be allocated to each of them.

### **Requirement One**

#### ***The Principle of Equality and Prohibition of Discrimination in School Education***

Equality in the field of education in general means providing educational opportunities to all without discrimination. Discrimination, according to the text of Article (1) of the Convention against Discrimination in the Field of Education,<sup>9</sup> means any discrimination, exclusion, restriction, or preference on the basis of race, color, sex, language, or religion or political or other opinion, national or social origin, economic status, or birth, which intends or results in the abolition or disruption of equal treatment in the field of education.

However, the Convention on the Rights of Persons with Disabilities has adopted a broader concept of equality by adopting a model based on the human rights-based model of disability, which recognizes that disability is a social concept, and must not be a reason for depriving persons with disabilities of their human rights or restricting them, by recognizing that disability is one from several determinants of identity, which requires those who draft laws and policies related to disability to take into account the diversity of categories of persons with disabilities and to acknowledge that human rights are interconnected, intertwined, and indivisible.<sup>10</sup>

The Committee on the Rights of Persons with Disabilities also interpreted the principle of equal opportunities stipulated in Article/3 in a way that enhances the concept of equality, by emphasizing that the principle of equal opportunities constitutes an important development represented in the shift from the official model of equality - represented by combating direct discrimination, by treating people in a similar manner, in similar situations, this equality may help to combat negative stereotypes and prejudice, but it does not provide solutions to the "difference dilemma," because it does not take into account or embrace the idea of differences between people - an objective model that aims to achieve substantive

equality by addressing structural and indirect discrimination. It takes power relations into account and acknowledges that the "dilemma of difference" entails either ignoring or acknowledging differences between human beings in order to achieve equality.<sup>11</sup>

The committee concluded that comprehensive equality as a new model of equality is stated in the Convention on the Rights of Persons with Disabilities, and adopts a model of actual equality by expanding the scope of the content of equality in detail and relying on the following dimensions:

1. Redistribution in an equitable manner, in order to address socio-economic deprivations.
2. Recognition, in order to combat stigma, stereotypes, prejudice and violence, and to recognize human dignity and the intersection of these elements.
3. Participation, in order to confirm the social character of people as part of social groups, and fully recognize people's humanity through their integration into society.
4. Assimilation, in order to make room for differences as a matter of human dignity; The agreement is based on comprehensive equality.<sup>12</sup>

Referring to the Law on the Rights of Persons with Disabilities, it becomes clear that it has made among the basic principles that must be taken into account when applying the provisions of the law: non-discrimination against persons with disabilities on the basis of disability or because of it.<sup>13</sup> It also emphasized equal opportunities for persons with disabilities, and therefore there is nothing preventing them from the interpretation made by the Committee on the Rights of Persons with Disabilities regarding the concept of equality is taken into account, especially in light of what Jordanian jurisprudence has established regarding the superiority of international agreements ratified by the Jordanian state in accordance with constitutional frameworks over national legislation, and here it is clearly evident in the harmony of the texts of the law on the rights of persons with disabilities with regard to equality with the provisions of the convention, which requires adopting the committee's interpretations, especially since they achieve the best interest of children with disabilities.<sup>14</sup>

<sup>9</sup> The Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on December 14, 1960, entry into force May 22, 1962.

<sup>10</sup> For more details on the human rights-based approach, see: OHCHR, Convention on the Rights of Persons with Disabilities - Action Guide (No. 19), New York and Geneva, 2014, pp. 7 ff.

<sup>11</sup> Paragraph 10 of General Comment No. 6.

<sup>12</sup> Paragraph No. (11) of General Comment No. (6).

<sup>13</sup> Article (3/c) of the Law on the Rights of Persons with Disabilities

<sup>14</sup> See paragraph (38) of General Comment No. (6)

By referring to the provisions of the Convention and the Law on the Rights of Persons with Disabilities regarding the right to education, specifically with regard to the principle of equality and non-discrimination,<sup>15</sup> it becomes clear that the effective implementation of this principle requires the Jordanian state to adhere to two main obligations:

***First: Prohibiting the Exclusion of Students with Disabilities from Any Educational Institution on the Basis of or Because of Disability***

This commitment is due to the text of Article (24/2/A) of the Convention on the Rights of Persons with Disabilities, which stipulates: States Parties shall ensure, in their implementation, not to exclude persons with disabilities from the general educational system on the basis of disability, and not to exclude children with disabilities from free and compulsory primary or secondary education. based on disability. Article (17/A) of the Law on the Rights of Persons with Disabilities stipulates: "It is prohibited to exclude a person from any educational institution on the basis of or because of disability." If it is not possible for students with disabilities to enroll in the educational institution due to the lack of reasonable accommodation, accessible forms, or accessibility, the Ministry of Education must find appropriate alternatives, including ensuring that the person enrolls in another educational institution.

It is clear from reviewing national legislation related to education that Education Law No. (3) of 1994 and its amendments<sup>16</sup> affirmed the principle of equality in this field indirectly, when it emphasized that one of the principles on which the educational process is based is expanding the patterns of education in educational institutions to include special education, gifted people and people with special needs programs,<sup>17</sup> on the other hand, we did not find any legislative text prohibiting the enrollment of students with disabilities in educational institutions, and in response to international and national standards, special instructions were issued to license special education centers,<sup>18</sup> so that students who are unable to attend

schools can enroll in these centers. Thus, it can be said that there is no form of "direct discrimination", which occurs when persons with disabilities, in a similar situation, are treated less favorably than others in similar circumstances for a reason related to one of the prohibited reasons.<sup>19</sup>

However, this situation does not negate the existence of indirect discrimination, which means - as the Committee on the Rights of Persons with Disabilities has stated - that legislation appears neutral on its face but has disproportionately negative effects on persons with disabilities. It occurs when an opportunity appears within reach but in reality excludes certain people; Because their condition does not enable them to benefit from it. Such as schools not providing textbooks in an easy-to-read format for people with mental disabilities who are actually enrolled in school because they were unable to learn in this school, which in fact forces them to enroll in another school.<sup>20</sup>

The practical reality in Jordan shows the presence of some manifestations of indirect discrimination, the best example of which is the inability of government schools to educate deaf students as well as blind students. The Ministry of Education resorted to establishing special schools for educating deaf students, which are called schools of hope, distributed across the governorates of the Kingdom, as well as establishing. The school for educating blind students (Abdullah Ibn Umm Maktoum Mixed Secondary School for the Blind/Academy for the Blind), as it receives students from all governorates as it provides housing for blind and severely visually impaired students who live in geographical areas far from the school site.

