

Making Education Accessible: The Power of Parents' Association in Israel

Guila Seidel¹ and Yael Weisz-Rind²

Ofek Liyladenu - Israel National Association of Parents of Children with Visual Impairments

¹Guila@ofekl.org.il,

²Yael@ofekl.org.il

ABSTRACT

For more than 60 years, the State of Israel neglected its obligation to make education accessible for children with blindness or visual impairment. The Ministry of Education (MoE) refused to provide school books and materials in accessible formats or to allocate budgets to address the need.

As a result, for many parents the demand of time, resources and work to support their child, became an impossible task. This unbearable situation had a grave impact on children who could not reach their full potential and fulfill their talents.

In November 2011, Ofek Liyladenu, Israel National Association of Parents of Children with Visual Impairments, appealed to the Supreme Court of Justice (SCJ) against the Ministry of Education (MoE). In December 2013, more than 2 years later, the SCJ published its historic ruling. The ruling instructs the state to provide accessible school books and materials, accessible matriculation examinations as well as all educational activities inside and outside school [1]. The MoE started already implementing the Court decision and for the first time in its history provides a substantial budget for this purpose.

Ofek Liyladenu continues to play an important and active role vis-à-vis the MoE.

1. A HISTORICAL RULING BY ISRAEL'S SUPREME COURT OF JUSTICE (SCJ) PUTS AN END TO DECADES OF NEGLECT AND DISCRIMINATION

"Now, our children can fulfill their potential and grow to be independent adults who contribute to society." says Guila Seidel, Chairperson of *Ofek Liyladenu*, *"All they need is the adequate attitude and support of the MoE and in their schools."*

1.1. Years of Neglect and Discrimination

For more than 60 years, the State of Israel neglected its obligation to make education accessible for children with blindness or visual impairment. The Ministry of Education (MoE) refused to provide school books and materials in accessible formats or allocate budgets to

address the need.

Parents were referred to the Central Library for the Blind, the only institution that provides accessible reading materials to the community. Although not budgeted by the MoE, the Library made efforts over the years to respond to the demand, but suffered from lack of funding and production capacity. It could only provide part of the books, especially where complex translation process and unique expertise were required, for example only 2-3 math books were translated every year. Furthermore, the formats provided were mainly in audio format, with very few Braille books. And so, parents were forced into a complicated process – struggling to compile book lists from schools in advance and obtain school materials, preparing Braille books, reading to their children and generally spending hours to support their child's learning. For many parents the demand of time, resources and work was an impossible task. This unbearable situation had a grave impact on children who could not reach their full potential and fulfill their talents. In the Israeli context, wherein all children who have only visual impairments (no other disability) are in mainstream schools, and where resources are limited, this was even more critical. On many cases students dropped from school or were forced to abandon certain subjects due to lack of books.

Ofek Liyladenu (means Our Children's Horizon in Hebrew), Israel's National Association of Parents of Children with Visual Impairments, was instrumental in bringing about a dramatic change. The association's long-term advocacy work produced the solution to this frustrating situation and promoted the children's right for equality in education.

1.2 The Road to the Supreme Court of Justice

Since its establishment in the late 90' Ofek Liyladenu represented the children and parents in discussions with the MoE and other authorities advocating the children's right for equality in education, with no success. In attempt to put pressure on the government we recruited support from many Members of the Knesset, the Israeli Parliament (MKs). The MKs tried to promote the issue through Questions to the Government, discussions at the Education Committee (see Figure 1) and the Committee on the Rights of the Child, and lobbying. Yet, the authorities remained indifferent. The government consistently refused to take responsibility and shifted it on to the parents.



Figure 1: Ofek Liyladenu’s team presents the issue of school books’ accessibility to the Committee of Education in the Israeli Knesset.

