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Inclusion of People with Disabilities amid COVID-19: Laws, Interventions, Recommendations

Cathy Mae Dabi Toquero¹

1) Mindanao State University-General Santos City

Date of publication: June 15th, 2020

Edition period: June 2020 – October 2020

To cite this article: Toquero, C.M. D. (2020). Inclusion of People with Disabilities amid COVID-19: Laws, Interventions, Recommendations *Multidisciplinary Journal of Educational Research*, 10(2), 158-177. doi: 10.4471/remie.2020.5877

To link this article: <http://dx.doi.org/10.4471/remie.2020.5877>

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Inclusion of People with Disabilities amid COVID-19: Laws, Interventions, Recommendations

Cathy Mae Dabi Toquero
*Mindanao State University-
General Santos City*

*(Received: 4th June 2020; Accepted: 11th June 2020; Published: 15th June
2020)*

Abstract

The COVID-19 pandemic has presented an ongoing challenge especially for those people and children with disabilities as their voices are unheard of normal times and this unfortunate situation is heightened during this emergency. Government policies during the pandemic necessitate inclusion for people with disabilities who also have their global rights for no one should be left behind in this crisis. This article examines the laws of the Philippine Government on the provision for the inclusive special education and rights of the said learners, highlights the possible educational interventions to supplement their learning amid the pandemic and offers recommendations for the emergency preparedness legislative policies and services to be responsive to the educational, socio-emotional, and mental health needs of the students with disabilities amid the pandemic. Future research should examine the experiences of children with disabilities in using digital media during the pandemic period and evaluate the effectiveness of assistive technologies to meet the learning needs of people with disabilities.

Keywords: COVID-19; people with disabilities; emergency preparedness; mental health; inclusive education

Inclusión de Personas con Discapacidad en medio de COVID-19: Leyes, Intervenciones y Recomendaciones

Cathy Mae Dabi Toquero
Mindanao State University-
General Santos City

(Recibido: 4 Junio 2020; Aceptado: 11 Junio 2020; Publicado: 15 Junio 2020)

Resumen

La pandemia de COVID-19 ha presentado un desafío continuo, especialmente para aquellas personas y niños con discapacidades, ya que sus voces son desconocidas en los tiempos normales y esta desafortunada situación se intensifica durante esta emergencia. Las políticas gubernamentales durante la pandemia requieren la inclusión de las personas con discapacidad que también tienen sus derechos globales para que nadie se quede atrás en esta crisis. Este artículo examina las leyes del Gobierno de Filipinas sobre la provisión de educación especial inclusiva y los derechos de dichos alumnos, destaca las posibles intervenciones educativas para complementar su aprendizaje en medio de la pandemia y ofrece recomendaciones para que las políticas y servicios legislativos de preparación para emergencias sean receptivos a las necesidades educativas, socioemocionales y de salud mental de los estudiantes con discapacidades en medio de la pandemia. La investigación futura debería examinar las experiencias de los niños con discapacidades al usar los medios digitales durante el período de la pandemia y evaluar la efectividad de las tecnologías de asistencia para satisfacer las necesidades de aprendizaje de las personas con discapacidades

Palabras clave: COVID-19; personas con discapacidades; preparación para emergencias; salud mental; educación inclusiva

Numerous students worldwide are affected due to school closures caused by the pandemic. Consequently, continuous schooling has been made possible with the help of educational measures and legislative policies. The governments instructed the educational sector to ameliorate the instruction for the students amid the crisis through distance education so teachers and students transferred their lessons in virtual classrooms. There are existing provisions of relevant policies for the educational directions and interventions that most children need during these unprecedented times.

Everybody should have access to the provision of the government during this dire situation due to the pandemic. The major goal of inclusive special education is also to warrant that students with disabilities are “effectively educated in either special or mainstream facilities from early childhood through secondary school education, to achieve their maximum inclusion and full participation in the community when they leave school (Hornby, 2015, p. 252).”

However, not all rights and experiences are heard especially dealing with students who have disabilities (Alper, & Goggin, 2017). Conversely, the policies and guidelines of renowned organizations that spearhead the information dissemination and scientific endeavors to fight COVID-19 have not addressed the needs of people with disabilities.

