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## Disability and Inclusivity: The Impact of Legislation on the Implementation of Inclusive Education for Learners with Learning Disabilities in Primary Schools of Zimbabwe

**Dr. Sylod Chimhenga**

Senior Lecturer, Zimbabwe Open University, Zimbabwe

### **Abstract:**

*The study investigated the impact of legislation on the implementation of inclusive Education for learners with learning disabilities in primary schools of Zimbabwe. The study was carried out in Bulawayo Province. There were 250 primary school teachers, 30 university lecturers and 20 education officers who participated in this study and they were selected by means of purposive or convenience sampling. All participants to the study were being involved in the implementation of inclusive education for children with learning disabilities in primary schools. Questionnaires were used to collect data from the participants. Descriptive and inferential statistics were used to analyse the data. The findings indicated that there was no mandatory policy and legislation on the implementation of inclusive education for children with learning disabilities in primary schools of Zimbabwe. The study also revealed that lack of commitment by policymakers towards children with learning disabilities has hampered successful implementation of inclusive education. The study recommended that there is need to establish a clear and concise mandatory policy and legislation, supported by an Act of Parliament that spells out the expectations and roles of the stakeholders in the implementation of inclusive education for children with learning disabilities.*

**Keywords:** *Inclusive education, learning disabilities, legislation, disabilities*

### **1. Introduction and Background to the Study**

Inclusive education is a process that involves the transformation of schools and other centres of learning to cater for all children – including boys and girls, students from ethnic and linguistic minorities, rural populations, those affected by HIV and AIDS, and those with disabilities and difficulties in learning. Its aim is to eliminate exclusion that is a consequence of negative attitudes and a lack of response to diversity in race, economic status, social class, ethnicity, language, religion, gender, sexual orientation and ability. Education takes place in many contexts, both formal and non-formal, and within families and the wider community. Inclusive education is not a marginal issue but is central to the achievement of high quality education for all learners and the development of more inclusive societies. It is essential to achieve social equity and is a constituent element of lifelong learning. From a policy perspective, inclusive education means taking a holistic approach to education reform and thus changing the way the educational system tackles exclusion. Without clear, unified national strategies to include all learners, many countries will not achieve the Education for All (EFA) goals.

Inclusive education is a process of strengthening the capacity of the education system to reach out to all learners and can thus be understood as a key strategy to achieve EFA. As an overall principle, it should guide all education policies and practices, starting from the fact that education is a basic human right and the foundation for a more just and equal society. The major impetus for inclusive education was given at the World Conference on Special Needs Education: Access and Quality, held in Salamanca, Spain, June 1994. More than 300 participants representing 92 governments and 25 international organizations considered the fundamental policy shifts required to promote the approach of inclusive education, thereby enabling schools to serve all children, particularly those with special educational needs.

Social cohesion/existence can only be meaningful when there are clear-cut principles binding societies. These principles could be guidelines that indicate how a group of people should behave in given circumstances or a statement of rules which give direction and influence behaviour in given circumstances (Chireshe, 2006:20). Human civilisation has been possible because of legislation enshrined in the very essence of human existence. On the contrary, the law of the jungle could have exterminated the human race. In the same light, for inclusive education practice to be more meaningful, there is need for principles that support its existence (Mbibeh, 2013:55). Inclusive education has evolved as a movement that seeks to challenge exclusionary policies and practices. It seeks to ensure that social justice in the education system prevails. It is generally agreed that inclusive education has its origins in the human rights pronounced in the Universal Declaration of Human Rights in 1948 which stated that everyone has the right to education (Du Plessis 2013 :82). Inclusion is fundamentally about assuring access, permanence, quality learning and full participation and integration

of all children and adolescents, particularly for members of disadvantaged and poor societies, those with disabilities, those who are homeless, and those who are workers, those living with HIV and Aids and other vulnerable children (Mwamwenda, 2014:29; Du Plessis 2013 :85).

