

REVIEWS

Rights, Equality, Educational Provisions and Facilities for Students with Disabilities in Thailand: Legal and Practical Perspectives over the Past Decade

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ABSTRACT

This review aims to critically examine the present status of educational provisions and facilities for students with disabilities in Thailand, in accordance with the enforcement of various laws over the past decade (1992-2008). The legal essence of laws such as the Constitution of The Kingdom of Thailand 1997, the Rehabilitation of Disabled Persons Act 1991, and the National Education Act 1999, was typologically compared to actual situations, in terms of educational provisions and facilities, by reviewing a total of 25 research papers.

The findings showed that there had been no further educational provisions and facilities for students with disabilities, despite indications within the laws. There are discrepancies between legislations and practices due to the ineffectiveness of law enforcement, and the negative attitudes of service providers and society towards students with disabilities. Therefore, positive attitudes of stakeholders have to be promoted, alongside the new laws.

Key words: Education, Disability, Law, Thailand, Rights, Student, Equality

INTRODUCTION

Legal and social policy issues regarding persons with disabilities, and the opportunities, including education, which could improve their quality of life (QOL), are the ideological concerns of both global and national movements.

In terms of global movements, the United Nations (UN) established the Human Rights Council in 1995. In 1999, through the World Health Organisation, the UN replaced the International Classification of Impairments, Disabilities and

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Handicaps (ICIDH) with the International Classification of Functioning and Disability (ICF), which was concerned with the functioning, participation and social integration of persons with disabilities. There was a shift from the medical model, with its focus on the impairments, to the social model, with the focus on social barriers and discrimination. In May 2007, the UN declared the Convention on Rights of Persons with Disabilities (CRPD) as the first international law for the protection and promotion of human dignity of persons with disabilities in all societies, with signatories and ratification by many countries around the world. Over the past two decades, in Western society, particularly in the United States and the United Kingdom, the disability movement has been continuously involved - through the American Disability Act 1990 (ADA 1990) and the Disability Discrimination Act 1995 (DDA 1995) respectively - in wide-ranging civil rights laws that prohibit, under certain circumstances, discrimination based on disability. In sum, these movements and laws also intended to provide more opportunities to persons with disabilities living in inclusive societies (Okawa & Ueda, 2008; Francis & Adams, 2010; United Nations, 2010). Studies have revealed that appropriate educational provisions, assistive technologies (ATs) and supports while in school are crucial in enhancing the quality of life of students with disabilities in modern and capitalist societies, as they contribute towards greater educational success, more gainful employment and financial independence (Stodden et al, 2006; Sheppard-Jones et al, 2007).

In Thailand, the Rehabilitation Act for Disabled Persons 1991 and related legislation had been in force during the past decade, until the Promotion and Development of QOL of Persons with Disabilities Act 2007, based on the social model, was proclaimed. Thailand signed and ratified the CRPD by May 2008. This implies that the approach towards persons with disabilities has shifted from the charity and medical models to the social model (Cheausuwantavee, 2008). Ideally, the positive outcome of these laws and policies would be the eventual promotion of more services, provisions and equipment for persons with disabilities.

Nevertheless, there has been evidence of discrepancies within such disability movements and legal reformations, for instance, the lack of ATs and educational provisions for students with disabilities in actual situations, as well as the discrimination they continue to face around the world. This reflects that legal and policy statements have not been matched by actual practices, not only in Thailand, but also in other countries including the United States (US) and many developed countries (Wagner, 1995; Ministry of Education, 1999a; Anuprasert,

2002; Stodden et al, 2006; Phuakkhong, 2008). In short, legal enforcement and policy implementation have been ineffective. However, in some countries such as the US, comprehensive studies have been made in order to continuously improve laws/amendments for better educational provisions and facilities for students with disabilities in actual settings (Christ & Stodden, 2005; Tagayuna et al, 2005).

In Thailand, though there were many studies regarding educational provisions and facilities for students with disabilities, particularly after the Rehabilitation Act for Disabled Persons 1991 and related legislations were passed (Arayawinyu, 1994; Meunkol, 1994; Petchmanee, 1995; Junthima, 1997; Koufay, 1997; Intanunchai, 1999; Anuprasert, 2002; Phuakkhong, 2008), there was unfortunately no comprehensive and empirical study focusing on existing legal and social policy issues. Additionally, there has been evidence reflective of no further concern by the state and others in society towards educational provisions and facilities for students with disabilities over the past decade (Plengsombut, 1999; Intarawichai & Boulek, 1998; Ministry of Education, 1999b; Ratanaphan, 2003). Thailand now has new laws such as the Constitution of The Kingdom of Thailand 2007, Development and Promotion of Quality of Life Act for Persons with Disabilities 2007 and Educational Provision Act for Persons with Disability 2008. However, if there is no further action, these laws cannot ensure that the problems faced by students with disabilities will be solved.

The government has tended to formulate or reform legislations and policies without taking into consideration sufficient empirical and comprehensive data. This could be one reason for the ineffectiveness of law enforcement and policy implementation. Little is known about specific discrepancies between the legal essence and the actual situations with regard to educational provisions and facilities.

Thus, this study aims to critically examine the past and present status of educational provisions and facilities for students with disabilities in Thailand, in accordance with the enforcement and implementation of various laws that emphasise human rights and equality over the past decade (1992- 2008). It is hoped that the research results would help the state, legal experts, policy makers and other stakeholders to gauge the success of the recent and existing laws, and to determine how to effectively formulate and enforce them in terms of educational provisions and facilities for Thai students with disabilities, in either the current or future settings.

