



# Bridging policy–practice gap: Protecting rights of youth with learning disabilities in Hong Kong

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## ABSTRACT

Discrepancies between policies and practices have been known to be key barriers to ascertain adequate service delivery for students with disabilities and their families. For students with learning disabilities, the policy–practice gap is manifested through three key barriers to education: the difficulty to operationalize the definition of learning disabilities in service delivery, psychosocial issues associated with their learning differences, and minimization of parent participation. The implementation status of recent policies to strengthen systematic intervention throughout various stages of schooling to post-school life in Hong Kong has not been examined. This study represents an initial effort to understand service delivery for youth with learning disabilities through their parents' account of experiences. Findings suggest wide policy–practice gaps in fulfilling the mandates of implementing the 3-Tier Intervention model, establishing student support teams for all eligible students, providing transition services, and engaging and supporting parents in the decision-making process. Bridging the policy–practice gaps and balancing the tension between standards-based education systems and support for diverse needs are universal challenges. An evidence-based approach to policymaking is necessary to increase effective policy implementation and the role of research to contribute to such an approach is discussed.

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## 1. Introduction

The presence of education policies intended to protect the rights of youth with disabilities does not guarantee the provision of appropriate educational services (Polat, Kalambouka, Boyle, & Nelson, 2001). School practices often fall short and the existing literature continues to provide evidence of issues caused by the policy–practice gap across countries for decades (e.g., Brandt, 2011; Breen, Wildy, & Sagers, 2011; Bringewatt & Gershoff, 2010; Shah, 2010). The policy–practice gap at times threatens the educational right of youth with disabilities. The Hong Kong policymakers announced new policies to strengthen systematic intervention throughout various stages of schooling to post-school life with an emphasis on support services to youth with learning disabilities in 2008 (Education Bureau, 2008a). Three years into the implementation of the 2008 policies, we know very little about the implementation status and effect of these policies on the education of these students. The purpose of this qualitative study was to make an initial scrutiny on school practices through parental account of experiences.

### 1.1. Barriers associated with policy–practice gaps

There are common barriers to education for individuals with various types of disabilities such as psychosocial issues and limiting parent

participation while some barriers can be specific. In the case of persons with learning disabilities and as evidenced in the existing literature, the policy–practice gap is typically manifested through three key barriers to education created by the difficulty to operationalize the definition of learning disabilities for identification and service delivery (e.g., Bruck, 1993; Kavale, Spaulding, & Beam, 2009), psychosocial issues associated with their learning differences (e.g., Bryan, 2004), and minimization of parent participation (e.g., Bagley & Woods, 2010).

### 1.2. Barrier created by difficulty to operationalize definition

The most basic barrier to education for students with learning disabilities is the difficulty to operationalize its definition in identification practices because of the controversial nature of its construct (Kavale et al., 2009). There has been no shortage of disagreement over the definition of learning disabilities since the coining of the term. The most widely accepted definition, originated in the US legislation (National Dissemination Center for Children with Disabilities, 2009) and then adopted and adapted by others including Asian countries, such as Taiwan (Ministry of Education, 2007) and Hong Kong (Labor & Welfare Department, 2007). As a category, it refers to “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such term includes such conditions as perceptual disabilities, brain injury,

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minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.” (20 U.S.C. §1401 [30]).

To this date, the field lacks a simple means of measuring this group of neurologically-based disorders with precision as a vision test to identify blindness. In the US, the legislation-based policy determined that the presence of a learning disability would be identified through the discrepancy between a student's potential indicated in IQ tests and achievement for decades until this requirement was eliminated in the 2004 Individuals with Disabilities Education Act (U.S. Department of Education, 2011). Instead, a process involving a child's response-to-intervention (RTI) has become the key model for identification. This policy change for identification has essentially modified the definition of learning disability by shifting focus from eligibility to effective intervention. If a child who responds to teaching techniques available through intervention and learns some coping skills to temporarily achieve at an average level, he/she does not qualify for continual or further intervention. Yet a positive response to intervention does not remove the disability or imply that no further coping skills are needed (Townsend, 2007). They may thus not be identified with a learning disability and may be left out of the protection by the IDEA. Basically, learning disabilities will be identified with an absolutely low achievement as a response to classroom instructions (Townsend, 2007).