In the 1990s, UNESCO held a number of conferences around the world with insightful outcomes geared towards the provision of education for all children without exception. Such conferences include; the Education for All (EFA) (1990) and the Salamanca Conference (1994). The World Education Conference in Jomtien Thailand (1990) raised concerns related to education for all. Article 3 of its declaration apart from advocating a breakaway from rigid prescriptive educational systems towards flexible ones, (UNESCO, 1990:5), recognised the existence of disparities, and acknowledged the vulnerability of particular groups with the inherent discrimination exerted on them in education. The declaration therefore agreed that active commitment must be made to remove this disparity and every person with disabilities should not suffer any discrimination in access to learning opportunities (UNESCO, 1990:5; Mwamwenda, 2013:424) but should be provided with normal education as an integral part of the educational system. This emphasised the need for inclusive education as against exclusive education. In view of such international declarations, one wonders how legislation affects the implementation of inclusive education for children with learning disabilities in primary schools of Zimbabwe.

The success of creating inclusive education as a key to establishing inclusive societies depends on agreement among all relevant partners on a common vision supported by a number of specific steps to be taken to put this vision into practice. The move towards inclusion is a gradual one that should be based on clearly articulated principles that address system-wide development and multi-sectoral approaches involving all levels of society. The barriers to inclusion can be reduced through active collaboration between policy-makers, education personnel and other stakeholders, including the active involvement of members of the local community, such as political and religious leaders, local education officials and the media.

Zimbabwe is a signatory to the Salamanca statement and framework for action on special needs education and several other inclusive education related international charters and conventions (Chireshe, 2013: 224). However, it does not have an inclusive education specific policy, but has inclusive education related policies like the Education Act of 1996 and the Zimbabwe Disabled Persons Act of 1996 which advocates for non-discrimination in the provision of education and non-discrimination of people with disabilities in Zimbabwe respectively (Chireshe, 2011:157; Chireshe, 2013:224). Nyanga and Nyanga (2013:166) state that successful implementation of inclusive education in Zimbabwe is hampered by lack of commitment by policymakers towards students with disability. Similarly the study by Chireshe (2013:226) revealed that lack of specific policy on inclusive education was perceived as a key challenge to successful implementation of inclusive education in Zimbabwe. Legal support for inclusive education is implied from the Zimbabwe Education Act of 1996 and the Zimbabwean Disabled Persons Act of 1996. The Education Act of 1996 introduced free and compulsory education for all students regardless of any demographic differences while the Disabled Persons Act of 1996 addresses the rights of people with disabilities in relation to education, employment, recreational facilities and community and social services.

After the attainment of Zimbabwe independence in 1980, the government considered the provision of education to the visually impaired, hearing impaired, the physically challenged and those with learning difficulties and speech and language problems (Peresuh & Barcham, 1998:75). The government of Zimbabwe also accepted the provisions of The Convention of the Rights of the Child, the Copenhagen Declaration on Social Development, the Salamanca Statement and Framework for Action and the Dakar Framework for Action. All these aimed at enhancing the development of education for children with disabilities (Hapanyengwi, 2009:2). The aim of the government of Zimbabwe in the provision of special needs education is to bridge the gap for learners with special needs. In line with the Salamanca Statement and Framework for Action, Zimbabwe adopted the policy of inclusion with reference to special needs education. In 1987 the government of Zimbabwe came up with the Education Act, 1987 (revised in 1996) in which it stated that, 'every child in Zimbabwe shall have the right to school education'. The Act also places on every local authority the responsibility of providing education to all children under its jurisdiction. While Peresuh and Barcham (1998: 76) interpret this to mean that this included pupils with disabilities, it is important to note that no mention whatsoever is made of the right of children with disabilities to education.