METHOD

This documentary research was done by drawing comparisons between the legal statements as ideological goals, and the actual situations as practical enforcement of laws regarding educational provisions and facilities for students with disabilities in Thailand, especially across the period of time following the Rehabilitation Act for Disabled Persons 1991 and related legislations passed during 1992-2008.

Units of analysis were of 2 parts: 1) legal documents regarding educational provisions and facilities for students with disabilities, including the Constitution of The Kingdom of Thailand 1997, the Rehabilitation of Disabled Persons Act 1991 and the National Education Act 1999; 2) research documents consisting of any studies regarding educational provisions and facilities for students with disabilities in Thailand, with inclusion criteria as both published and unpublished research, as well as full papers produced or disseminated after the Rehabilitation Act for Disabled Persons 1991 was passed. The researchers collected the available documents that were produced between 1992- 2008, as they were likely to have been influenced by the laws passed after 1991.

The researchers visited libraries of the 4 main public universities in Bangkok, Thailand, including Mahidol, Chulalongkorn, Thammasat and Srinakarinwirot Universities, and searched through the online database of Thai University or ThaiLIS (Thailand Library Integrated System) that contained around 400 research documents about disabilities in Thailand, and 263 research documents pertaining to disabilities between the years 1992-2008. The target research documents were located by using particular key words such as “technology and disabled student”, “educational provision and disabled student”, “technology and disability” and “education and disability”. A total of 25 documents that met the research criteria, were identified and collected.

The guideline for data collection and classification established by researchers was followed. It consisted of 6 main areas, including year of publication or completion, name of journal (in case of published articles), research title, methodology, participants, and results.

Typology/comparison analysis and interpretation of data were conducted in three steps. The first step, called an analysis of the ideal aspects or legal essence, was to identify themes contained within the legal documents concerning disability with regard to international standards. The second step, which could be called an analysis of the practical aspects or actual situations/settings, was to summarise

evidence concerning educational provisions and facilities from target research in the years from 1992-2008. The third step was to interpret and compare the legal essence with actual situations.

RESULTS

When the legal essence regarding educational provisions and facilities for students with disabilities was compared with actual situations, the compliant and non-compliant issues were revealed as follows.

Legal Essence on Human Rights, Educational Provisions and Facilities for Students with Disabilities

In general, the Constitution of The Kingdom of Thailand 1997 (Royal Gazette 1997) consisted of 12 chapters and 317 sections, aimed at eliminating all restrictions and removing earlier prohibitions regarding persons with disabilities.

The Rehabilitation of Disabled Persons Act 1991 (Royal Gazette [Special Edition] 1991) consisted of 20 sections. The rationale for promulgation of this act was explicitly mentioned in its last page, *"..although disabled persons are a part of national resources, their disabilities often hamper their living, occupation and participation in social activities, it is deemed appropriate to support and promote disabled persons to have opportunities, lead their lives, work and participate in social activities equal to that of the 'able-bodied'. In this respect, it is deemed expedient that disabled persons be protected, assisted, developed and rehabilitated through medical, educational, social rehabilitation and vocational training; that existing problems be solved and economic and social barriers be removed for them; and that the society be promoted to be conducive to and to rehabilitate these disabled persons."*

The National Education Act 1999 (Royal Gazette 1999), which continues to be enforced, consisted of 9 chapters and 78 sections. Sections 6 and 8 reflect its objectives and principles that education shall aim at the full development of the Thai people in all aspects: physical and mental health; intellect; knowledge; morality; integrity; and desirable way of life so as to be able to live happily with other people. Educational provision shall be based on the following principles: 1) lifelong education for all; 2) all segments of society participating in the provision of education; 3) continuous development of the bodies of knowledge and learning processes.

In these earlier laws, many issues have been specifically mentioned and covered as follows.

Equal Rights and Human Dignity without Discrimination

Equal rights and human dignity without discrimination are two of the crucial aspects highlighted within these laws.

“The human dignity, right and liberty of the people shall be protected.”

(Section 4, Constitution of The Kingdom of Thailand 1997)

“All persons are equal and shall enjoy equal rights and that all discrimination based on physical or health conditions is prohibited.”

(Section 30, Constitution of The Kingdom of Thailand 1997)

With regard to human rights and discrimination, persons with disabilities are also supported through rehabilitation and educational processes respectively, being specifically mentioned in related laws.

“ ...Rehabilitation of Disabled Persons means the improvement of the potentials and capacities of disabled persons through medical, educational, social methods, and vocational training in order to provide them the opportunities to work or lead their lives equal to that of the non-disabled.”

(Section 4, Rehabilitation of Disabled Persons Act 1991)

“ ... In the provision of education, all individuals shall have equal rights and opportunities to receive basic education provided by the State for the duration of at least 12 years. Such education, provided on a nationwide basis, shall be of quality and free of charge. Persons with physical, mental, intellectual, emotional, social, communication and learning deficiencies; those with physical disabilities; or the cripples; or those unable to support themselves; or those destitute or disadvantaged; shall have the rights and opportunities to receive basic education specially provided.”

(Section 10, National Education Act 1999)

Responsibility of the State for Persons with Disabilities

According to the equal rights and human dignity focus, the State has to take responsibility for all citizens and, in particular, has to break down social and environmental barriers for persons with disabilities.

“A person shall enjoy an equal right to receive the fundamental education for the duration of not less than twelve years which shall be provided by the State thoroughly, up to the quality, and without charge.”