Emergency and public health designers have proposed and implemented several recommendations and guidelines but these strategies have not endeavored to enjoin people with disabilities in their emergency preparedness planning (Campbell, Gilyard, Sinclair, Sternberg, & Kailes, 2009). People with disabilities face similar challenges during COVID-19 in even more complex ways and they too need access to education, employment, healthcare services, and media support for societal participation (Alper, & Goggin, 2017).

Likewise, there is an elevated level of stress, loneliness, depression, and anxieties due to home quarantine (World Health Organization, 2020). Among the many vulnerable and oftentimes disenfranchised sectors with regards to government disaster response and planning include people with disabilities. Institutions stated that those who have physical limitations, intellectual disabilities, a family history of mental and addictive disorders,

etc. can experience mental health problems (Edwall, Woodcock, & Thorson, 2004) compared to those who do not have similar conditions. As an estimate, there are 93 million children with a moderate or severe disability while there are 13 million children with severe difficulties worldwide (World Health Organization & Calouste Gulbenkian Foundation, 2015) but this is an underestimate because of the lack of data monitoring in many countries. This data presents a challenge to governments worldwide but the government organizations should create programs on the principles of social engagement involving all citizens regardless of their affiliations, abilities, and social status (UNESCO, 2006) for people with disabilities to be productive citizens.

Although there are plans for alternative delivery which are ongoing in the Philippines as one of the government responses to address the educational needs of the learners, however, education and legislative emergency preparedness plans need to include provision for students with disabilities throughout this pandemic. Nationally, PhilHealth approximations revealed that 5.1 million Filipino children are living with disabilities (Government Australia & UNICEF, 2018) as of July 2018. Considering the current situation in the country, the educational and public health provisions have not been possible for people with disabilities.

The success of the program implementations depends on the stakeholders, instructional materials, facilities, equipment, parents (Ofori, 2018; Rabara, 2017), educators (Avramidis, & Norwich, 2002), and government support. Hence, the society needs to remove the barriers to learning and provide equal access to education and life-long learning (UNESCO, 2006) regardless of the world conditions as people with disabilities are also vulnerable even during this virus outbreak.

Methodology

The researcher employed a desktop analysis approach of the scientific body of literature focused on inclusive education to determine the existing provisions for people with disabilities. The UN Convention on the Rights of Persons with Disabilities acknowledges that disability as a concept continues to evolve.

In this study, thereby, people with disabilities refer to those who have long-term physical, intellectual, mental, or sensory impairments that hinder their full and effective involvement in society (UNCRPD, 2006). Likewise, government support given to people with disabilities had also been evaluated through archival research and document analysis of laws, public records, memoranda, and online-based policies.

The researcher scrutinized the public documents in the Philippines based on the existing provision of rights, laws, guidelines, and policies being delivered and implemented in the educational system to support the inclusion of the marginalized population. Thereafter, since there are no specific guidelines provisioned for people with disabilities concerning emergency preparedness planning in the country, the researcher created a diagram (see Figure 1).

The diagram can assist the government and other organizations in the community in creating their emergency planning and preparedness to cater to people with disabilities during this pandemic. The diagram is also based on the statements of recommendations of Campbell et al, (2009).

After synthesizing the review of the literature and scrutinizing the public records, a short interview from an education consultant, special education teacher, and a lawyer had also been carried out through virtual communication in Facebook messenger and LinkedIn. The interviews were made for triangulation purposes of the conducted literature review, archival research, and document analysis. The online interviews were done to obtain perspectives from experts in law and education sectors for the researcher to verify the existing provisions for children and people with disabilities amid the pandemic.

Results and Discussion

There exists an internal gap, social exclusion, and digital divide among people with disabilities as they are not given the provision that they need before, during, and possibly after the pandemic. The article hereafter offers the laws, educational interventions, and recommendations which can aid the government, policymakers, educators, and parents to support people and children with disabilities.

Laws that Protect People with Disabilities

Governments should have the accountability and responsibility to respect and fulfill the rights of all citizens including children with disabilities ([World Health Organization & Calouste Gulbenkian Foundation, 2015](#)). The birth of Special Education (SPED) in the Philippines was established at the start of the school for the Deaf and Blind in the Philippines. Commonwealth Act No. 3203 Articles 356 and 259 opened up the system for the Special Education in the Philippines. As of today, the rights of people with disabilities (see Table 1) are afforded through the promulgations of laws and policies in the Philippine Government.