At that time, a survey among the parents revealed a grim picture of desperation and exhaustion, which confirmed our understanding of the need for a different approach. At this stage the board of Ofek Liyladenu took the decision to escalate our actions and explore the legal avenue. In our search for legal advice and support, we approached Bizchut, The Israeli Human Rights Center for People with Disabilities, an association dedicated to enable people with physical, intellectual, sensory, mental and learning disabilities to participate as fully and independently as possible in the life of the mainstream community. The name “Bizchut” (‘by right’ in Hebrew) reflects the belief that all people are entitled to the same rights and that the needs of people with disabilities must be met on the basis of entitlement rather than from a charity-based perspective. Bizchut provides legal representation on principle issues and they agreed to represent Ofek Liyladenu in this case.

The process included setting up a steering committee composed of parents with children at school age who were willing to be the petitioners. This was not an easy task since many parents feared repercussions on their children from the establishment. In the preparation process with the committee other areas of accessibility were identified as lacking. These included teaching materials other than books, such as internal school worksheets and exams. The committee also identified the great problematic situation with matriculation exams, where the student with visual impairment could not sit the exam in real time. While their sighted peers started the exam, they had to wait for a support teacher to translate it into Braille, which could take up to few hours, and all this time they were not allowed to leave the exam room. When finally able to start the exam, they often finished hours after their sighted friends due to the waiting time and the additional time allowance, accorded to students with visual impairment. For example, in a multiple choice exam they had to wait for the full translation of all the questions before starting to answer, and so the delay was extended and as result the student would finish up to 8 hours after other examinees!

The steering committee’s conclusions and the needs it identified were discussed with Bizchut’s legal advisor and a strategy was agreed upon, namely, appeal to the Supreme Court of Justice (SCJ). Another hurdle in the process was the ongoing formulation of accessibility regulations which took place at this period. We submitted our requirements but had to wait for their completion before assessing whether the children’s needs are fully addressed. Once the process was completed we learned that the regulations do not refer to the right to equal education of children with visual impairments through provision of accessible books. In November 2011 the Appeal was submitted to the SCJ (see figure 2).



Figure 2: November 2011, appeal submission by Ofek Liyladenu: 6 school-age children with visual impairment accompanied by a social worker sitting on the judges’ bench at the SCJ.

1.3 First Achievements

Before the court’s first scheduled hearing on the case, the state gave a dramatic announcement, accepting its fundamental responsibility to provide accessible books.

For the first time in the history of the State of Israel, funding was guaranteed in the MoE’s budget to produce school books in one of four formats accessible to the children: Braille, audio recording, digital format and enlarged print. In the months to follow, the MoE launched a process to systemize the productions of the books and established communication channels with Ofek Liyladenu. The SCJ instructed the MoE to open an on-going dialogue with the association in order to address the acute needs of the children.

1.4 Groundbreaking Success

The issues agreed upon and those disputed between the sides were considered by the court and in December 2013 were formalized through the court’s landmark ruling [2].

The ruling main points are:

1. The Ministry of Education (MoE) recognizes its **responsibility to provide accessible text books, teaching materials and matriculation examination** to children with visual impairment.