(Section 55, Constitution of The Kingdom of Thailand 1997)

“The disabled or handicapped shall have the right to receive public conveniences and other aids from the State, as provided by law.”

(Section 43, Constitution of The Kingdom of Thailand 1997)

In addition to this, the State has to ensure flexibility and a variety of educational provisions for persons with disabilities.

“... Such education may be provided in special schools or through mainstreaming in ordinary schools whereby the Centre for Innovation and Technology attached to the Ministry of Education shall provide support as deemed appropriate.”

(Section 15, Rehabilitation of Disabled Persons Act 1991)

“..Education for the disabled in the second paragraph shall be provided free of charge at birth or at first diagnosis. These persons shall have the right to access the facilities, media, services and other forms of educational aid in conformity with the criteria and procedures stipulated in the ministerial regulations.”

(Section 10, National Education Act 1999)

“...There shall be three types of education:

(1) Formal education shall specify the aims, methods, curricula, duration, assessment, and evaluation conditional to its completion.

(2) Non-formal education shall have flexibility in determining the aims, modalities, management procedures, duration, assessment and evaluation conditional to its completion. The contents and curricula for non-formal education shall be appropriate, respond to the requirements, and meet the needs of individual groups of learners.

(3) Informal education shall enable learners to learn by themselves according to their interests, potentialities, readiness and opportunities available from persons, society, environment, media, or other sources of knowledge.”

(Section 15, National Education Act 1999)

Important resources for persons with special needs and disabilities including financial support, equipment, effective methods as well as human resources, are also recognised in many sections of the National Education Act 1999.

“...The state shall be responsible for the following....

(3) Distribution of budgetary allocations and other special educational resources suitable and in line with the requirements for educational provision for each group of persons with special needs referred to in the second, third and fourth paragraphs of section 10.”

(Section 60, National Education Act 1999)

“...The state shall distribute frequencies, signal transmission devices, and other infrastructure necessary for radio broadcasting, television, telecommunication radio and other media of communication for use in provision of formal, non-formal and informal education and enhancement of religious, artistic, and cultural affairs as necessary.”

(Section 63, National Education Act 1999)

“...The state shall promote and support the production and refinement of textbooks... materials, and other technologies for education.... and development of educational technologies.”

(Section 64, National Education Act 1999)

“...state shall be taken for personnel development for both producers and users of technologies for education so that they shall have the knowledge, capabilities, and skills required for the production and utilisation of appropriate, high-quality, and efficient technologies.”

(Section 65, National Education Act 1999)

Affirmative Action and Motivation

Although these laws are concerned with the rights and dignity of persons with disabilities, no punishment is mentioned for non-compliance by individuals. However, affirmative action or positive enforcement for those who support persons with disabilities or comply with the laws would be done.

“...An owner of a building, site, vehicle or a service provider who provides equipment to directly facilitate disabled persons as stipulated in Section 17(1) is entitled to deduct double the expenses incurred for such purpose from the net income or net profit of the year during which those expenses were incurred, as the case may be, in accordance with the Revenue Code.”

(Section 18, Rehabilitation of Disabled Persons Act 1991)

Subsequently, when it was found that a single approach such as an affirmative action or motivation would not be effective, the Ministerial Regulation and the Cabinet Resolution 1999, in accordance with the Rehabilitation of Disabled Persons Act 1991, was issued. These amendments made compliance mandatory. The standards and appropriateness of equipment or assistive devices for people with disabilities were reaffirmed.

To sum up, the earlier laws regarding rehabilitation services, educational provisions and facilities for persons with disabilities, upheld the human rights and dignity of all people. They were in accordance with international human rights standards. Legal documents identified the responsibility of the central government, local government, schools, families and society for the protection of the rights of persons with disabilities. They also identified multi-sectoral involvement of five government organisations or ministries that had to provide services for persons with disabilities with regard to public conveniences, social welfare and education. However, legal documents contained only affirmative actions and had no provision for punishment. Finally, legal documents required that there be flexibility of educational provisions and facilities, alternative programmes/services and the allocation of adequate budgets and resources by the state.

Actual Situation regarding Educational Provisions and Facilities for Students with Disabilities

Actual situation pertaining to educational provisions and facilities for students with disabilities, during the period 1992-2008, were studied in research documents and summarised as follows.

Of the 263 research papers collected, only 25 articles met the study criteria. They were all unpublished research or theses, and most of them (48%) were written between 1998 - 2003. While 52% were studies on a variety of disabilities, 64% were on quantitative design and in particular, survey studies (Table 1).

Table 1. Characteristics of researches regarding educational provisions and facilities for students with disabilities during 1992-2008 (N=25).

Characteristics	n	%
Year of production		
1992-1997	10	40
1998-2003	12	48
2004-2008	3	10
Research design		
Quantitative	16	64
Qualitative	3	12
Documentary	6	24
Area of study		
Deaf	5	20
Blind	3	12
Physical disability	2	8
Intellectual disability	2	8
Variety of disabilities	13	52
N	25	100

General Situation - Positive Aspects

As per the empirical data of the research, 110,327 students with disabilities were provided education in 2000, and this number was over 3 times higher than figures in the previous two years. 18 centres of education for students with disabilities were launched in all regions that were specified. Strategic plans, educational provision manuals and Individual Educational Plans (IEPs) for persons with disabilities were established (Ministry of Education, 2000a). Some facilities were specially designed for students with disabilities including accessible circular front desks in library, reading tables, low bookshelves, ramps and easily opened doors for those with wheelchairs (Pholrachom, 2003). Inclusive education was emphasised and launched for students with disabilities, especially for the blind and the deaf (Tungpitakrai, 2001; Nisayun, 2007).