The Secretary of Education Policy Circular 36 was issued in 1987, the year the Education Act was enacted. It was in this policy circular that it is stated, 'New strategies have been formulated as special education has come into line with the national policy by attempting to ensure equal educational opportunity for children with handicaps into normal school' (Peresuh & Barcham,1998:76). The Education Act did not elaborate how the provisions of special educational needs were to be done. Another Secretary's Circular Minute No. P36 of 1990 attempted to rectify the anomaly in the Education Act. It elaborated the nature and conditions under which special needs education was going to be provided in Zimbabwe. It points to the need for integration of pupils with special educational needs into mainstream schools, the need for resource rooms in regular schools to cater for the needs of pupils with special needs and special schools for those with severe disabilities. In spite of the above developments, Zimbabwe does not have an inclusive education specific policy; it has inclusive education related policies like the Zimbabwe Disabled Persons Act of 1996 which advocates for non-discrimination of people with disabilities (Chireshe, 2013:224; Mpofu, Kasayira, Mhaka, Chireshe & Maunganidze, 2007:77). Mpofu et al.(2007:76) state that due to the lack of legislation specifically supporting inclusive education, it is difficult for schools to implement the structures, procedures and resources necessary for successful inclusion. The initiatives to develop inclusive education are not matched by appropriate quality instruction features, such as availability of teacher and student support, accessibility classrooms and/or the curriculum for students with disabilities in general education programmes.

There are educational policies in many countries such as South Africa, Namibia and Botswana which limit the progress towards the implementation of inclusive education in schools (Mukhopadhyay et al., 2012:3). These policies place emphasis on academic excellence, school competitiveness and academic attainment which is underpinned by a marketplace philosophy of education (Evans

& Lant, 2002:8). Judging school success on the basis of academic results and pupil achievement alone may run counter to the implementation of inclusive education and discourage teaching practises that allow for student diversity in an inclusive setup (Howes, Booth & Frankham, 2005:135). These school educational policies have forced schools to become concerned that their academic performance and reputation might be damaged if they were 'too' inclusive (Abbott, 2006:630). Such a scenario may result in teachers concentrating on a narrow curriculum and a small group of academically able pupils and affecting the implementation of inclusive education for children with disabilities.

According to Mkhuma (2012: 48), teachers are the prime agents of change in societies in which they offer their services and therefore the successful implementation of the inclusion policy rests upon teachers' change of attitude towards it. In terms of inclusive education it can be accepted that teachers' perceptions of inclusive policies will not only determine their acceptance of inclusive policies, but will also affect their commitment to implement such policies (Avramidis & Norwich, 2002:130). Lessons from policy implementation research by Du Plessis (2013:90) show that the education system can provide good policy, education support, and resources and build the capacity of participants to implement the policy, but if attitudes have not changed, the implementation will fail.

### *1.1. Goals of the Study*

The study sought to assess the influence of legislation on the implementation of inclusive education for children with learning disabilities in primary schools of Zimbabwe. The study sought to provide an answer to the following main research question: How does legislation influence the implementation of inclusive education for learners with learning disabilities in primary schools in Zimbabwe?

## **2. Methodology**

### *2.1. Design*

The survey design which was mainly quantitative in nature was used. The survey was used to provide a clear picture of how legislation influences the implementation of inclusive education for children with learning disabilities in primary schools. Surveys are normally appropriate for studies that seek to obtain participants' perceptions, opinions and beliefs on a phenomenon (Slavin 2007). Since the present study sought to assess the influence of legislation on the implementation of inclusive education for children with learning disabilities in primary schools of Zimbabwe, the survey design was deemed suitable.

### *2.2. Sample*

Two hundred and fifty primary school teachers, thirty university lecturers and twenty education officers participated in the study. Participants were purposively selected from a group teachers, education officers and university lecturers who were willing to participate in the study. In purposeful sampling, the knowledgeable people are selected (McMillan and Schumacher 2006). The participants were qualified teachers, education officers and university lecturers who were knowledgeable about the implementation of inclusive education in primary schools.

### *2.3. Instrumentation*

Questionnaires were used in this research in an effort to reach as many respondents as possible. The questionnaire with 5-point Likert scales was used in this study for the structured items to allow for fairly accurate assessments of opinions from the respondents. The items focused on how legislation influences the implementation of inclusive education for children with learning disabilities Zimbabwe.

### *2.4. Procedure*

Permission to conduct the study was sought from and granted by the Head Offices of the Ministry of Primary and Secondary Education and the Ministry of Higher and Tertiary Education of Zimbabwe. A research assistant distributed and collected the questionnaire. She explained the purpose of the study to potential participants. Participants were informed that participation was voluntary and that they were free to withdraw from the study at any stage during the study.