***Second: Prohibiting a Student with a Disability from Being Automatically Deprived of Studying, Failing, or Being Promoted in Any Academic Subject on the Basis of His Disability or Because of It.***

Although the Law on the Rights of Persons with Disabilities emphasizes the necessity of not

<sup>15</sup> The researcher will limit himself in explaining the content of this commitment to explaining its content in the agreement and the law and the extent of educational legislation's commitment to them, as they constitute a real gateway to activating the principle of equality and non-discrimination.

<sup>16</sup> Jordanian Education Law No. (3) of 1994, published in the Official Gazette, Issue No. 3958, p. 608, publication date 2/4/1994.

<sup>17</sup> Article (5) of the Education Law stipulates: "The principles of educational policy are the following... Expanding the patterns of education in educational institutions to include special education programs for the gifted and those with special needs..." It is noted that the legislator used the term (people with special needs), a term that is no longer legally acceptable after the adoption of the International Convention on the Rights of Persons with Disabilities and the Law on the Rights of Persons with Disabilities, which adopted a human rights concept instead of a welfare concept.

<sup>18</sup> The full text of the instructions for regulating and licensing private education institutions and centers No. (4) of 2002, published on the Ministry of Education's website at the following link: <http://www.moe.gov.jo/ar/node/19231>. This website was accessed on 19/6/2020

<sup>19</sup> - Item (a) of Paragraph (18) of General Comment No. (6) of the Committee on the Rights of Persons with Disabilities.

<sup>20</sup> Paragraph (18) of General Comment No. (6) of the Committee on the Rights of Persons with Disabilities

depriving students with disabilities from studying any academic subjects or automatically failing or passing them on the basis of their disability in the field of school education,<sup>21</sup> studying each of the instructions for the General Secondary School Certificate Examination No. (8) for the year 2017,<sup>22</sup> the foundations for success, completion, and failure for the academic year (2020/2021)<sup>23</sup> show the presence of some discriminatory provisions against students with disabilities, as follows:

#### **A. Instructions for the General Secondary School Certificate Examination No. (8) of 2017.<sup>24</sup>**

Studying these instructions shows that they have exempted students with disabilities from some topics and questions, as follows:<sup>25</sup>

1. Exempting the blind student applying for the high school exam from the mathematics and computer subject exams in the following academic branches: (literary, legal, information management, and health education)
2. Exempting the blind student applying for the high school exam from answering questions that include drawings and illustrations in the geography course in (the literary branch).
3. Exempting the deaf student applying for the high school exam from the mathematics exam in the following academic branches: (literary, legal, information management, and health education).
4. Exempting the deaf student applying for the high school exam from answering expression and presentation questions in the Arabic language/communication skills course, and expression questions in the English language course in all branches of the track.

By examining these exemptions, it becomes clear that they include indirect discrimination against students with visual and hearing disabilities, as preventing them from sitting for exams for these subjects effectively means not studying these

subjects, which deprives them of possessing and developing some of the abilities and skills included in these subjects that may be necessary for their practical and social life ; This requires the Ministry of Education to quickly review these instructions and allow students with disabilities to take exams for these subjects, with the ministry quickly developing methods and strategies for teaching these subjects, enabling students with disabilities to study the curricula of these subjects and acquire the skills necessary for their social and practical lives. .

#### **B. Foundations for Success, Completion, and Failure for the Academic Year (2020/2021)**

A study of these foundations shows that they include some provisions that may deprive students with disabilities from actually studying some subjects. The blind student's achievement in the subjects (physics, mathematics, computers, and chemistry) is estimated provided that he attends all the classes scheduled for those subjects.<sup>26</sup> Expression in the Arabic and English languages is also evaluated for the deaf student by estimating his achievement in these two subjects.<sup>27</sup> Assessing a blind student's achievement without taking exams like other students without disabilities results in uncertainty as to whether the student will receive appropriate teaching for these subjects. At the same time, the foundations included a set of discriminatory standards between students with disabilities and their peers without disabilities, as follows:

1. Doubling the percentages of absence that a student with a disability in the basic and secondary education stages is allowed to miss from school without failing the subject, whether the absence is with or without an excuse, compared to students without a disability. If a student without a disability in the basic education stage is allowed absence, up to (%10) of the total school days. A student with a disability is allowed to be absent for up to (%20) of the total school days. The

<sup>21</sup> Article (17) of the law stipulates: "It is prohibited to exclude a person from any educational institution on the basis of or because of disability. A- If it is not possible for a person with a disability to enroll in the educational institution due to the lack of reasonable accommodation, accessible forms, or accessibility, then the Ministry of Education shall Education is to find appropriate alternatives, including ensuring that the person enrolls in another educational institution. B- A student with a disability may not be deprived of studying any academic subject or be automatically failed or promoted on the basis of his disability or because of it.

<sup>22</sup> the full text of the instructions is published on the Ministry of Education's website at the following link:

<http://www.moe.gov.jo/ar/node/19294>, this site was accessed on 13/6/2021.

<sup>23</sup> - To view these principles, see the following link: [https://www.moe.gov.jo/sites/default/files/ss\\_lnjh\\_wlrswb\\_akhr\\_tdy1.pdf](https://www.moe.gov.jo/sites/default/files/ss_lnjh_wlrswb_akhr_tdy1.pdf), which was accessed on 16/6/2021.

<sup>24</sup> The full text of the instructions is published on the Ministry of Education's website at the following link:

<http://www.moe.gov.jo/ar/node/19294>, this site was accessed on 13/6/2021

<sup>25</sup> In this regard, see Article (22/A) of the General Secondary Education Certificate Instructions.

<sup>26</sup> In this regard, see Article (10/B/7) of the foundations for success, completion, and failure.