2. Accessibility is provided in a **modular way**, in four relevant formats: Braille, enlarged print, digital file and voice recording. The student should be able to **use any of the format as well as any necessary combination according to their needs**. This should be done in a dialogue with their professional teacher.
3. Providing **internal school materials is the responsibility of the school** via the relevant teacher.
4. **MoE regulations on schools' obligation** to ensure accessibility of internal materials and school activities will be published by 1/3/2014 [3]. The MoE will consult *Ofek Liyladenu* on the regulations and will refer to the four formats and to the procedure through which a decision is made on the suitable formats. The regulations will include criteria for providing voice recording.
5. **Accessible matriculation examination** – the MoE recognizes its responsibility to provide exams in either Braille, enlarged print or digital file **in real time**. The MoE will publish a regulation on the interface between the school and the Examination Department regarding matriculation examination for students with visual impairments.
6. **Timing of book distribution** to the students: the MoE position was that books will be provided by the end of October, two months after the beginning of the school year (for books included in the MoE lists by May). The MoE also noted lack of qualified professionals to produce Braille books in mathematics in Arabic, and thus, when necessary the teachers will be responsible to assist the students until the books are provided. Our position was that all books should be provided at the **beginning of the school year** (end of August). The court ruled in favor of our position.
7. Use of **digital files**: the ruling referred to the need to amend Israel's Copy Rights Law 2007 which was already in discussion in the Knesset. The proposed amendment is set to decriminalize the act of providing a copy of a publication to people with visual impairment or other reading disabilities, regardless of the publishers' consent. Thus, the ruling noted that the State will ensure that this amendment is **prioritized** so that all school books are accessible in digital format for children with blindness and visual impairment. In the interim the MoE will act to ensure all publishers' consent for the use of a digital file by students with visual impairments, and will consider legal actions against those who refuse. If the MoE does not progress in timely manner on this issue *Ofek Liyladenu* can approach the SCJ again.

Finally, this court noted that the petition *“raised a crucial public issue and the petitioners have a significant role in advancing the solution to the problem. And since most of the petitioners' claims were accepted by the court the MoE will pay the trial costs of the petitioners.”*

2. NEXT STEPS

In spite of our great achievement there was no time to rest on the laurels. While the MoE demonstrates a better attitude - transparency and cooperation with *Ofek Liyladenu*, new challenges and difficulties arise in this transition period. These require our on-going follow up and involvement (see Figure 3).

The challenges are on several levels: first, the preliminary planning of the books production and distribution process by the MoE was not well structured, as it was the first time it was faced with such a task. The process includes many constituencies, service providers and complex procedures which requires an integrative approach. This was missing; second, lack of expertise, capacity and tools mainly from the service providers who were not ready for the large volume of demand and the expertise it requires; third, lack of communication with *Ofek Liyladenu* on the process and timeline. This was a major obstacle in the books production since the MoE missed the opportunity to learn from the rich knowledge and experience of the parents. Also, parents were not informed of the process conducted by the MoE e.g. timeline of the books delivery, service provider etc.; fourth, delays in publishing the MoE regulations and their communication to schools.

In the following months *Ofek Liyladenu* insisted on an on-going feedback from the parents, which proved to be crucial in the discussion and work with the MoE. The feedback was useful for improving the process: from the first steps of compiling reading lists through the production of the books and finally the timely distribution to the students. We expect that for the next academic year we will see a considerable improvement and an efficient system for the provision of accessible school materials.



Figure 3: Israel's Minister of Education, MK Rabbi Shai Piron, in a meeting with *Ofek Liyladenu*'s Children with visual impairment (June 2014).

“We are thrilled with the court ruling” says Yael Weisz-Rind, Executive Director of *Ofek Liyladenu*, *“children with blindness and visual impairments are no longer second class citizens and can enjoy their right for education and start the school year as their sighted peers”*.

Ofek Liyladenu is a non-profit association funded by donations. The association is a big supportive diverse community for more than 1200 families from all parts of Israeli society, from all faiths and nationalities, and provides services, support and representation to the children and their families.

REFERENCES

- [1] The SCJ's ruling includes all children in the State of Israel, Jews and Arabs, and thus refers to accessible materials, books and services in both official languages Hebrew and Arabic.
- [2] Israel's Supreme Court of Justice, 8536/11 <http://elyon1.court.gov.il/files/11/360/085/v27/11085360.v27.htm>
- [3] Ministry of Education, Special Education Needs Department, Regulations to all Educational Institutions on accessibility for Children with Visual Impairment (in Hebrew) - <http://cms.education.gov.il/EducationCMS/Applications/Mankal/EtsMedorim/1/1-2/HoraotKeva/K-2014-12-1-1-2-44.htm>