### *2.5. Data Analysis*

The researcher used the Statistical Package for the Social Sciences (SPSS) version 16 to perform the descriptive and inferential statistical analyses. The SPSS package allowed the researcher to summarize and display data in graphics, particularly tables.

## **3. Findings**

The findings are presented in Table 1 in accordance to the categories that emerged. The findings of the present study on extent to which legislation influences the implementation of inclusive education for children with learning disabilities in primary schools are presented and analyzed below.

Policy Issues	Secondary School Teachers' Responses							Chi-square (X <sup>2</sup> )
	Very great extent	Great extent	Un decided	Little Extent	Very little extent	Total	Ratio	
1.Legislation for inclusive education in Zimbabwe	32(1.8 %)	24(1.4%)	34(2.0 %)	46(2.6 %)	114(6.5 %)	<b>250(14.3%)</b>	0.4	<b>X<sup>2</sup>=1034.68</b> <b>df=16</b> <b>p&lt;0.0001</b>
2. Development of school & inclusive education policy	39(2.2 %)	23(1.3 %)	23(1.3 %)	55(3.1 %)	110(6.3 %)	<b>250(14.3%)</b>	0.4	
3.Legislation and policy making process	34(1.9%)	15(0.9 %)	37(2.1 %)	51(2.0%)	113(6.5 %)	<b>250(14.3%)</b>	0.3	
4.Commitment by policymakers towards children with learning disabilities	30(1.7 %)	20(1.1 %)	12(0.7 %)	80(4.6 %)	108(6.2 %)	<b>250(14.3%)</b>	0.3	
5.Educational policies on academic excellence	35(2.0 %)	11(0.6 %)	18(1.0 %)	104(6.0%)	82(4.7 %)	<b>250(14.3%)</b>	0.2	
6.The socio-ecological model on inclusive education policies	29(1.7 %)	10(0.6 %)	29(1.7%)	76(4.3 %)	106(6.1 %)	<b>250(14.3%)</b>	0.2	
7.Consultations on policies for inclusive education	52(3.0 %)	19(1.1 %)	23(1.3%)	69(4.0 %)	87(5.0 %)	<b>250(14.3%)</b>	0.5	
<b>TOTAL</b>	<b>251(14.3 %)</b>	<b>122(7.0%)</b>	<b>176(10.1%)</b>	<b>481(27.5%)</b>	<b>720(41.1%)</b>	<b>1750(100%)</b>		
Policy Issues	University Lecturers' Responses							Chi-square (X <sup>2</sup> )
	Very great extent	Great extent	Un decided	Little Extent	Very little extent	Total	Ratio	
1.Legislation for inclusive education in Zimbabwe	8(3.8 %)	2 (1.0%)	0 (0%)	2 (1.0 %)	18 (8.6 %)	<b>30 (16.7%)</b>	0.5	<b>X<sup>2</sup>=101.79</b> <b>df=16</b> <b>p&gt;0.001 (non sign)</b>
2.Development of inclusive education policy	7(3.3 %)	0(0%)	1(0.5 %)	3(1.4%)	19(9.0 %)	<b>30(16.7%)</b>	0.3	
3. Legislation and policy making process.	8(3.8 %)	1(0.5%)	0(0%)	3(1.4 %)	18(8.6 %)	<b>30(16.7%)</b>	0.4	
4.Commitment by policymakers towards children with learning disabilities	7(3.3 %)	0(0%)	0(0%)	7(3.3 %)	16(7.6 %)	<b>30(16.7%)</b>	0.3	
5.Educational policies on academic excellence	6(2.9 %)	1(0.5%)	0(0%)	13(6.2 %)	10(4.8 %)	<b>30(16.7%)</b>	0.3	
6.The socio-ecological model on inclusive education policies	5(2.4%)	0(0%)	0(0%)	6(2.9 %)	19(9.0 %)	<b>30(16.7%)</b>	0.2	
7.Consultations on policies for inclusive education	3(1.4 %)	4(1.9 %)	0(0.0%)	6(2.9 %)	17(8.1 %)	<b>30(10%)</b>	0.3	
<b>TOTAL</b>	<b>44(21.0%)</b>	<b>8(3.8%)</b>	<b>1(0.5%)</b>	<b>40(19.0%)</b>	<b>117(55.7%)</b>	<b>210(100%)</b>		
Policy Issues	Education Officers' Responses							Chi-square (X <sup>2</sup> )
	Very great extent	Great extent	Un decided	Little Extent	Very little extent	Total	Ratio	
1. Legislation for inclusive education in Zimbabwe	5(3.5%)	4(2.9%)	0(0%)	5(3.6%)	6(4.3%)	<b>20(14.3%)</b>	0.8	<b>X<sup>2</sup>=34.40</b> <b>df=19</b> <b>p&gt;0.001 non sign</b>
2. School policies and development of inclusive education	9 (6.4%)	5 (3.6%)	0 (0%)	6 (4.3%)	0 (0%)	<b>20 (14.3%)</b>	2.3	
3. Legislation and policy making process	9(6.4%)	4(2.9%)	0(0%)	7(5%)	0(0%)	<b>20(14.3%)</b>	1.9	
4. Commitment by policymakers towards children with learning disabilities	5(3.6%)	4(2.9%)	0(0%)	11(7.9%)	0(0%)	<b>20(14.3%)</b>	0.8	
5. Educational policies on academic excellence	10(7.1%)	4(2.9%)	2(1.4%)	4(2.9%)	0(0%)	<b>20(14.3%)</b>	3.5	
6. The socio-ecological model on inclusive education policies	7(5%)	7(5%)	2(1.4%)	3(2.1%)	1(5%)	<b>20(14.3%)</b>	3.5	
7. Consultations on development of policies for inclusive education	7(5%)	3(2.1%)	1(5%)	9(6.4%)	0(0%)	<b>20(14.3%)</b>	1.1	
<b>TOTAL</b>	<b>52(37.1%)</b>	<b>31(22.2%)</b>	<b>5(3.6%)</b>	<b>45(32.1%)</b>	<b>7(5.0%)</b>	<b>140(100%)</b>		