<sup>27</sup> In this regard, see Article (10/B/7) of the foundations for success, completion, and failure.

percentage of absence allowed for students with disabilities in secondary education was also increased to (%40) of the total school days, compared to (%20) for students without disabilities.

2. Adopting standards for failure of deaf students that are different from the standards set for failure of students without disabilities in the basic and secondary education stages;<sup>28</sup> The failure of the deaf student was limited to two grades, from the first grade to the fifth grade, and failure to two grades from the sixth to the tenth grade, on the condition that he does not repeat a particular grade more than once.<sup>29</sup> While the principles allowed a student without a disability to fail more than two classes due to his academic achievement, provided that he does not repeat a specific class more than once.
3. Adopting the principle of automatic success for a student with a disability if the reason for his failure is a result of the disability he suffers from, which allows the student with a disability to be automatically promoted until he finishes basic education.<sup>30</sup>

It is clear from examining the previous rulings that the foundations of success, completion, and failure have been facilitated in passing students with disabilities without ensuring that they obtain sufficient education to qualify them to study the subsequent educational stages, including university education, and to practice their practical and daily lives without relying on objective criteria and being satisfied with the student being a person with a disability, which ultimately, the educational system is exempted from providing the actual and appropriate requirements for education for students with disabilities.

The bottom line is that the instructions for the General Secondary School Certificate Examination and the foundations for success, completion, and failure for the academic year (2020/2021) have become in need of real review and purification of provisions that involve a violation of the principle of equality between students with disabilities and their peers at the same academic level, and in a way that enhances ensuring that students with disabilities receive an education that ensures the development of their abilities and skills in accordance with the nature of the

disability and in a way that ensures the development of their personality and their qualification to live in their communities while they possess the necessary skills for daily and practical life.

### **Requirement Two**

#### ***The Principle of Inclusive Education***

The Committee on the Rights of Persons with Disabilities affirms that inclusive education is the only principle that guarantees the availability of qualitative education and social development for persons with disabilities, and constitutes a guarantee for achieving the principles of generality and non-discrimination in the enjoyment of the right to education. The principle of blended education involves a structural reform process that includes introducing changes and modifications in the content of education, teaching methods, curricula, structures, and used strategies in its regard to overcome obstacles with the aim of working to provide all students of the concerned age group with a fair and participatory educational experience and to create an environment suitable for their requirements and preferences on the fullest face.<sup>31</sup>

Establishing inclusive education system requires a series of complex processes, the transformation must include the following:<sup>32</sup>

#### ***First - The Laws Related to School Education Include the Principle of Inclusive Education.***

Legislation regulating school education must include a clear definition of inclusive education, including a provision prohibiting the exclusion of students from general education in a way that ensures achieving the principle of equality, eliminating discrimination, and taking reasonable account of needs.

By referring to national legislation, including the Law on the Rights of Persons with Disabilities, it becomes clear that it does not include a definition of inclusive education. The Law on the Rights of Persons with Disabilities only required the Supreme Council for the Rights of Persons with Disabilities and the Ministry of Education to provide the highest level of inclusive educational environment for students with disabilities,<sup>33</sup> and the law also obligated the Ministry of Education to coordinate

<sup>28</sup> In this regard, see Article (8) paragraph 10 of the foundations for success, completion, and failure.

<sup>29</sup> In this regard, see Article (9/b/910) of the foundations for success, completion, and failure

<sup>30</sup> In this regard, see Article (1/11) of the foundations for success, completion, and failure

<sup>31</sup> Paragraph (11) of General Comment No. (4).

<sup>32</sup> Human Rights Council, thematic study on the right of persons with disabilities to education, report issued by the United Nations High Commissioner, 18/12/2013, paragraph 56.

<sup>33</sup> Article (19/c) of the Law on the Rights of Persons with Disabilities.

with the council to accept and integrate children with disabilities into educational institutions.<sup>34</sup>

While the ten-year national strategy for inclusive education adopted the definition adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO), which defined inclusive education as ensuring and guaranteeing the right of all children with disabilities to access, attend, participate and succeed in their local regular school, and inclusive education requires building the capabilities of workers in neighborhood schools, and work to remove the physical barriers and obstacles that may prevent people with disabilities from accessing, attending, and participating in order to provide quality education to all students and achieve educational achievements in this field.<sup>35</sup>

Although the Law on the Rights of Persons with Disabilities emphasizes the principle of inclusive education, the reality of educating students with disabilities, as shown by the figures issued by the Ministry of Education and the Ministry of Social Development, indicates a low enrollment of children with disabilities who are of education age in school education. Their number does not exceed (27) thousand students out of the total number of students enrolled in school, that is, a percentage that does not exceed (%1.9). This percentage is considered a small percentage when compared to the real numbers for people with disabilities, as issued by the Department of General Statistics, which showed that the percentage of people with disabilities in Jordan amount to about %11.2 of the total population.<sup>36</sup>

It is necessary to point out that Kindergarten Instructions in Public Schools No. (2) of 2015,<sup>37</sup> limited the admission of children with disabilities and their integration with students without disabilities to minor disabilities,<sup>38</sup> in contrast to the concept of inclusive education, which assumes that a section be established in kindergartens that includes all types of disabilities without the need to classify them into: simple and severe disabilities, and to be

equipped with qualified staff to deal with disability cases of various types.

The first annual report to monitor the situation and rights of persons with disabilities in the Hashemite Kingdom of Jordan for the year 2018 showed that there are no actual steps to integrate students with disabilities into the educational process and the existence of cases of exclusion for them, which can be summarized as follows.

1. Failure to activate integration in schools, insufficient resource rooms, and appointing unqualified teachers to deal with students with disabilities.
2. The refusal of educational bodies to receive students with disabilities in the school in which they work.
3. Non-disabled students do not accept their peers with disabilities and are subjected to bullying by them.
4. The inability of students with disabilities to reach schools due to the distance of the schools' location from the place of residence of students with disabilities.<sup>39</sup>

### ***Second: Adopting a National Plan to Transition to an Inclusive Education System***

The Ministry of Education must adopt a national plan that ensures the creation of the necessary conditions for implementing the inclusive educational approach. This plan should address the existing obstacles at the legal levels and applied policies in the educational sector.<sup>40</sup>

The Law on the Rights of Persons with Disabilities adopted the same approach by requiring the Ministry of Education, in coordination with the Council, to develop a comprehensive national plan to integrate persons with disabilities into educational institutions, in coordination with the Council and relevant authorities, provided that work on its implementation begins within a period not exceeding one year from the date of entry into force of the provisions of this law does not exceed (10) years to complete its implementation.

