



**Federal Law 29 – The Implications for Private Schools in
the UAE**

By

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The UAE Federal Law 29: Concerning the Rights of Individuals with Special Needs (2006) seeks to address the issue of discrimination of people with special needs and provide and promote equal opportunities in health care, employment, sport and education. Law 29 adopts a very broad definition of special needs to include people with temporary or permanent incapacity in physical, sensory, mental, communication, educational or psychological abilities. The definition incorporates a range of conditions and impairments that cause learning difficulties. With particular regard to education, Federal 29 means that schools, public and private, can no longer refuse entrance to children they deem to have 'learning difficulties' or 'special needs'. That is, Federal Law 29 introduces compulsory inclusion for private schools in the UAE. While the Law was written in 2006, in 2009, several education authorities drafted policy and regulation documents that will have direct impact on private education in 2010.

Historically, private schools in the UAE have accepted or rejected children as potential students for any reason they deemed applicable. This led to a free-enterprise approach to schooling with parents having to shop around their city to find admission for their children. Under Law 29, this free-enterprise approach to admissions will cease. All schools will be required to have children with learning difficulties and special needs in regular classes. Now, there are no acceptable criteria for denying a student's admission other than the school being full.

The inclusion of children with learning difficulties and special needs in mainstream schooling is not a new idea and for more than 30 years governments across the world have tried to include children with learning difficulties into regular schools. But trying to change the paradigm of education to one of inclusion has come with many problems as the impact on schooling is quite impressive, and expensive. It is not just the additional engineering for ramps for wheelchairs, entrance and seating alterations, or the extra equipment and services needed for the deaf and blind. It is the adjustments to curriculum that need to take place to accommodate and address the needs of children with special needs. And, it most probably means a move away from achievement-directed learning to community-based or differentiated learning in order to accommodate the broad spectrum of ability of the children in any regular class.

The introduction of Federal Law 29 has not occurred in a vacuum. The impetus for Federal Law 29 comes from the UN Convention on the Rights of Persons with Disabilities, also of 2006. The purpose of the Convention is to encourage governments to take "appropriate measures" to enable people with disabilities to have access, opportunities and equality. As a signatory to the Convention, the UAE has institute Law 29. Accordingly, the logic of the Federal Law is based on the Convention and begins by taking up the broad definition of Special Needs (Disabled Persons). The Federal Law, as a reflection of the Convention, picks up the directives of the convention in such phrases as: "The State shall guarantee to ensure equality", and "the State shall guarantee to take all the necessary measures to ensure the entitlement of an individual with special needs". While the Federal Law also picks up the challenge in the Convention to establish government committees, the Federal Law makes it absolutely clear that responsibility for implementing this law lies with the Ministry of Social Affairs.

Federal Law 29 is based on the recommendation of the Ministry of Social Affairs and written for the Ministry of Social Affairs to take a lead on implement change. Article 1 makes this clear. While there are other Sections in the Law that refer to services (medical, education, employment, public life) and to the establishment of committees under designated ministries, in each case there is a directive that such committees must make reports to the Ministry of Social Affairs. Thus, other ministries can only act or regulate on the instruction and approval of the Ministry of Social Affairs (Article 37, Article 11 Clause.5, Article 15 Clause 6, and Article 21 Clause 5). Indeed, the Ministry of Social Affairs is given very broad authority to review, inspect, regulate and implement "mechanisms" to fulfil this Law. (Fortunately, they are all very nice people.)

On the issue of education, Article 12 reads: "The State shall provide for an individual with special needs equal educational opportunities in all educational institutions..... in regular or specific classes where necessary. ... Special needs do not present an obstacle preventing an individual from applying to or joining any government or private educational institution of any kind." Schools, in implementing these undertakings are specifically charged with carrying out a number of measures: To provide educational diagnosis of the needs of students; to provide suitable and differentiated academic curricula; to provide teaching assistive devices and technologies; to develop alternative strategies for learning; develop methodologies for educational programmes and plans; and provide in-service training to teachers in areas of early diagnosis and detection of learning difficulties and special needs requirements, as well as providing the latest knowledge and experience for teachers to do their work.

Given that in addition to the provision of services to special needs children, there are something like 15% of children in regular schooling who need help for their learning difficulties, schools are, indeed, challenged to broaden their provision of education services and facilities.

In all this, schools are not left to implement all these changes by themselves. Perhaps the most impressive feature of Federal Law 29 is the introduction of the concept of public-private partnership in advancing the implementation of the Law's provisions. In Articles 9 and 36 the ministry of social Affairs is charged with licensing non-government institutions in the care, education, training and qualification of individuals with special needs. The Ministry, in cooperation with such institutions can grant them responsibility for the provision of special education programmes, the training of parents and professionals working with children with learning difficulties and special needs. Thus, private companies (institutes and centres) are to be directly licensed by Ministry of Social Affairs to work with schools for training, assessment, implementation of new learning strategies, and to facilitate schools in their provision of special needs and learning development services.

In the foreseeable future, the Ministry of Social Affairs could very well begin inspections of schools to see what services for children are available and what strategies are in place to help children develop at school. Certainly, there are many stories of schools which fail to successfully introduce learning development programmes but there are also many good examples of how inclusion can work. Allowing schools to use private specialist services as part of their education programme is certainly a good proposal and will allow many schools

to move more easily into an inclusive approach to education than would otherwise been possible. In reading Federal Law 29, it is to be noted that schools are not ordered to comply with regulations by the Ministry of Social Affairs, or other ministries. To the contrary, Federal Law 29 is a very positive move to see that there is equality within UAE society and children are given the help they need to reach their potential. Federal Law 29 is a good law.

Dr Reynolds holds his PhD in Philosophy and Constitutional Law. He has previously worked as Senior Professional Staff for the US Senate, Juvenile Justice Sub-Committee; Senior Professional Staff for the US House Select Committee on Children, Youth and Families; and Policy Officer for the Minister for Youth and Community Services, Sydney, NSW. He is the father of five sons and the Managing Director of the British Institute for Learning Development.