General Situation - Negative Aspects

Only 22.67 % of persons with disabilities had the opportunity to access the available educational provisions (Intarawichai & Boulek, 1998). Students with disabilities who studied in Bangkok, the capital of Thailand, were more satisfied with resource requirements than those who studied in regional or rural areas (Phuakkhong, 2008). Effectiveness of social policy implementations in terms of accommodation, places, and public services, including success of ATs and educational provisions for students with disabilities, were rated by these students and other stakeholders at low to moderate levels (Chaiboudang, 1996; Intarawichai & Boulek, 1998; Plengsombut, 1999; Ministry of Education, 2000b). The strategies of curriculum administration were inappropriate and different in those schools (Ministry of Education, 2000b). Inclusive education for students with disabilities was not quite successful (Ministry of Education, 2000c). The students also faced barriers in respect of accommodations buildings and transportation, public services, environment and ATs. There were insufficient numbers of teachers and educational personnel capable of teaching them (Intanunchai, 1999; Ratanaphan, 2003). Content and management of curriculum were usually the same as for students without disabilities, but there could be slight adjustments or modifications for persons with disabilities, by the teachers or instructors, without an actual IEP (Meunkol, 1994; Intarawichai & Boulek, 1998; Tungpitakrai, 2001). Most instructors usually conducted the integrated classes involving students with disabilities by using their traditional or general education teaching plans (Loescharataradee, 2002).

In short, this information tends to reflect the ineffectiveness of policies and laws, poor management and inequality of educational resource allocation for persons with disabilities, not only in hardware and software, but also 'humanware' or knowledge and skills of teachers and related educational providers.

Types of Facilities

From the findings, the different kinds of facilities or assistive technologies might be classified into three types: hardware, software and 'humanware'.

In terms of types of hardware such as architectural and environmental technologies including ramps, tubular ramp handrails, accessible toilets and other disability support services, there was not much available for students with physical disabilities (Ratanaphan, 2003). However, there was evidence of access to some facilities specially designed for students using wheelchairs, such as

circular front desks in libraries, accessible reading tables, low bookshelves, ramps and easily opened doors (Pholrachom, 2003). Simple aids such as slates/styluses and tape recorders for blind students, word cards and picture cards for the deaf students, were usually used. Nevertheless more sophisticated technologies, including computers and tapes, talking books, as well as pocket or body- type hearing aids, behind the ear hearing aids (BTE) and ear-plug hearing aids were needed (Plengsombut, 1999; Deenoe, 2001; Anuprasert, 2002; Nisayun, 2007). The instructional technologies necessary to teach students with disabilities effectively were unfortunately not available (Petchmanee, 1995; Deenoe, 2001).

A limited number of educational software aids were available for students with particular needs. Screen readings and Braille displays were the instructional and information technologies traditionally used for blind students (Plengsombut, 1999; Anuprasert, 2002).

Of course, more humanware or human resources supporting students with disabilities were also required. Human facilitators as text readers were particularly useful for blind students (Anuprasert, 2002). Focusing on the quality or the knowledge and attitudes among service providers, the findings revealed that a solution had to be found for teachers' lack of knowledge and creative skills (Petchmanee, 1995; Intanunchai, 1999; Tungpitakrai, 200; Deenoe, 2001). The main problems were also administrative systems and personnel management within organisations (Pholrachom, 2003). Caregivers indicated that schools available for persons with disabilities were inadequate, and that their children were rejected by mainstream schools, whereas students with disabilities indicated that they had problems with studies, and were often harassed by other students (Ratanakorn, 1992). Teachers and educational personnel who worked with students with intellectual disabilities had negative attitudes towards their profession and jobs. Their limitations in knowledge, skills and attitudes were among the significant barriers faced by students with intellectual disabilities, in accessing mainstream education (Meunkol, 1994; Junthima, 1997). Further, in terms of numbers and location, the ratio of interpreters to deaf students was 1:465, interpreter service centres were needed in many more regions of the country (Torsuwan, 2003). The inappropriate teacher-student ratio implied that the shortage of teachers and educational personnel was a critical issue (Ministry of Education, 1999a; Ministry of Education, 2000a; Ministry of Education, 2000c). Essentially, there was no further participation by caregivers or parents of students with disabilities for the establishment of the National Policy of Education for Students with Disabilities (Ratanaphan, 2003).

Adequacy and Satisfaction with Educational Provisions and Facilities

To sum up, many research documents reflected inadequate and unsatisfactory educational provisions and facilities for students with disabilities and stakeholders. Inadequacy of educational technologies for all students, whether with or without disabilities, in terms of numbers and quality still continued (Ministry of Education, 1999a; Anuprasert, 2002). In addition, the standard of ATs for students with physical disabilities in library and educational provisions was inadequate (Pholrachom, 2003). Students with visual, physical and hearing impairments, and other stakeholders, rated the adequacy of provision of assistive devices and facilities at low to moderate levels (Prasansin, 1997).

Budget Allocation

Basically, budget allocations to various segments indicate the responsibility of the government towards its citizens. In the years 1992-1994, allocations were made for general public services, national security and defence, public safety, economic affairs, environmental protection, housing and community amenities, health, recreation, culture, religion, education, and social protection, but the Ministry of Education allocated only about 0.07 % of the total budget for the educational provisions of students with disabilities (Arayawinyu, 1994). Further, research findings indicated that students with disabilities preferred to participate in inclusive education, but the government budget for this educational approach was too small (Arayawinyu, 1994; Intanunchai, 1999; Deenoe, 2001; Tungpitakrai, 2001).