<sup>34</sup> Article (18/c) of the Law on the Rights of Persons with Disabilities.

<sup>35</sup> United Nations Educational and Cultural Organization (2018) Defining the scope of inclusive education (PDF file) available at the link: [https://unesdoc.unesco.org/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach\\_import\\_58fc96e5-0c90-4f99-9859-3f43127961d8?\\_=265773eng.pdf](https://unesdoc.unesco.org/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach_import_58fc96e5-0c90-4f99-9859-3f43127961d8?_=265773eng.pdf)

<sup>36</sup> For more details, see: Ministry of Education, Ten-Year Strategy for Inclusive Education (2019-2029), p. 12, published at the link: [https://www.moe.gov.jo/sites/default/files/1strtyjy\\_1shry\\_lltlym\\_ldmj\\_0\\_0.pdf](https://www.moe.gov.jo/sites/default/files/1strtyjy_1shry_lltlym_ldmj_0_0.pdf), visited on 7/6/2021.

<sup>37</sup> The full text of the instructions is published on the Ministry of Education's website at the following link: <http://www.moe.gov.jo/ar/node/19289>. This website was accessed on 4/6/2021.

<sup>38</sup> Article (5/j) of the instructions stipulates: "Children with (minor disabilities) may be accepted and integrated with normal children according to a medical report approved by official authorities."

<sup>39</sup> - For more details, see, The Supreme Council for the Rights of Persons with Disabilities, the first annual report for monitoring the situation and rights of persons with disabilities in the Hashemite Kingdom of Jordan for the year 2018, June 2019, p. 53.

<sup>40</sup> Human Rights Council, Thematic Study on the Right of Persons with Disabilities to Education, op. cit., para. 56.

In implementation of this explicit legal commitment, the Ministry of Education and the Supreme Council for the Rights of Persons with Disabilities launched, in the first month of 2020, the ten-year national strategy for inclusive education, which included nine axes that were as follows: policies and legislation, awareness, media, identification and diagnosis, and support and referral programs., accessibility and reasonable accommodation, learning and teaching “educational programs”, human resources and capacity building, pre-school stage (Nurseries and kindergartens), children not enrolled in regular schools, scientific research and studies and databases.

It becomes clear to those who study this strategy that it came with a clear goal of raising the number of children with disabilities enrolled in formal education to %10 of the percentage of students with disabilities of school age during the next ten years and providing all the requirements for inclusive education for them, despite the clarity of the goal, it came modestly, ensuring education for %10 of all students with disabilities within ten years means that if the Ministry of Education follows the same approach, it will take a hundred years to provide inclusive education for all students with disabilities.

The approval of the strategy during the year 2020 shows the delay of the Ministry of Education and the Supreme Council for the Rights of Persons with Disabilities for two years in approving the strategy. The law obligated them to begin implementing the plan within a period not exceeding one year from the effective date of the provisions of the Law on the Rights of Persons with Disabilities, which entered into force in 2017, which required launching the plan in 2018 and not 2020.

In summary: The commitment of the Jordanian state to implement what is required of it by adhering to the principle of inclusive education by obligating the Ministry of Education to adopt the principle of inclusive education and its values by developing a national plan for inclusive education, however, the delay in implementing the national plan for inclusive education requires accelerating the pace of work on it and considering it a top priority for Jordanian educational system, which increases the enrollment of students with disabilities in school education.

### 3. TOPIC TWO

#### PROVIDING AN APPROPRIATE EDUCATIONAL ENVIRONMENT FOR STUDENTS WITH DISABILITIES

Providing an appropriate educational environment for students with disabilities is an effective factor in achieving the principle of equality and an essential element for consolidating the standards of inclusive education, the content of which is based on ensuring that students with disabilities have access to their right to education, and to reach an appropriate educational environment for students with disabilities, and then It is necessary to provide the facilitating arrangements and forms for every student with disabilities, in order to cover these principles, this topic will be divided into two requirements, requirement one deals with the accessibility of schools for students with disabilities, while topic two will be devoted to providing facilitating arrangements and accessible forms for students with disabilities.

##### *Requirement One*

##### *Accessibility of Schools for Students with Disabilities*

Both the Convention on the Rights of Persons with Disabilities<sup>41</sup> and the Law on the Rights of Persons with Disabilities<sup>42</sup> considered accessibility to be one of the general principles on which both the Convention and the law are based, in addition, Article (9) of the convention was devoted to clarifying the provisions on accessibility for all facilities, especially schools. The Law of Rights also included Persons with disabilities stipulating the principle of accessibility as a general principle on which the law is based. At the same time, the law allocated special provisions for the access of students with disabilities to schools. Article (18/Z) of it obligated the Ministry of Education, in coordination with the Council, to provide accessibility in government educational institutions, and verifying the commitment of non-governmental educational institutions to provide them, and not grant a license to any private educational institution unless it provides access. Researchers confirm that the concept of accessibility is based on two basic elements:<sup>43</sup>

<sup>41</sup> Article (3/f) of the convention .

<sup>42</sup> - Article (4/i) of the law

<sup>43</sup> - See paragraph (24) of General Comment No. (4) and paragraphs (35-37) of the thematic study on the right of persons with disabilities to education.

**A. Physical accessibility:** which requires the state to provide measures aimed at eliminating physical obstacles that hinder students with disabilities from accessing educational services; Including the provision of appropriate transportation and communication tools, and the appropriate design of educational facilities, and that providing accessibility does not entail any additional cost to learners with disabilities.

**B. Social and economic accessibility:** through countries providing financial aid or incentives to students with disabilities; Starting from the foundation, which is the real adoption of the principles of compulsory and free basic education, which is considered an immediate obligation on states, and the lack of financial resources may not be used as an excuse to delay its implementation, to reach inclusive education, additional financial assistance must be provided to students with disabilities.