Table 1: The extent to which legislation influences the implementation of inclusive education for children with learning disabilities in primary schools (N= 300)

The first column of Table 1 represents the policy issues that influence the implementation of inclusive education for children with learning disabilities in Zimbabwe. The second column in the table represents responses to the rating scale of the particular questionnaire item. The rating scale shows the level of agreement on the various statements from 'strongly agree' to 'strongly disagree'. The last two columns represent ratios and Chi square calculations respectively.

The information from Table 1 shows a p value of less than 0.01 for primary school teachers. Such a current difference is extremely statistically significant by conventional criteria. The calculated Chi-square test for primary school teachers reveals significant differences in primary school teachers' responses on the extent to which legislation influences the implementation of inclusive education for children with learning disabilities in primary schools of Zimbabwe. The ratios in Table 1 reveal that primary school teachers negatively viewed the following: legislation for inclusive education in Zimbabwe, development of inclusive education policy, legislation and policy making process, consultations on policies for inclusive education, educational policies on academic excellence and commitment by policymakers towards children with learning disabilities as policy issues that affected negatively the implementation of inclusive education for children with learning disabilities. Table 1 above also has a p value of more than 0.01 for university lecturers in the current study. The calculated Chi-square test for university lecturers shows no significant differences in education officers' responses on the extent to which policy and legislation influences the implementation of inclusive education for

children with learning disabilities in primary schools of Zimbabwe. Like the ratios of the primary school teachers, the ratios of university lecturers in Table 1 also negatively viewed the following: development of inclusive education policy, legislation and policy making process, consultations on policies for inclusive education and commitment by policymakers towards children with learning disabilities as policy issues that affected negatively the implementation of inclusive education for children with learning disabilities in primary schools of Zimbabwe.