This alternative standard for identification is consistent with the philosophy of No Child Left Behind Act (NCLB) of 2001 (U.S. Department of Education, 2010) in that these students are measured against the same basic universal standards as other children. The policies of the NCLB are designed to promote school accountability and address educational inequities but, in practice, they exacerbate the threat to the protection of high-achieving students with reading and writing difficulties (Townsend, 2007) in three ways. First, it has been shown that standardized tests fail to reveal the full nature of the learning problems of students with learning disabilities because their processing difficulties do not translate directly into test scores (Bruck, 1993). Second, these students may not qualify for more accommodations when their previous test scores fall within the average range (Townsend, 2007). Lastly, it lowers teachers' motivation to address individual needs when scores of other students are positively correlated to their job security (Townsend, 2007).

### 1.3. Barriers created by psychosocial issues associated with learning problems

Researchers and educators have long noticed the psychosocial issues among persons with learning disabilities. These issues, arisen from their neurologically-based difficulties and exacerbated by well-intended policies such as the RTI and NCLB, contribute to academic failures which in turn develop strong feelings of frustration, anger, sadness, or shame which can lead to anxiety, depression, or low self-esteem (Bryan, 2004). In addition, these students are often misunderstood and their poor performance can be met with disapproval by teachers and parents. The interactions between the reaction of others and their response to their struggles and others dampen learning motivation and form a barrier to education.

### 1.4. Barriers created by minimizing parent advocacy

Parents have been part of the foundation of special education policies and legislation (Defur, Todd-Allen, & Getzel, 2001) and the single most effective advocates for their child in ensuring service continuity (Johnson, Bruininks, & Thurlow, 1987) as well as successful transition to adult life (Pascall & Hendey, 2004). Due to professionals' long-standing bias towards parents' ability to help with their children's

education and pressure from being accountable for student performance in high-stake testing under the current worldwide trend of standards-based education policies, school resistance to parent partnership persists and forms barriers to their participation and advocacy for their children's education. Parents often feel intimidated and rejected by school personnel (e.g., Dabkowski, 2004; Tsai & Lena, 2009). Failure of schools to abide by policies to involve parents in an effective partnership may leave them with little professional assistance to help make critical decisions in school placement and access resources (Bagley & Woods, 2010) and little information for post-school options (Defur et al., 2001). The issues in service delivery for students with learning disabilities noted in the voluminous literature are associated with the shortfall in implementing policies. This policy–practice gap leaves many students with learning disabilities under-served and strips their right to an appropriate education in the U.S. and beyond.

### 1.5. Education policies pertinent to youth with learning disabilities

Students with learning disabilities and their needs have been most easily neglected when compared with other disabilities in Hong Kong (Poon-McBrayer, 2009). The root of the problem begins with policymakers' misconception of these students' difficulties which hindered policy development for support services. Students with learning disabilities were referred to as slow learners, unmotivated students, or students with severe learning difficulties in early government documents (Education Commission, 1990). Their needs have thus been considered within the context of low- or under-achievers.

Policymakers' misconception also led to many changes in policies during the last three decades. Considered unmotivated students and/or low-achievers, they were first accommodated in general schools with remedial teaching through a smaller class size, resource classes, and some after-school compensatory instructions in the 1980s until the Education Commission (1990) recommended creating special schools for junior secondary students with severe learning disabilities and a total of seven such special schools were established. The inclusive education policy in late 1990s led to the conversion of these special schools into general secondary schools with the removal of all extra funding for them as special schools by the 2004–05 school year (Poon-McBrayer, 2005; Poon-McBrayer, 2011).

The operationalization of the inclusive education policy in Hong Kong has been challenging and many issues related to the difficulty to balance the priorities between the standards-based education system and needs of students with disabilities, in particular those with learning disabilities, have been revealed in a series of studies (Hong Kong Primary Education Research Association & Special Education Society of Hong Kong, 2006; Poon-McBrayer, 1998, 2004, 2009; Wong, 2002).

In 2008, the Ombudsman Office, the watchdog of effective functioning of government units, released findings of an investigation on support services for students with learning disabilities after receiving complaints from parents. Key findings of this investigation are disturbing: (a) there was a significant decrease in the number of students with learning disabilities in each grade of secondary schools with no explanation; (b) teachers and staff were ignorant of learning disabilities and insensitive to the needs of those students, sometimes to the point of being callous; (c) parents alleged that the schools had refused to submit their children's applications to take the Hong Kong Certificate in Education Examination (HKCEE) for completion of secondary education and Hong Kong Advanced Level Examination (HKALE) for gaining admission to higher education institutions; (d) despite the requirement of engaging parents at various stages of provision of support, practice varies significantly from school to school; and (e) some parents dare not stand up to the school management in their quest for support for their children at school (Ombudsman Office, 2008).

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