The Committee on the Rights of Persons with Disabilities has interpreted the concept of accessibility in the field of education as follows:<sup>44</sup>

1. 1 Access to educational institutions and programs should be possible for every individual without discrimination, and the environment for students with disabilities should be designed to enhance inclusion and ensure their equality with others throughout the duration of their education.
2. The entire educational system must be accessible, including buildings, information and communication tools, curricula, teaching materials, teaching methods, assessments, language services and support services.
3. Prohibiting the construction of any educational facilities in the future that are not accessible and punishing violations of this, creating an effective monitoring mechanism and setting a time frame to make all existing educational environments accessible.
4. Commitment to providing accommodations in educational environments when necessary. The universal design approach does not exclude making assistive devices, applications and software available to those learners with disabilities who may need them.
5. Ensure that all students, including students with disabilities, have access to new, rapidly developing innovations and technologies designed to improve education.

The Law on the Rights of Persons with Disabilities defines accessibility as preparing buildings, roads, facilities, and other public and private places available to the public, and adapting them in accordance with the building requirements codes for persons with disabilities issued under the provisions of the Jordanian National Building Law and any special standards issued or approved by the Council.<sup>45</sup> In view of the importance of activating the principle of accessibility, the Law on the Rights of Persons with Disabilities allocated Articles (32 and 33) of it to clarify the provisions for the proper application of this principle, as follows:

1. Ensuring the access of persons with disabilities to public facilities through the law adopting a general principle that it is not permissible to exclude a person with a disability or restrict his access to any facilities that provide services to the public, or restrict his access to information, communication services, electronic services, etc., on the basis of disability or because of it,<sup>46</sup> and then adopting a principle specific to education prohibiting the exclusion of a person from any educational institution on the basis of or because of disability,<sup>47</sup>
2. Obligating the authorities responsible for monitoring licensing and construction not to approve or approve plans and designs or grant licenses and occupancy permits to public or private buildings, places of worship, tourist sites, and other establishments and facilities that provide public services, unless they are compatible with accessibility.<sup>48</sup>
3. Obligating the Ministry of Public Works and Housing, in coordination with the Greater Amman Municipality, municipalities and those in its jurisdiction, the Jordanian National Construction Council, the Council, and relevant governmental and non-governmental agencies, to develop a national plan to correct the conditions of buildings, facilities, places of worship, and tourist sites that provide services to the public established before the implementation of this law to implement accessibility. Provided that the implementation of this plan begins within a period not exceeding one year from the effective date of the provisions of this law and

<sup>44</sup> General Comment No. (4) paragraph 22

<sup>45</sup> Article (2) of the Law on the Rights of Persons with Disabilities

<sup>46</sup> - Article (32) of the Law on the Rights of Persons with Disabilities

<sup>47</sup> - Article (17/A) of the Law on the Rights of Persons with Disabilities

<sup>48</sup> - Article (33) of the Law on the Rights of Persons with Disabilities

its completion does not exceed (10) years.<sup>49</sup>

In implementation of what was stated in the Law on the Rights of Persons with Disabilities, the building code for persons with disabilities issued based on Article/2 of the National Building Law No. (7) of 1993 and its amendments included provisions emphasizing the provision of reasonable accommodation, accessible forms, and accessibility.

Although what is stated in the building code for persons with disabilities is mandatory, the reality indicates that workers in the school education sector are not informed of the provisions of this code, which may lead to a lack of full compliance with its provisions, especially since by reviewing the legislative texts related to school education, it becomes clear that there is no including special provisions for rehabilitating school buildings in a way that ensures adherence to the principle of accessibility. The education law merely emphasized the necessity of the ministry constructing suitable and appropriate buildings to carry out the educational process. Article (6/B) stipulates: "The ministry shall carry out the following tasks, providing buildings suitable for education for government educational institutions and distributing them in a manner consistent with the educational policy."

Also, the system for establishing and licensing private educational institutions for the year 2015 did<sup>50</sup> not adopt any provision specifically for providing a suitable physical environment for students with disabilities, although the text of Article (5) of the system set specific standards for the building specifications of private educational institutions, but it does not include any specifications related to the students with disabilities.

The researcher stresses the importance of including in the Education Law and the licensing system for private educational institutions specific standards that show the specifications of buildings that are appropriate for students with disabilities, similar to the instructions for organizing special education institutions and centers and their licensing No. (4)<sup>51</sup> of 2002, as Article (3) of these instructions included expanded specifications. that takes into account accessibility for people with disabilities, including: It should be suitable for serving people with disabilities in accordance with the applicable building codes, preferably not multi-levels for people

with disabilities, and that special drinks, equipment and necessary aids to facilitate the movement of students with disabilities should be provided in the institution must have one bathroom for every (10) students with disabilities, and that the institution's building must have elevators to serve students with mobility disabilities or the blind if the building is multi-levels, and that the corridors designated for people with disabilities should be protected, and that the classroom seats should be appropriate to the sizes of the students and with specifications commensurate with the nature of the disability.

To sum it up: The Law on the Rights of Persons with Disabilities included provisions guaranteeing students' access to school education in a manner consistent with the best international standards, which was clearly reflected in the provisions of the building code for persons with disabilities, while the secondary educational legislation emanating from the Education Law remains empty of any provisions that ensure effective access to educational facilities.

### *Requirement Two*

#### *Facilitating Arrangements and Forms of Education for Students with Disabilities*

The Convention on the Rights of Persons with Disabilities defines facilitating arrangement as: "adjustments and arrangements that are necessary and appropriate and do not impose a disproportionate or unnecessary burden, and which are needed in a specific situation, to ensure the enjoyment and exercise by persons with disabilities on an equal basis with others of all human rights and fundamental freedoms." As for the Law on the Rights of Persons with Disabilities, it defines it as: "amending environmental conditions in terms of time and place to enable a person with a disability to exercise a right or freedom or achieve access to a service on the basis of justice with others."