Table 1.

Philippine Laws that delineates the rights of people with disabilities

<i>Laws</i>	<i>Definitions</i>
1987 Constitution Article XIV Sec. 1-2	Education, Science and Technology, Arts, Culture and Sports Education
Commonwealth Act No. 3203 Articles 356 and 259	The Right Of Every Child to Live in an Atmosphere Conducive to his Physical, Moral and Intellectual Development" and the Concomitant Duty of the Government "to Promote the Full Growth of the Faculties of Every Child."
Presidential Decree 603	The Child and Youth Welfare Code
Republic Act No. 3562	An Act to Promote the Education of the Blind in the Philippines
Republic Act No. 7277	Magna Carta for Disabled Persons
Republic Act No. 344	An Act to Enhance the Mobility of Disabled Persons By Requiring certain Buildings, Institutions, Establishments, and Public Utilities to Install Facilities and Other Devices

Article XIV of the Philippine Constitution (1987) section 1 states that “the State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all” and this means providing the needs of the students with disabilities through emergency remote teaching (Talidong, 2020; Toquero, 2020a) during a global crisis to not disrupt their education (Bozkurt et al, 2020).

Likewise, Article XIV of the 1987 Philippine Constitution section 3 emphasizes to “establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged” and provide the disabled with training and other skills. In that case, the major goal of the government for people with disabilities should be “to facilitate independence, a sense of well-being and active participation in the communities in which they live” (Hornby, 2015, p. 242).

Republic Act No. 7277 or the Magna Carta for Disabled Persons (Republic Act of the Philippines 7277, 2006) provides for the self-development, self-reliance, and rehabilitation of disabled persons and their integration to the mainstream of society for their rights and privileges. This entails having an equal opportunity for employment, access to quality education, national health program, auxiliary social services, telecommunications, accessibility, and political and civil rights. On the contrary, if the educational system is not able to provide for people with disabilities for them to achieve independence and success after their studies, it will be more difficult for the society in the long term because of the cost of unemployment, welfare payments, and criminal justice system (Hornby, 2015).

Presidential Decree 603 also states that in Article 3 that “all children shall be entitled to the rights ... without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors” (Presidential Decree, 1974). So, special classes even through digital technology at this time should also be given “in every province... for the physically handicapped, the mentally retarded, the emotionally disturbed, and the specially gifted” (article 74). The use of assistive technology can be

useful to support people with disabilities to create an accessible educational platform for them during this time of crisis (Ahmed, 2018).

However, focusing on the current situation on the impact of the pandemic to people with disabilities, the researcher interviewed an Education consultant based in London, UK about the provision for those people with disabilities. The interview was made through LinkedIn.

Corresponding author: How do you think are the governments providing for their needs during this pandemic?

Education Consultant: They are not really. In my local community I sent out through a charity a presentation and some exercise to do whilst the families are at home. Yesterday the charity came back to me and ask me to do more as they are having such good feedback from the parents.

A special education teacher from the Philippines was also asked on the provision of the government but there was a similar answer since the educational provision was for the general population of students and not specific for people with disabilities. Likewise, to verify from the lawmakers' perspective, a lawyer working for a public office was asked by the researcher through a chat message.

Corresponding author: Is there an existing provision from the Philippine government for the needs of people with disabilities during this pandemic?

Lawyer: Specifically, there is no provision with respect to people with disabilities, because the Bayanihan Act 2020 is only for the duration of a public health emergency. Practically, the law is just an allocation of public funds through cash assistance to those who are distressed as a result of this virus, and that includes those people with disabilities since they also belong to the vulnerable group.

People with disabilities need protection, especially during this crisis. Republic Act No. 344 promotes the rights of persons with disabilities “to participate fully in the social life and the development of the societies in which they live and the enjoyment of the opportunities” (sec. 1) and “discriminating against disabled persons...is hereby declared unlawful” (sec. 2) (Republic Act of the Philippines, 1063). People with disabilities also need

acknowledgment of their rights for social participation and that their voices should also be heard even during this time of the pandemic so that the government can support them. Policies should be created to protect them of their rights in the digital domain and create spaces and opportunities where children with disabilities can be heard (Alper, & Goggin, 2017).