Further Exploration and Study

Research findings reveal certain issues that need to be clarified and resolved. First, while some parents, teachers and personnel involved in education have positive attitudes toward students with disabilities, and believe in their right to be educated, which would support the success of educational provisions, others continued to maintain negative attitudes toward persons with disabilities (Ratanakorn, 1992; Meunkol, 1994; Loescharataradee, 2002). Second, students with disabilities, administrators, and teachers were more concerned about self-help groups and the students' adjustment in daily life, whereas their parents or caregivers were more concerned about the literacy factor (Deenoe, 2001). These issues should be addressed by further studies and interventions.

Comparison between the Legal Essence and Actual Situation

Based on data presented earlier, the legal essence regarding educational provisions and facilities for students with disabilities is compared to the actual situation/settings. The differences, as compliant and non-compliant issues, between the legal essence and the actual situations or implementations can be illustrated and explained as follows.

Table 2. Comparison between the legal essence and actual situation regarding rights, equality and educational provisions and facilities of students with disabilities.

Issues	Legal essence	Actual situations
Human dignity and rights	Human dignity, rights and liberty concern	No more concern and negative attitudes toward SWDs
Responsibility of State	Responsibility of State/central and local Gos, families, schools and society for enhancing QOL of SWDs	No more concern, only Central government and some NGOs
Interdisciplinary and cooperation for enhancing QOL of SWDs	Inter-sectoral co-operation among 5 GOs/ ministries; Social Development and Human security, Education, Interior, Labour, Public Health	No more co-operation, separately launched by particular ministry especially 1) Ministry of Social Development and Human Security, 2) Ministry of Education
Enforcement of laws	Enforcement without punishment, but only affirmative actions	Ineffectiveness with law revision and issuing ministerial regulations
Welfare focus concern on SWDs	Concern on all aspects of QOL, especially public accessibility and social welfare for all SWDs	Poor quality of life and of majority of SWDs due to environmental barriers, limitation of accessible public services,

Educational provisions and facilities for SWDs	Equality and adequacy of educational provisions and facilities within particular laws, variety of services, alternations/flexibility, wide range of supports including budgets, equipments, human resources and knowledge	transportations and welfare No more inequality and adequacy of quantity and quality of educational provisions and facilities, provided in particular group and area, limited in facilities, budget, human resources, appropriate attitudes, knowledge and skills among providers and parents
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As seen in Table 2, the majority of legal ideals on educational provisions and facilities for students with disabilities in Thailand have not been met in actual situations over the past decade. There are more negative than positive aspects in the actual situations. Since the 1990s, ineffective enforcement of laws, lack of systematic monitoring and punishment, and negative attitudes of service providers and society toward persons with disabilities have been the main reasons for the laws/policies becoming unsuccessful and ineffective.

DISCUSSION

As stated at the beginning, so far there has not been any comprehensive and empirical review study along with the existing legal and social policy issues, regarding educational provisions and facilities for students with disabilities in Thailand. No articles have been published in international journals and there is no accessible database for the unpublished documents. Articles might be found via e-database and the internet, but only abstracts are available, without details, as conference manuscripts (Phantachat & Parnes, 2007).

Recently an article attempted to review Thailand's legislative framework in terms of its compliance with CRPD (Namsiripongpun, 2011). It demonstrated that the majority of existing laws in Thailand complied with CRPD's concepts, including the definition of disabilities, equality and non-discrimination, protection for children with disabilities, accessibility, access to justice, independent living,

education, work and employment, health and rehabilitation, participation in political, cultural life and recreation, etc. Unfortunately, due to lack of evidence-based support, this article only reflected an overview of the legislative content from the authors' perspective, rather than its implementation and the actual situation.

Other societies, especially in developed countries, have conducted studies on issues concerning educational accessibilities, provisions and facilities for students with disabilities in their own countries (Hanafin et al, 2007; Hobbs et al, 2009). In addition, in the United States, there is applied research focused on whether there has been effective implementation of educational provisions and assistive technologies for students with disabilities. Thus, cost-benefit studies such as statistical predictions, factor analysis for identifying sources of payment, comparative as well as qualitative studies to promote effective participation by stakeholders, especially persons with disabilities and their families, have been conducted throughout the decade (Wheaton & Hertzfeld, 2002; Parette & Brotherson, 2004; Carlson & Ehrlich, 2006; Kaye et al, 2008; Reichrath et al, 2010; Winkler et al, 2010). Based on research results, the assumption is that these societies would be able to provide a fund of information for more effective provision of educational services for persons with disabilities. In contrast, it was not easy to learn about the status of educational provisions and facilities for similar persons in Thailand, and in relation to other societies in the world. The present study was required to address this issue.

As a result of this study, the differences between the legal essence and the ground realities regarding educational provisions and facilities for students with disabilities in Thailand, can be discussed along with earlier research and related theories. Since there is evidence that concepts of the law have not been complied with in actual situations, it is a reflection on the ineffective implementation and enforcement of policies. Major barriers continue to be the limitations of law enforcement, as well as negative attitudes of service providers and society toward persons with disabilities. These factors have been the basis for stigma and discrimination against persons with disabilities. This is true not only of Thailand, but also of developed countries such as the US and the United Kingdom (UK), and third world countries like Afghanistan (Barnes & Liver, 1995; Dowrick et al, 2005; Transitional Islamic State of Afghanistan and Italian Cooperation, 2003). This could imply that unsuccessful or ineffective laws based on discrimination against persons with disabilities are a "universal or global problem".