By examining the two definitions, it becomes clear that both of them seek to provide appropriate conditions for persons with disabilities to exercise any of their rights in a way that achieves equality with other persons without disabilities. It is noted that the convention's focus on the principle of equality of persons with disabilities with others is something that the law does not indicate. In contrast, the definition of the convention referred to

<sup>49</sup> Article (32) of the Law on the Rights of Persons with Disabilities

<sup>50</sup> Regulations for establishing and licensing private and foreign educational institutions No. (130) of 2015, published in the Official Gazette No. 5375, dated 31/12/2015, p. 9781.

<sup>51</sup>The full text of the instructions is published on the Ministry of Education's website at the following link: <http://www.moe.gov.jo/ar/laws/14>. This site was accessed on 14/6/2021.

conditions that may be interpreted as allowing the provision of accommodations to be postponed or reduced, namely that their adoption does not entail disproportionate or unnecessary burdens, and that they must be needed in a specific case. These conditions may limit the provision of facilitative arrangements that the student may need to be able to obtain his right to education.

The right of students with disabilities to the provision of facilitative arrangements in general is based on what is generally stated in Article (5/3) of the International Convention on the Rights of Persons with Disabilities, which affirms that States Parties take all appropriate steps to ensure the availability of reasonable facilitative arrangements for persons with disabilities in a way that enhances equality and elimination of discrimination against persons with disabilities, and as specifically stated in Article (24/2/C) of the Convention, which obliges states to take reasonable account of individual needs by providing reasonable accommodation to enable individual students to obtain education on an equal basis, especially with others.

While the Law on the Rights of Persons with Disabilities considers the provision of facilitative arrangements to be one of the general principles on which the law is based, it stipulates in Article (5/T) the principle of ensuring the provision of reasonable facilitative arrangements, accessible forms, accessibility, and comprehensive design for persons with disabilities, as they are among the necessary requirements for exercising their rights. And their freedoms. Paragraph (j) of the same article also emphasized the principle of reducing physical and behavioral barriers for persons with disabilities, which include the lack or absence of reasonable facilitating arrangements or accessible forms. At the same time, the law emphasized the provision of facilitative arrangements, particularly in the field of school education, in Article (18/C), which obligated the Ministry of Education, in coordination with the Council, to provide reasonable facilitative arrangements and accessible forms in government educational institutions, and to verify their provision in private educational institutions.

As for Article (19) of the Law on the Rights of

Persons with Disabilities, it obliges the Supreme Council for the Rights of Persons with Disabilities, in coordination with the Ministry of Education, to set standards for developing curricula and methods of teaching them to students with disabilities in educational institutions, and to train educational staff on them in accordance with a number of controls, the most important of which is achieving the best use of facilitating arrangements and accessible formats, including adaptive instructional methods, effective communication methods, and occupational therapy.

It is necessary to emphasize the difference between the concept of accessibility of schools for students with disabilities and the concept of providing reasonable facilitating arrangements. Accessibility is a measure aimed at serving a group of students in particular or a group of the population in general and is based on a set of standards applied gradually. A disproportionate or excessive burden cannot be used to justify failure to provide accessible access. Reasonable facilitating arrangements are related to the student with disabilities and are complementary to the duty to provide accessibility. The student has the right to demand that measures be taken to provide reasonable facilitating arrangements even if the state party has fulfilled the duty of accessibility.<sup>52</sup>

The Committee on the Rights of Persons with Disabilities has emphasized that the issue of providing facilitating arrangements should be viewed in the context of a wide range of educational resources available in the educational system, and not limited to the resources available in the academic concerned institution. Transferring resources within the educational system should be possible, there is no "one-size-fits-all" formula for reasonable facilitating arrangements, as different students with the same disability may need different facilitating arrangements<sup>53</sup>.

As for the nature of the facilitating arrangements that official bodies can make, the convention referred to a number of them as follows: facilitating learning Braille and alternative types of writing, methods, means and forms of augmentative and alternative communication, guidance and mobility skills,

<sup>52</sup> For more details, see: Committee on the Rights of Persons with Disabilities, General Comment No. 2, and General Comment No. (4), paragraph (29)

<sup>53</sup> See General Comment No. (4), paragraph (30), which mentioned examples of facilitating arrangements as follows: changing the location of the classroom; Providing different forms of communication within the classroom; Enlarge the size of printed letters, materials and/or topics in sign language, or make exhibits available in an alternative format; Providing students with a note-taker or interpreter in a language they understand, or enabling students to use assistive technology in learning and during assessment. Provide non-physical accommodations, such as giving the student more time, reducing noise levels in the space (sensitive to sensory overload), and using alternative assessment methods, as well as the need to consider the possibility of replacing an element of the curriculum with an alternative.

facilitating peer support and guidance, and facilitating learning sign language, and encouraging the linguistic identity of the deaf group, and ensuring that education is provided to blind, deaf or deaf-blind persons, especially children, in the most appropriate languages, methods and means of communication for the concerned persons, and in environments that allow for the achievement of maximum academic and social development.<sup>54</sup>

As for the law, it defines facilitating arrangements in general as: modifying environmental conditions in terms of time and place to enable a person with a disability to exercise a right or a freedom, or achieve access to a service on the basis of justice with others.<sup>55</sup> Rather, the law considers the lack or absence of reasonable facilitating arrangements, or accessibility are basic forms of physical barriers and behavioral barriers that constitute the other part of the definition of disability.<sup>56</sup> The law also considered providing facilitative arrangements to be one of the general principles on which the law is based.<sup>57</sup>

In the field of education in particular, the law obligates the Ministry of Education, in coordination with the Council, to provide reasonable facilitating arrangements and accessible forms in government educational institutions, and to verify their provision in private educational institutions, including providing examination questions for students with mental disabilities and enabling them to answer them in simplified language, and giving them additional time for exams and any necessary facilities.<sup>58</sup> It is noted that the legislator stipulated the provision of facilitative arrangements for all types of disabilities in general, and then came back and emphasized the provision of facilitative arrangements for people with mental disabilities. This study will focus on the most important facilitative arrangements stated by the International Convention on the Rights of Persons with Disabilities and the Law on the Rights of Persons with Disabilities, which were as follows:

***First: Providing exam questions for students with mental disabilities, enabling them to answer them in simplified language, and giving them additional time for exams and any necessary facilities.***

The World Health Organization defines intellectual disability as: a state of arrested/incomplete mental development, and is characterized by a defect in the skills that appear during the stage of growth and development and that contribute to the child's level of intelligence, including cognitive abilities, language, motor skills, and social abilities.<sup>59</sup> Intellectual disabilities are classified based on intelligence or educational classification into simple, moderate, severe, and profound intellectual disability.<sup>60</sup>

The Law on the Rights of Persons with Disabilities noted the importance of tests for people with mental disabilities, as one of the basic pillars that must be provided in order to achieve inclusive education, It obligated the Ministry of Education, in coordination with the Supreme Council for the Rights of Persons with Disabilities, to develop tests appropriate to the special abilities of students with mental disabilities, and enabling them to answer them through a mechanism that is compatible with those abilities.<sup>61</sup>

Reviewing the provisions of the foundations for success, completion, and failure for the academic year (2020/2021), it becomes clear that they have established a set of rules for the tests for students with mental disabilities, and these rules are as follows:<sup>62</sup>

- a. Giving additional time to students with disabilities at a rate of %30 of the original exam time.
- b. Providing a teacher to clarify questions that need clarification.
- c. Providing a writer for students with disabilities who are unable to write.
- d. Provide a reader to read the questions as needed.

<sup>54</sup> Article (3/24) of the Convention for Persons with Disabilities.

<sup>55</sup> - Article (2) of the Law on the Rights of Persons with Disabilities.

<sup>56</sup> - Article (3/A+cC) of the Law on the Rights of Persons with Disabilities.

<sup>57</sup> - Article (4/T+I) of the Law on the Rights of Persons with Disabilities.

<sup>58</sup> - Article (18/C) of the Law on the Rights of Persons with Disabilities.

<sup>59</sup> his definition is referred to in: Xiaoyan Ke and Geng Liu, Intellectual Disability, translated by Karim Adel Abdel Latif Ibrahim, available at the link:

<https://iacapap.org/content/uploads/C.1-Intellectual-Disability-ARABIC-2017.pdf>, accessed on 24/7/2021

<sup>60</sup> - Al-Qamsh, Mustafa, Mental Disability, first edition, Dar Al-Masirah for Publishing, Distribution and Printing, Amman, 2011, p. 38.

<sup>61</sup> Article (18) of the law stipulates: "The Ministry of Education, in coordination with the Council, shall do the following:" C- Providing reasonable facilitation arrangements and accessible forms in government educational institutions, and verifying their provision in private educational institutions, including providing questions. Exams for students with mental disabilities, enabling them to answer them in simplified language, and giving them additional time for exams and any necessary facilities

<sup>62</sup> In this regard, see Article (9/b) of the foundations for success, completion, and failure for the academic year 2018/2019.

- e. Allowing students with disabilities to use educational aids such as calculators and computers.
- f. Be careful not to stress over correcting the beauty of the handwriting and simple spelling errors.
- g. Enlarge the exam paper on A3 paper for visually impaired students

It is noted that the provisions of these principles stipulate facilitative arrangements during the examination period only, and ignore the teaching stage, even though it is the most important stage. During which the student acquires knowledge and skills that qualify him for his future life. On the other hand, General Secondary Certificate Instructions No. 8 of 2017 did not contain any provisions regarding the rules governing the conduct of the exam for students with disabilities, and were limited to granting the blind, deaf, and cerebral palsy participant additional time amounting to (%30) of the specified time for the general exam session in all topics in the all branches of track.<sup>63</sup>

### ***Second: Facilitating Arrangements and Accessible Formats for Students with Visual Disabilities***

Students with visual disabilities mean: children who need special education because of their visual problems, which requires special modifications to teaching methods and curricula so that they can succeed educationally.<sup>64</sup> From a practical standpoint, visually impaired children are classified into two categories: The first category: The blind category, which represents those who use their fingers to read and is called the Braille reader. The second category: The partially sighted category, which represents those who use their eyes to read and is also called the magnifying glass reader. The legal, medical definition of visual impairment is based on visual acuity.<sup>65</sup>

Referring to the Convention on the Rights of Persons with Disabilities, it is clear that it explicitly considered facilitating learning Braille and alternative types of writing as one of the accessible forms that must be provided to students with visual disabilities,<sup>66</sup> while the Law on the Rights of Persons with Disabilities stipulated Braille as one of the

accessible forms, which necessarily means that The Ministry of Education and the Supreme Council for the Rights of Persons with Disabilities work to provide facilities for people with visual disabilities based on the obligations imposed on them in Articles (18) and (19) of the law.

However, by referring to the legislation of the Ministry of Education, it was not found that there was any reference to Braille as one of the accessible forms, which was reflected in the reality of teaching students with visual disabilities, as the reality indicates that there are no adapted curricula that suit the needs of blind and visually impaired students to learn mathematics, scientific materials, including the absence of adapted curricula to Braille, and their failure to deliver them to all schools that have students with visual disabilities. The reality is getting worse with regard to teaching mathematics and science subjects to the blind and visually impaired in schools. Schools do not fully teach mathematics and science subjects to blind and visually impaired students, and are limited to the auditory method. They are content with teaching basic mathematical operations and holding their exams in an oral manner only, which results in a lack of real evaluation for blind students and the visually impaired, and this situation constitutes an official acknowledgment of the inability of these students to learn these two subjects in accordance with the instructions of the high school examination, which exempted students with visual impairments from the examination for these two subjects according to the foundations of success, completion, and failure approved by the Ministry of Education.

### ***Third: Facilitating Arrangements and Accessible Formats for Students with Hearing Disabilities***

Students with hearing disabilities mean a decline in the student's hearing levels, and they include hard-of-hearing students and deaf students. A hearing-impaired student is a student who has lost part of his hearing ability, as a result of one or more health or environmental reasons that lead to a weakness in picking up sound vibrations, thus, there is a weakness in the formation of language, and this varies from one person to another depending on the

<sup>63</sup> Article (22/ A) of the General Secondary Education Certificate Instructions

<sup>64</sup>For more details, see: the website of the Bahrain Society for the Visually Impaired at the link <https://www.eavi.ae/%D8%A7%D9%84%D8%A5%D8%B9%D8%A7%D9%82%D8%A9-%D8%A7%D9%84%D8%A8%D8%B5%D8%B1%D9%8A%D8%A9/>

<sup>65</sup> For more details, see: Al-Hadidi, Mona, Introduction to Visual Impairment, sixth edition, Dar Al-Fikr Publishers and Distributors, Amman 2014, p. 35.