People with disabilities are also citizens of the society, so the state must also give their full support for their total well-being. They have the same rights as mandated in the constitution so both public and private organizations and governments need to prevent the social, economic, environmental, attitudinal, and cultural barriers that exclude these people with disabilities from claiming their rights. These laws need to transfer their strength to the needs of people with disabilities during the present situation. Policies and guidelines should be crafted that consider the social inclusion of people with disabilities so that they too will be educated and can understand how to prevent the spread of the virus while they are given the healthcare and educational services that they need amid the pandemic. Public healthcare planning is vital to this disproportionate population (Campbell et al., 2009).

Convention on the Rights of the Child (CRC) Article 24 pointed that states need to

“recognize the right of the child to the enjoyment of the highest attainable standard of health and facilities for the treatment of illness and rehabilitation of health [and] shall strive to ensure that no child is deprived of his or her right of access to such health care services” (World Health Organization & Calouste Gulbenkian Foundation, 2015).

Interventions for People with Special Needs and Disabilities

Use of assistive technology. One of the prevailing challenges teachers and specialists face is the lack of skills and knowledge on the utilization of assistive technology which affects the suitability for the needs of people with disabilities and presents neglect of the use of assistive technology. In this case, the IEP team needs to determine the individual needs of the students for support using technology services to select the best assistive technologies that can be adapted to ensure student learning (Mahmoud, 2018) even through virtual means. Appropriate assistive technology can facilitate and maximize the educational opportunities for their performance (Alnahdi,

2014) amid the pandemic. The teachers and parents themselves need to be trained in using the assistive technologies during home quarantine or even after the pandemic so that the students can continue learning using the existing technologies available for them. Likewise, suggested technologies assist students with disabilities to include: word processors, proofreading programs, spell-checking programs, speech recognition, speech synthesis, optical character recognition system, talking calculators, Free-Form Databases, etc. (Raskind, 1994)

Use of social media. The utilization of social media for learning through digital technology can allow people with disabilities to maximize their voices, rights, and education even during the pandemic. A result of a study (Asuncion et al., 2012) has shown that the accessibility of the students with disabilities in using social media can raise basic awareness in the education sector. The results showed that people with disabilities can also use social media such as YouTube and Facebook for personal and educational purposes if the goal of the teachers is to offer an inclusive distance learning environment amid the pandemic, then the adoption of the use of social media can serve as proactive steps for the full participation of the people with disabilities (Asuncion et al., 2012).

Likewise, social media also presents benefits on the psychological and educational experiences of people with disabilities. A study reported a moderate psychological impact of using social media for having entertainment, enjoying leisure time, and venting out students' psychological pressures (Almakanin, Alodat, & Batarseh, 2019). The educational impacts of using social media include seeking information, discussing ideas, and engaging in educational dialogues. Consequently, there should be an "expansion of public programs addressing the digital and social rights of people with disabilities (including digital citizenship and information literacy initiatives), promoting their systematic evaluation and discussion of effectiveness (Alper, & Goggin, 2017, p. 11).

Recommendations for Inclusive Special Education amid the pandemic

Emergency preparedness plans of government. From the state to the local government and agencies, everybody should be a useful partner to ensure that adequate provisions are provided to people with disabilities (see Figure 1). The state, local governments, health emergency managers, and public health officials must address the specific needs of people with disabilities (Campbell et al., 2009; Qi, & Ho, 2020) in their emergency plans as this population is disproportionately affected by every crisis.