The information from Table 1 shows also a p value of greater than 0.01 for education officers. The computed Chi-square test for college/university lecturers shows no significant differences in education officers' responses on the extent to which policy and legislation influences the implementation of inclusive education for children with learning disabilities in primary schools of Zimbabwe. The ratios in Table 1 above also reveal that legislation for inclusive education in Zimbabwe and commitment by policymakers towards children with learning disabilities are policy issues that were negatively viewed as affecting the implementation of inclusive education for children with learning disabilities by college/university lecturers. On the other hand, the ratios in the table revealed the following policy issues as positively affecting the implementation of inclusive education for children with learning disabilities: development process of inclusive education policy, legislation and policy making process, consultations on policies for inclusive education and educational policies on academic excellence on inclusive education policies.

#### **4. Discussion**

It emerged from the present study that there was no mandatory policy and legislation on the implementation of inclusive education for children with learning disabilities in primary schools of Zimbabwe. The primary school teachers, education officers and college/university lecturers negatively perceived the existence of mandatory policy and legislation on the implementation of inclusive education for children with learning disabilities in primary schools. The non-existence of mandatory policy and legislation on inclusive education provisions for children with learning disabilities negatively affects the teaching and learning for children with learning disabilities in the mainstream classes in primary schools of Zimbabwe. Lack of mandatory policy was therefore unlikely to have a legally binding framework for effective and efficient planning, development, management, implementation of inclusive education for children with learning disabilities by the teachers in schools. This would imply that the teachers implementing inclusive education policy were unlikely to make informed, legally bound decisions about the way children with learning disabilities would be assisted in the teaching learning situation in primary schools of Zimbabwe. The finding of the current study that there was no mandatory policy and legislation on the implementation of inclusive education for children with learning disabilities concurs with Mutepfa et al.(2007:1), Mafa (2012:20), Chireshe (2011:157) and Chireshe (2013:224) who revealed that Zimbabwe does not have an inclusive education specific policy, but has inclusive education related policies like the Education Act of 1996 and the Zimbabwe Disabled Persons Act of 1996 which advocates for non-discrimination in the provision of education and non-discrimination of people with disabilities.

The current study also revealed that lack of commitment by policymakers towards children with learning disabilities has hampered successful implementation of inclusive education in Zimbabwe. The primary school teachers, education officers and college/university lecturers negatively viewed the commitment by policy makers on children with learning disabilities in influencing the implementation of inclusive education in primary schools. Findings of this study that the commitment by policymakers towards children with learning disabilities affect the implementation of inclusive education in schools, concur with Nyanga and Nyanga's (2013:166) findings that successful implementation of inclusive education for children with disabilities in Zimbabwe is hampered by lack of commitment by policymakers towards students with disability. However, in Zimbabwe (Samukange, 2013:960), the government has shown its concern on the implementation of inclusive education policies for persons with disabilities by including the rights of persons with disabilities in the new constitution of 2013. The Constitution of Zimbabwe of 2013 may ensure that people with disabilities now have the rights to be self-sufficient, protection from abuse and equal access to education and positively affect the implementation of inclusive education for children with learning disabilities in primary schools.

#### **5. Conclusion**

The study concluded that Zimbabwean primary schools lacked mandatory policy and legislation for the implementation of inclusive education for children with learning disabilities. The non-existence of mandatory policy and legislation on inclusive education provisions for children with learning disabilities negatively affects the teaching and learning for such children in the mainstream classes. Based on the findings of the present study, it can also be concluded that legislation and policy making process affects the implementation of inclusive education for children with learning disabilities in primary schools of Zimbabwe.

#### **6. Recommendations**

This study recommended that there is need to establish a clear and concise mandatory policy and legislation, supported by an Act of Parliament that spells out the expectations and roles of the stakeholders in the implementation of inclusive education for children with disabilities. Presently, Zimbabwe only has circulars from the Ministry of Primary and Secondary Education. The policy should specify how the children with learning disabilities should be financially and materially assisted. There is need for wider consultation among school teachers, headmasters, parents, students and the community at large before the policy is put in place. This is in line with primary school teachers, education officers and college/university lecturers' responses that suggested that inclusive education policy making process for Zimbabwe could be improved by involving all key stakeholders. The policy should force the government to have a separate and specific budget for inclusive education for children with disabilities in order to reduce the shortage of resources in the area.

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