This study also supports the United Nations disseminated research of Quinn et al (2002) that highlighted case studies, in terms of education for students with disabilities through legislative measures, in countries such as Cameroon, Cape Verde, Gambia, Portugal and Qatar over the past decade. The research stated that a variety of approaches such as special, inclusive and alternative education, as well as professional/human training, sufficient budgets and resources and family participation were important for effective educational provisions for students with disabilities. Quinn's study was a comprehensive and chronological review with evidence and research-based supports, unlike the present study.

The two past decades studies from different countries have continually shown high school drop-out rates, high unemployment, and a tendency for individuals with disabilities to live less independently. There have been significant barriers to adopting practices that may best support the successful transition of students with disabilities. These include discrimination based on disability, lack of coordinated efforts across systems, socioeconomic and community factors that also require cooperation or participatory action among persons with disabilities and their families, community, government, private, and business sectors (Edgar & Levine, 1986; Kortering & Edgar, 1988; Wagner & Shaver, 1989; Barnes & Liver, 1995; Lehman et al, 2002; Dowrick et al, 2005).

According to the present research findings, although the negative aspects are many, there have been some positive aspects regarding educational provisions and facilities for students with disabilities in Thailand. During the past decade, more educational provisions were made through various strategies, than in the previous years. Strategic plans, educational provision manuals and IEPs for persons with disabilities were established. Environmental barriers are likely to have been eliminated especially for wheelchair-using students. The new laws show concern for human dignity, rights and equal opportunities for persons with disabilities and other marginal groups in Thailand. It is to be hoped that these legislations would enable persons with disabilities to live in an inclusive society, as several recent studies done in other countries show that students with disabilities who received support and opportunities from vocational rehabilitation or transition planning personnel while in high school, secured better post-school employment and higher earnings than those who did not (Ratanaphan, 2003; Tagayuna et al, 2005; Weather et al, 2007; Francis & Adams, 2010).

The new laws might be not able to ensure effective implementation and enforcement of educational provisions and facilities for students with disabilities,

unless the barriers are really broken down. Discrepancies between the legal ideologies and actual life situations continue to occur within both Western and Eastern societies, as this global problem is primarily caused by discrimination against students with disabilities and a lack of collaboration between multiple agencies or stakeholders. Therefore the awareness of multiple stakeholders, in terms of educational provisions and facilities for students with disabilities, should be effectively enhanced. This can be addressed by adopting an interdisciplinary approach, as well as participatory action or evidence-based practice in the form of further implementations and studies.

CONCLUSION

Even though the past decade has seen the passage of various laws upholding human dignity and equal rights for persons with disabilities in Thailand, in practice the majority of educational provisions and facilities for students with disabilities were not usually compliant with the legal perspective. Ineffective enforcement and discrimination or negative attitudes of society towards persons with disabilities have continued to take place within those laws.

Though the old laws have been replaced by new ones such as the Constitution of The Kingdom of Thailand 2007, the Development and Promotion of Quality of Life Act for PWDs 2007 and the Educational Provision Act for Persons with Disability 2008, the new laws have been reformed and adopted without considering any empirical data. Therefore, based on the present research results, the following suggestions are offered to help make these new laws more effective. First, systematic monitoring of legal enforcement and policy implementation, with regard to educational provisions and facilities, needs to be done by the government sectors. Second, knowledge and skills training, along with the promotion of a positive attitude among teachers, educational providers and administrators should be encouraged. Third, interdisciplinary approach and participatory action or evidence-based practice should be adopted, to develop effective collaboration between stakeholders in educational provisions and transition services for students with disabilities.

Limitation

Since most of the units of analysis of this study were recent and unpublished research, and without peer reviews, the scientific results could be questioned. On the other hand, it might be argued that this has merit because published articles

with peer reviews could also be biased in that they are usually positive or have interesting results of concern to reviewers (Cohen, 1988).

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REFERENCES

- Anuprasert N (2002). A Study on Problems and Needs of the Visually Impaired Students on Access Technology in the Post-secondary Educational Institutes of the Bangkok Metropolis [unpublished thesis]. Nakornpathom Thailand: Mahidol University:154.
- Arayawinyu P (1994). Analysis of Budget Allocation of Government for Education and Social Welfare of Marginal Children in Thailand [unpublished research]. Bangkok, Thailand, Srinakarinwirot University: 134.
- Barnes C, Liver M (1995). Disability Rights: Rhetoric and Reality in the UK. *Disability and Society*; 10: 111-116. <http://dx.doi.org/10.1080/09687599550023769>
- Carlson D, Ehrlich N (2006). Sources of Payment for Assistive Technology: Findings from a National Survey of Persons with Disabilities. *Assistive Technology*; 1: 77-86. <http://dx.doi.org/10.1080/10400435.2006.10131908>. PMID:16796243
- Chaiboudang, A (1996). Effectiveness of Implementation of Social Policy according to Rehabilitation Act for the Disabled Persons 1991 [unpublished thesis]. Bangkok Thailand: NIDA University: 116.
- Cheausuwantavee T (2008). Perspective on Disability through Concept and Theory. Bangkok, Thailand: Tana Press.
- Christ W T, Stodden R (2005). Advantages of Developing Survey Constructs when Comparing Educational Supports offered to Students with Disabilities in Post-secondary Education; 22: 23-31.
- Cohen J (1988). *Statistical Power Analysis for the Behavioral Sciences* (2nd ed). Hills date, NJ; Erlbaum.
- Constitution of The Kingdom of Thailand (1997). *Royal Gazette*; 114: 394-496.
- Deenoe D (2001). Current Situation of Assistive Technology for Persons with Hearing Impairment in Special School [unpublished thesis]. Nakornpathom Thailand: Mahidol University: 106.
- Dowrick W P, Anderson J, Heyer K, Acosta J (2005). Post-secondary Education across the USA: Experiences of Adults with Disabilities. *Journal of Vocational Rehabilitation*; 22: 41-47.
- Edgar E, Levine P (1986). *Special Education Students in Transition: Washington State Data 1976-1986*. Seattle: University of Washington, Experimental Education Unit.
- Francis M D, Adams R (2010). Are We Promoting the Health of People with Physical Mobility Impairments? A Literature Review. *Health Education*; 10: 135 – 145. <http://dx.doi.org/10.1108/09654281011022469>