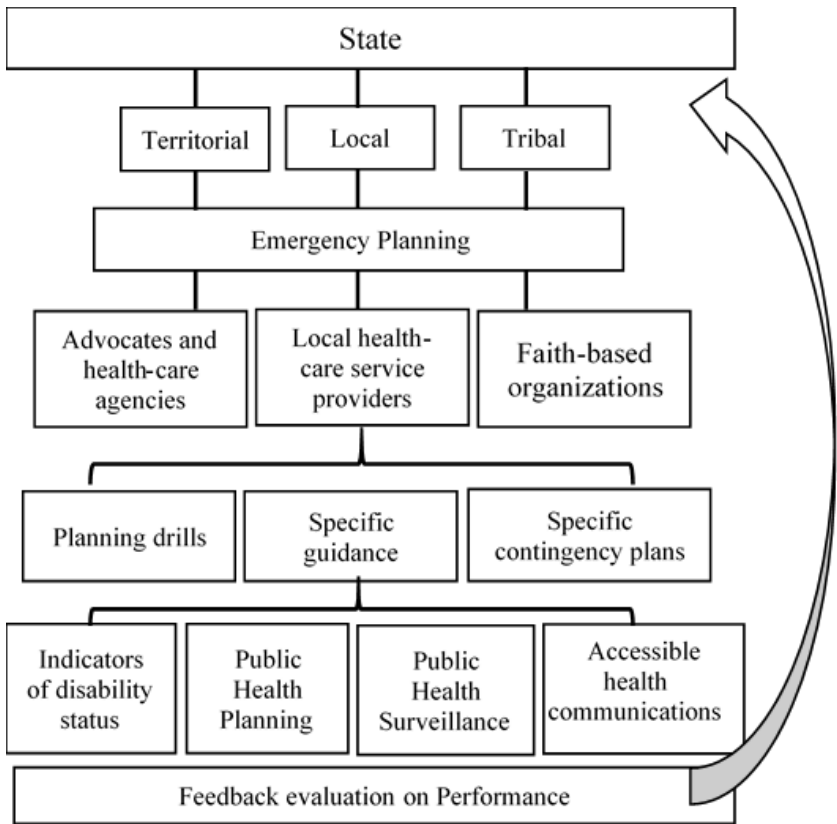


Figure 1. Emergency Planning and Preparedness for People with Disabilities

In an emergency event, “environmental factors would include support services that must be continued to prevent or mitigate disease and to prevent mortality” (Campbell et al., 2009, p. 295). However, there are only a few plans or guidelines of emergency planners that can meet the needs of the people with disabilities before, during, and after the emergency (Campbell et al., 2009). The authors recommended the pandemic and planning response for people with disabilities to include health communications and public health planning.

The indicators of disability status are necessary for “public health surveillance systems to assess the impact of public health threats and events on populations with disabilities” (Campbell et al., 2009, p. 298). Contingency plans need to mitigate the difficulties to help at-risk populations. Public health planning for the pandemic needs to involve people with disabilities so that the “plans adequately anticipate and address these needs to minimize preventable exposure, communicate risks effectively, and ensure continuity of essential services” (p. 299).

Thus, legislators need to make “modifications through a rights-based disability lens, as reflected in the UNCRPD” (Qi, & Ho, 2020, p.5). Qi and Ho strongly recommend organizations to participate in the legislative and policy processes and learn lessons from China on the consideration or lack thereof in providing the emergency response plans for people with disabilities. Consequently, the Philippine government necessitates to include legislative and policy provisions for the education and healthcare needs of people with disabilities in emergency preparedness and response plans. There should be consultation, participation, and governance in designing policies along with the best practices of media policies that are ‘friendly’ to children with disabilities (Alper, & Goggin, 2017).

E-inclusion through emergency remote teaching. E-inclusion describes the usage of digital technologies to remove the learning difficulties of the students with disabilities and to “break down barriers of gender, race, age, sexuality or class” (Abbott, 2007, p. 6) to understand debates on social inclusion and social justice. The aim is to have a focus not just on the pedagogical approach but in the context where learning takes place to make

the technologies innovative to assist the learners. “E-inclusion can be seen to encompass technology to train or rehearse, technology to assist learning and technology to enable learning” (p. 24). Having this concept in mind along with Emergency Remote Teaching (ERT) can guide educators to implement instruction for children with disabilities during a pandemic. ERT characterizes the meaning different from online learning. SPED teachers can use ERT to maximize the learning of children with disabilities by using temporary access to the existing mode of instruction available at the time of an emergency. This allows for considering leniency to not recreate a comprehensive online learning curriculum which can require a longer time to establish especially during a pandemic (Hodges, Moore, Lockee, Trust, & Bond, 2020; Bozkurt, & Sharma, 2020). The Department of Education (DepEd) needs to provide training for special education teachers, expand the government services to reach those persons with disabilities (Rabara, 2017), and create learning content that can be transferred online as a precautionary on social distancing measures.