<sup>66</sup> - Article (A/3/24) of the convention .

degree of hearing disability that individuals suffer from and that affects a person during the various stages of his development. It is a disability that prevents the individual from hearing spoken words with or without the use of hearing aids. As for the deaf student, he is the student who he lost his complete ability to hear in the early stages of his life, which led to him not having any linguistic reserve, and he also became unable to speak.<sup>67</sup>

Referring to the Convention on the Rights of Persons with Disabilities, it is clear that it explicitly considers facilitating learning sign language and encouraging the linguistic identity of the deaf group as one of the facilitative forms that must be provided to students with hearing disabilities,<sup>68</sup> while the Law on the Rights of Persons with Disabilities stipulates that sign language is considered one of the accessible forms of this necessarily means that the Ministry of Education and the Supreme Council for the Rights of Persons with Disabilities will work to provide it for people with hearing disabilities based on the obligations imposed on it in Articles (18) and (19) of the law.

While referring to the legislation of the Ministry of Education shows that there is no reference to sign language as one of the facilitating forms, which is reflected in the reality of educating students with hearing disabilities, as the reality indicates that special schools are allocated to educate the deaf in the hope of guaranteeing their right to education, but the reality is emphasizes the failure of these schools to provide real education for deaf students. There is no clearer evidence of this than the results of the general secondary examination for the years 2019/2020. The number of successful students in these two years was only (7) students for each year, and this is due to the Jordanian educational system's lack of sufficiently accessible curricula for deaf students to obtain their right to an education equivalent to what their colleagues without disabilities receive, and to the lack of qualified teachers who are able to convey information in a sound manner to deaf students.

The researcher emphasizes the importance and necessity of providing facilitative arrangements and forms for students with hearing disabilities, as the absence of facilitative arrangements and instruction in sign language means depriving students with hearing disabilities of obtaining quality education that meets their educational requirements on a par with their counterparts without disabilities.

#### 4. CONCLUSION

Through the previous review of the subsidiary legislation emanating from the Jordanian Education Law, it becomes clear that although some of them were issued after the adoption of the Law on the Rights of Persons with Disabilities, they did not include provisions that enhance the enjoyment of students with disabilities in school education on equality with other students without disabilities, and among the most important results of the study were:

1. The important role that subsidiary legislation can play to enhance the rights of persons with disabilities in school education because of the ease of amendment, which ensures that students with disabilities obtain their right to appropriate education.
2. The presence of many subsidiary legislations that contain provisions that conflict with the provisions contained in the Law on the Rights of People with Disabilities, and these legislations include:
  - A. Principles for success, completion, and failure, which include discriminatory provisions against students with visual and hearing disabilities.
  - B. The foundations for success, completion, and failure for the academic year (2020-2021), which include provisions that do not achieve equality for students with disabilities with their non-disabled peers, nor do they include sufficient texts to provide reasonable facilitative arrangements and accessible forms necessary for educating students with disabilities.
  - C. The licensing system for educational institutions that did not include provisions guaranteeing access to them for students with disabilities.
  - D. Dr. Kindergarten instructions that include provisions that prohibit students with severe disabilities from enrolling in kindergarten.
3. The approval of the ten-year strategy for inclusive education represents progress in the field of activating the principle of inclusive education, especially after the issuance of an implementation plan that guarantees the actual implementation of the strategy. At the same time, kindergarten instructions still deprive students with severe disabilities from enrolling in kindergarten.

<sup>67</sup> For more details about the concept of hearing disability, see: Fouad Al-Khawaldeh, *Hearing Disabilities*, Amman, Dar Al-Thaqafa for Publishing and Distribution, first edition, 2012, pp. 30 et seq.

<sup>68</sup> - Article (A/3/24) of the convention .

### ***Based on the Previous Results, the Researchers Recommend the Following***

1. The Supreme Council for the Rights of Persons with Disabilities and human rights organizations defining the rights of students with disabilities and emphasize that the provisions of the Law on the Rights of Persons with Disabilities are a special law and its provisions are more applicable than the education law.
2. The Ministry of Education reviews and develops the subsidiary legislation emanating from the Education Law in a manner consistent with the provisions contained in the Law on the Rights of Persons with Disabilities, and at the forefront of this legislation are the following:
  - A. A. Instructions for the General Secondary Certificate Examination No. 8 of 2017, which include exempting the blind and deaf from taking exams in some subjects or being exempt from answering some questions, with the need to find alternative solutions that enable students with disabilities to take these exams in a manner appropriate to their situation. At the same time, including instructions of The General Secondary Certificate contains explicit provisions related to regulating the examination process for students with disabilities.

- B. Instructions for kindergartens in government schools No. 2 of 2015, which limits the admission of children with disabilities and their integration with students without disabilities to those with minor disabilities.
  - C. The foundations for success, completion, and failure for the academic year (2020/2021), which allow the deaf student to fail in two grades from the first to the fifth grades, and in two grades from the sixth to the tenth grade, and to make them equal on the foundations of failure with the rest of the students without discrimination. At the same time, canceling the special provision contained in the foundations of success, completion, and failure, related to the automatic promotion of students with disabilities if failure is due to their disability.
  - D. Establishing clear foundations and standards for the specifications of educational buildings suitable for education for all students in the school education stage, whether in the government or private sector.
3. The Ministry of Education and the Supreme Council for the Rights of Persons with Disabilities accelerate the activation and implementation of the ten-year national strategy for inclusive education in a way that ensures the achievement of all the adopted results by the strategy.

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4. Law on the Rights of Persons with Disabilities No. (20) of 2017, published in the Official Gazette No. 5464, dated 1/6/2017, p. 3710.
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