- Hanafin J, Shevlin M, Kenny M, Mc Neela E (2007). Including Young People with Disabilities: Assessment Challenges in Higher Education. *Higher Education*; 54: 435-448. <http://dx.doi.org/10.1007/s10734-006-9005-9>
- Hobbs D A, Close J K, Downing A R, Reynolds K J, Walker L T (2009). Developing a National Research and Development Centre in Assistive Technologies for Independent Living. *Australian Health Review*; 33: 152-160. <http://dx.doi.org/10.1071/AH090152>. PMID:19203345
- Intanunchai T (1999). Inclusive Education for Students with Disabilities in Pitsunulok Province [unpublished thesis]. Pitsanulok Thailand: Naraseun University: 132.
- Intarawichai Y, Boulek S (1998). Status of Educational Provision for Persons with Physical, Intellectual, Emotional and Social Disability [unpublished research]. Bangkok Thailand: Office of National Education Committee: 96.
- Junthima W (1997). Personnel Management in Special Education School as perceived by Administrators and Teachers in Schools for Children with Mental Retardation. [unpublished thesis]. Bangkok Thailand: Srinakarinwirot University: 97.
- Kaye H S, Yeager P, Reed M (2008). Disparities in Usage of Assistive Technology among People with Disabilities. *Assistive Technology*; 20: 194-203. <http://dx.doi.org/10.1080/10400435.2008.10131946>. PMID:19160906
- Kortering A, Edgar E (1988). Vocational Rehabilitation and Special Education: A Need for Cooperation. *Rehabilitation Counseling Bulletin*; 17: 78-86.
- Koufay S (1997). State and Problems of Integrated Education Programme in Secondary Schools under the Jurisdiction of the Department of General Education [unpublished thesis]. Bangkok Thailand: Kasetsart University: 195.
- Lehman M C, Clark B H, Bullis M, Rinkin J, Catellanos A L (2002). Transition from School to Adult Life: Empowering Youth through Community Ownership and Accountability. *Journal of Child and Family Studies*; 11: 127-141. <http://dx.doi.org/10.1023/A:1014727930549>
- Loescharataradee C (2002). A Study of Program Management for Visually Impaired Students in the Primary Demonstration, Rajahbat Institute Suansunandha Institute [unpublished thesis]. Nakornpathom Thailand: Mahidol University: 132.
- Meunkol J (1994). The Educational Provision for Mentally Retarded Students of the Office of the National Primary Education Commission in Educational Region 9 [unpublished thesis]. Khonkhan Thailand: Khonkhan University: 163.
- Ministry of Education (1999a). Supervision and Evaluation of Inclusive Education [unpublished research]. The 9th Center of Special Education, Division of Secondary Education, Ministry of Education, Bangkok, Thailand; 1999: 134.
- Ministry of Education (1999b). Situations of Inclusive Education of Students with Disabilities in Thailand [unpublished research]. Bangkok Thailand: Office of Education for Persons with Disabilities, Division of Secondary Education, Ministry of Education: 125.
- Ministry of Education (2000a). Evaluating Educational Provision for Disabled Persons: The Educational year of Disabled Persons [unpublished research]. Evaluation Commission of Educational Provision for Disabled Persons, Ministry of Education, Bangkok Thailand: 134.
- Ministry of Education (2000b). Models of Inclusive Education for Deaf Students in Thailand [unpublished research]. Office of Education for Persons with Disabilities, Division of Secondary Education, Ministry of Education; Bangkok Thailand: 88.