Provision for mental health needs through online intervention. COVID-19 changed the life of people worldwide (Talidong, & Toquero, 2020) and people and children with disabilities are the most vulnerable during this pandemic era. As an aid, a framework was given by the Convention on the Rights of the Child (CRC) (1) and Convention on the Rights of Persons with Disabilities (CRPD) (65) to ensure that those children with psycho-social disabilities are given protection and can enjoy their rights without discrimination (World Health Organization & Calouste Gulbenkian Foundation, 2015). As the need arises, governments should look into consideration some approaches considered by the aforementioned institutions to diminish stigmatization among people with disabilities which can be done through online interventions.

With the pandemic at hand, the government must be resolved for having inclusivity in their planning and legislative agenda in mental health programs. The programs and policies should increase the services for the children with disabilities and assist their families for information seeking on available resources and provide them with financial assistance to avail of

mental health services (Thabet, 2017). The use of digital technology for online counseling will be beneficial for people with disabilities considering accessibility and convenience for seeking treatment or therapy (Pedrelli, Nyer, Yeung, Zulauf, & Wilens, 2015). There should be health personnel who can offer free virtual counseling and mental health teleconferencing for students with disabilities (Hinderaker, 2013; Toquero, 2020b).

Service providers also need to identify the improvement of disability services. Research is also needed to assist parents and caregivers for knowledge and skills on the coping strategies in dealing with people with psychosocial disabilities. Governments and schools need to adopt an inclusive special education policy to promote the use of interventions that focus on children's strengths and needs which is influenced by a range of psychological, medical, and other treatment models (Hornby, 2015). An evidence-based practice on the offering of mental health services can contribute to systematic monitoring so that help can be given to people with psychosocial disabilities especially during this time of crisis.

Strengthen research efforts on the use of digital technology. Inclusive special education supports intensive research for evidence on the effectiveness of policies and practices (Hornby, 2015). There is a need to evaluate the perspectives of the stakeholders toward inclusion examined through the conduct of more research (Rabara, 2017). This research can be done through online surveys and interviews using social media or video conference for accessibility and multiple communication (Alper, & Goggin, 2017). There is a greater need for baseline data and peer-reviewed and published research on the uses and practices and how digital technologies can assist learners with disabilities (Abbott, 2007; Alper, & Goggin, 2017). The research should focus on the effectiveness of interventions, programs, and educational placements of students with disabilities (Hornby, 2015).

Conclusions and Implications

Before the start of COVID-19, the rights of the people with disabilities were not thoroughly granted in mainstreaming them in society since not all people

with disabilities can access classroom-based education, healthcare services, and equal employment opportunities. There is an even more imbalance and digital divide in the system on the surge of the pandemic as their rights and voices are unheard of based on the government provision on health guidelines, healthcare services, virus prevention policies, and educational interventions.

However, the state must warrant, protect, and respect the natural and constitutional rights of everybody regardless of their abilities, affiliations, and social status. There is a need to raise awareness and advocate for the human rights of people with disabilities— especially the children to formulate laws and policies that can uphold their rights during this pandemic.

The digital divide and social exclusion should not serve as a preclusion to their constitutional rights. The Philippine government, parents, teachers, and the community need to work together to help people with disabilities.

Hence, this article gives social, academic, and policy implications. Socially, people with disabilities should be given protection and a platform where they can also experience that the government provides for their political and civil rights. Academically, teachers need to maximize the use of emergency remote teaching through assistive technologies so that there will be no interruption on the virtual-based education of the students with disabilities. Additional laws and policies need to be created to uphold the rights of people with disabilities since they too can experience numerous challenges on their education, mental health, and entire well-being due to the pandemic. Governments also need to be inclusive in crafting their emergency preparedness planning to provide for the healthcare needs and services of people with disabilities during this pandemic or any forthcoming outbreak. Future research needs to evaluate the experiences of the children in using digital media and on the effectiveness of assistive technologies for the learning needs of people with disabilities.

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176 Toquero – Inclusion of People with Disabilities & COVID-19

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Cathy Mae Dabi Toquero is Professor in the College of Education of the Mindanao State University-General Santos City

Contact Address: Mindanao State University. General Santos City, SOCCSKSARGEN, Philippines

Email: cathymaetoquero@gmail.com