

This part is taken from the Ministry of Education and Training's "**Education Act, 2013**'

Part XXI is on Special Needs and Inclusive Education

PART XXI – SPECIAL NEEDS AND INCLUSIVE EDUCATION

111 Principle of inclusiveness

Every child under the age of 19 years has a right to access quality education in Tonga, irrespective of the child's gender, religion, socio-economic status, physical **condition** and location.

112 Responsibilities of the Ministry in relation to children with special needs

For the purposes of improving the access to quality education in Tonga for children with special needs, the Ministry shall focus on providing the following —

- (a) reviewing the school curriculum to ensure that it caters adequately for children with special learning needs, and make available appropriate learning materials and equipment for special education;
- (b) provide incentives to improve the qualifications of teachers in the special education field, such as financial subsidies for supporting access to special education programmes for teachers of special needs children offered by tertiary education providers, and making provision for training of special education teachers at the Tonga Institute of Education;
- (c) facilitating a baseline survey to ascertain the nature, number and extent of children with special needs (including those children currently attending schools, and those whose needs are too acute and who do not attend school);
- (d) establishing a central database with detailed information about people (including children and adults) who have special learning needs, having due regard to privacy considerations;
- (e) providing assistance for special needs children in existing schools through —
 - (i) a special needs component in all pre-service teacher training;
 - (ii) providing teachers of children with special needs with professional development opportunities and targeted in-service training to assist them to help children with special needs; and
 - (iii) training of teacher aides who could provide individual assistance to children with special learning needs;
- (f) capacity building at all levels, addressing both short and long term needs; (g) policy development in the area of special needs and inclusive education;
- (h) enhancing budgetary allocations for school, TVET and community development in inclusive education strategies and approaches in service education for classroom teachers and TVET trainers for working with different categories of the special needs population; and

- (i) improving Ministry databases to identify and track special needs children in communities.

113 Equal rights to early childhood, primary and secondary education

- (1) Except as provided under this Part, a child with special educational needs (whether because of disability or otherwise) has the same right to enrol and to receive an education at a Government school as a child who does not.
- (2) The right to receive an education under subsection (1) includes education at the early childhood, primary and secondary levels.
- (3) Nothing in subsection (1) shall affect or limit the effect of provisions under this Act or regulations relating to the general enrolment, suspension, expulsion, and exclusion of students.

114 Enrolment of student with special needs

- (1) If satisfied that a person under 19 years of age should receive special education, the Chief Executive Officer shall require the written agreement of the child's parents that the child should be enrolled, before directing that the child be enrolled at a particular Government school, special school, or special class.
- (2) Where there has been an agreement or direction by the Chief Executive Officer under subsection (1) the child shall be allowed to enrol at the school or class concerned.
- (3) A parent who, more than 1 month after a direction is given by the Chief Executive Officer under subsection (1), fails or refuses to comply with the direction, commits an offence and shall be liable upon conviction to a fine not exceeding \$500 or a term of imprisonment not exceeding 1 month, or both.
- (4) No child shall continue to be enrolled at a school or class except pursuant to a written agreement or direction under subsection (1).

115 Regulations under this Part

- (1) The Minister shall with the consent of Cabinet, promulgate regulations establishing guidelines for early childhood education centres and schools in relation to –
 - (a) identification and assessment of students with special needs;
 - (b) modification of teaching programmes for students with special needs;
 - (c) level of training in special education for all teachers or any category of teacher;
 - (d) provision of facilities, materials and resources for students with special needs;

- (e) transfer of students with special needs into mainstream classes; and
 - (f) use, implementation, monitoring, evaluation and accountability for donor funds.
- (2) The Minister may also promulgate regulations for any other matter which the Minister may deem necessary for the provision of a quality education for students with special needs.

116 Commencement of this Part

This Part will come into force on a date proclaimed by the Minister in the Government Gazette.