- Ministry of Education (2000c). Qualitative report: Evaluating Students with Special Needs and Dropping out from their Studies in Primary Schools [unpublished research]. Division of National Primary Education, Ministry of Education, Bangkok Thailand: 134.
- Namsiripongpun, W (n.d.). Paper 10: Thailand - Harmonization of national legislation with the Convention on the Rights of Persons with Disabilities in Asia and the Pacific. Retrieved from: <http://www.unescap.org/sdd/issues/disability/crpd/files/Paper-X-Thailand-20110121.pdf> on 28 December 2011.
- National Education Act (1999). Royal Gazette 1999; 116: 18-25.
- Nisayun K (2007). Current Situation, Problems and Needs on Instructional Medias for Children with Hearing Impairment in Konkhan Special School [unpublished thesis]. Khonkhan Thailand: Khonkhan University: 148.
- Okawa Y, Ueda S (2008). Implementation of the International Classification of Functioning, Disability and Health in National Legislation and Policy in Japan. *International Journal of Rehabilitation Research*; 31: 73-77. <http://dx.doi.org/10.1097/MRR.0b013e3282f2d972>. PMID:18277207
- Parette H P, Brotherson M J (2004). Family-centered and Culturally Responsive Assistive Technology Decision-making. *Infants and Young Children*; 17: 355-367. <http://dx.doi.org/10.1097/00001163-200410000-00008>
- Petchmanee B (1995). The Study of Instructional Technologies used by Teachers in the School for the Deaf [unpublished thesis]. Nakornpathom Thailand: Mahidol University: 154.
- Phantachat W, Parnes P (2007). Implementing Assistive Technology Service Delivery System Internationally - A Complex Issue. *i-CREAtE 2007 - Proceedings of the 1st International Convention on Rehabilitation Engineering and Assistive Technology in Conjunction with 1st Tan Tock Seng Hospital Neurorehabilitation Meeting*: 1-13.
- Pholrachom S (2003). A Study of Facility and Service Management in Library Services for People with Physical Disabilities and Mobility Impairment in Schools: A case study at Srisangwan School and Khonkaen Special Education School [unpublished thesis]. Nakornpathom Thailand: Mahidol University: 136.
- Phuakkhong D (2008). A Study of Physical Resource Requirements for Meeting the Educational Needs of Students with Disabilities [unpublished dissertation]. Pune India: Pune University: 197.
- Plengsombut W (1999). Information Technology needs of the Blind students in Thailand [unpublished thesis]. Nakornpathom Thailand: Mahidol University: 110.
- Prasansin W (1997). Study of Problems and Needs regarding English Teaching for Students with Hearing Impairment in Secondary level in Special School [unpublished thesis]. Bangkok Thailand: Srinakarinwirot University: 124.
- Quinn G, Dengener T, Bruce A, Buke C, Castellino J, Kenna P, Killelly U, Quinlivan S (2002). *Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability*. New York and Geneva: United Nation. Retrieved from: <http://www.ohchr.org/Documents/Publications/HRDisabilityen.pdf> on 28 December 2011.
- Ratanakorn K (1992). Comparative Study of Educational Provisions for Students with Disabilities in Inclusive Education and Special Education System [unpublished research].

Bangkok Thailand: Thammasat University: 114.

Ratanaphan W (2003). Assistive Technology and Quality of Life for Physically Students with Disabilities in Higher Educational Institutions in the Bangkok metropolis [unpublished thesis]. Nakornpathom Thailand: Mahidol University: 115.

Rehabilitation of Disabled Persons Act (1991). Royal Gazette [Special Edition]. 1991; 110; 1-8.

Reichrath E, de Witte L P, Winkens I (2010). Interventions in General Education for Students with Disabilities: A Systematic Review. *International Journal of Inclusive Education*; 14: 563-580. <http://dx.doi.org/10.1080/13603110802512484>

Sheppard-Jones K, Garrett B, Huff M B (2007). Community-based Work Experiences for Students with Significant Disabilities: Real-world Work Equals Real-world Success. *International Journal on Disability and Human Development*; 6: 47-52. <http://dx.doi.org/10.1515/IJDHD.2007.6.1.47>

Stodden A R, Roberts K, Picklesimer T, Jackson D, Chang C (2006). An Analysis of Assistive Technology Supports and Services offered in Post-secondary Educational Institutions. *Journal of Vocational Rehabilitation*; 24: 111-120.

Tagayuna A, Stoden R, Chang C, Zelenik E M, Whelley A T (2005). A Two-year Comparison of Support Provision for Persons with Disabilities in Post-secondary Education. *Journal of Vocational Rehabilitation*; 22: 13-21.

Torsuwan N (2003). Current Situation of Sign Language Interpreters on Bangkok and the Vicinity [unpublished thesis]. Nakornpathom Thailand: Mahidol University: 94.

Transitional Islamic State of Afghanistan and Italian Cooperation (2003). The Comprehensive National Disability Policy in Afghanistan. Kabul, Afghanistan; 42 p. Retrieved from <http://www.who.int/disabilities/policies/documents/Afghanistan.pdf> on 30 September 2010.

Tungpitakrai A (2001). Equal Opportunity to Access Educational and Social Rehabilitation of the Visual Impaired [unpublished thesis]. Bangkok Thailand: Chulalongkorn University: 122.

United Nations (2010). Convention on the Rights of Persons with Disabilities. Retrieved from: <http://www.un.org/disabilities/default.asp?id=150>

Wagner M M (1995). Outcomes for Youths with Serious ED in Secondary School and Early Adulthood. *Critical issues for children and youths*; 5: 90-112.

Wagner M, Shaver D (1989). Educational Programs and Achievements of Secondary Special Education Students: Findings from the National Longitudinal Transition Study. Menlo Park, CA: SRI International.

Weather I I R R, Walter G, Schley S, Hennessey J, Hammeter J, Burkhauser R V (2007). How Post-secondary Education improves Adult Outcomes for Supplemental Security Income Children with Severe Hearing Impairments. *Social Security Bulletin*; 67: 101-131. PMID:18457089

Wheaton J E, Hertzfeld J (2002). Ancestry and Severity of Disability: A National Study. *Rehabilitation Counseling Bulletin*; 45: 154-161. <http://dx.doi.org/10.1177/003435520204500304>

Winkler S L H, Vogel B, Hoenig H, Ripley D C C, Wu S, Fitzgerald S G, Mann W C, Reker D M (2010). Cost, Utilization, and Policy of Provision of Assistive Technology Devices to Veterans Post-stroke by Medicare and VA. *Med Care*; 48: 558-62. <http://dx.doi.org/10.1097/MLR.0b013e3181bd4a11>. PMID:20125048