

The Right of Persons with Disabilities to an Inclusive Education without Discrimination



Submission to the Office of the United Nations High Commissioner for Human Rights

National Council on Intellectual Disability (Australia)

The National Council on Intellectual Disability (NCID) was created in 1971 by parents and friends in an endeavour to improve the quality of life of people with intellectual disability and to fill the need for national unity and information.

NCID has over 5,000 members representing all eight Australia states and territories. In addition to having people with intellectual disability on our Board, NCID receives policy advice from Our Voice; a committee of NCID's Board which is exclusively people with intellectual disability representing all states and territories.

NCID is the recognised national peak body with the single focus on intellectual disability. Our actions and priorities centre on issues that affect the lives of people with intellectual disability and their families.

NCID's mission is to work to make the Australian community one in which people with intellectual disability are involved and accepted as equal participating members. We do this by:

- listening to people with intellectual disability and their families
- promoting and upholding the UN Convention on the Rights of Persons with Disabilities
- developing and promoting creative policies and practices
- speaking to politicians, public servants, business and community leaders about the lives of people with intellectual disability and their right to have equality of opportunity

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Prologue: A World Without ‘Special Needs’ — The ‘Naked’ Truth¹

We see the field cringing, wiggling and contorting in variegated ways in an effort to rid the language of the term ‘special needs’ without being able to fully explicate why. We raise this initial discussion about all of the ‘disability’ labels and how they have shaped our minds to believe them, so that we can hopefully move beyond the labels to a full reconceptualisation of the notion of individual difference in humanity rather than continuing to “dance around the edges” of the language of segregation.

Our speculations are that the ‘cringe factor’ that we sometimes feel when we use language of the old paradigm may be a brief awakening during an otherwise unconscious perpetuation of the belief in the “cloak of the emperor”. It may be that we should ‘listen’ to our ‘cringes’ and awaken to the possibility of recovery from this dimension of segregation.

An intricate and intimate understanding of the needs of children is fundamental to all educational activity. Unfortunately, the notion of ‘special need’ has seriously distracted our attention over the past half century and created what we believe are multiple layers of “clothing on a naked emperor”.

The notion of ‘special needs’ was born in the hopes of the 70’s and at least partially designed as a progressive move to cleanse the language and conceptualisations that were rightly thought to be devaluing, crass and dysfunctional (e.g. idiot, mental retard, spastic).

Unfortunately, the ‘clean’ terminology of ‘special’ muddied our fidelity with the new ‘carriers’ of the new ‘special’ label. ‘Special’ processes were conflated into the needs of children in such a way that we began seeing ‘special needs’ in children who really shared only the common needs of their human family. We turned what we did to them into a “special need” and, forever after, segregated in our minds those who are ‘special’ from those who are typical. In an unconscious process, trying to be nice, we had once again transacted segregation.

‘Special’ processes and ‘special’ places were invented to meet the ‘special needs’ of ‘special’ children. A whole new field was woven from the “cloth in the emperor’s cloak”- the field of ‘special’ education.

In other words, when we mistakenly identified the children’s needs with processes that might go some way in addressing their needs, we created a dual system of education that only makes sense if some children actually have ‘special’ or different needs.

We must therefore ask: - Can one be human and not share the same human needs for love, acceptance, continuity of our important relationships, respect and esteem from others: - to be fully included as a valuable member of a family, a community and a society; to have personal skills so that we can make contributions which we and others value; an understanding of the world; a means of communication; a means of being heard; human relationships; a sense of belonging; as well as (of course) oxygen, water, food, sleep, good health, protection from the elements, physical and emotional safety, protection from neglect, abuse, exploitation and protection from abandonment?

We must also ask: - Are there any needs that are ‘special’ to only one person or group? We believe the answer to both of these critical questions is: 'No'.

Of course it has been posited throughout history that some children might not actually be human or are less than human or are at least not important humans; however we believe these notions are vile notions without substance.

Therefore, if all humans share common needs and all children are human; there is no such thing as children with ‘special’ needs. Whilst this line of logic is confronting and it is possibly shocking to see the ‘Emperor’ standing naked, it is an essential first step towards understanding an essential building block of inclusive education.

Inclusive education hinges upon our understanding of the commonality of human need. It is of the first order that we see each student as a human being and elemental that we conceptualise each student’s needs in common with those of the human family. Until we are able to see this we have nothing but diversion from inclusion in the human family to offer them.

Does this mean that the field of ‘special education’ holds nothing but a patina of truth?

No, it simply means that good education is good education. It means that anything that is designed only for ‘special children’ will be unlikely to pass muster as sound educational practice for any children.

Does this mean that children with ‘disability’ labels don’t have extra needs? Yes, it means that their needs are the same as all other children. Of course such students’ needs for access to the physical, social and curricular landscapes of our schools and communities may be harder to meet, but their need is the same.

We believe that once we are able to see past ‘special’, we are able to see children - children of the rainbow of human diversity - whose needs are common and thus commonly met by people of the culture with enough will and enough skill to match the known pedagogies with verity and artistic design.

We believe that labeling of all sorts, carried forward from the old paradigm of segregation, serve merely to reinforce stereotyping and what follows is historically a habit of segregated practices. We therefore believe one of the critical steps the culture must take in moving towards an inclusive society is to create a classroom without labels.

The Times They Are a-Changin’

The historical response to students with disability was to create a separate education space where students were segregated from students without disability in regular classrooms. This old paradigm has now shifted to a world where inclusion rather than exclusion is now a right. A human right.

The right to an inclusive education is explicitly set out in Article 24 of the UN CRPD and Australia is proudly a signatory. Australia’s progress towards inclusive education, however, is slowed by structures of exclusion hidden by a benign language of ‘special’ and a misinterpretation of the principle of inclusion contained in the UN Convention. Separate classrooms and separate schools for students with disabilities are incongruent with research findings, international and national law and evolving education practice.

Whereas some progress has been made and we can point to a growing number of case studies of children who have enjoyed the right to an inclusive education, the Australian education system maintains strong ties to the old paradigm for a significant number of students with disabilities.

We need to rethink the basic assumptions of education of students with a disability and challenge practices that are rooted in the old paradigm of exclusion. In its place, we need to build up new *inclusive education structures* that are strong, welcoming, and congruent with research and provide the right and vision of a childhood and education free of discrimination.

Definition of Inclusive Education

The National Council on Intellectual Disability of Australia encourages the Office of the United Nations High Commissioner for Human Rights (OHCHR) to define what is meant by education in terms of the principle of inclusion as contained in the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

Our experience is that education authorities often attempt to meet (and therefore subvert) the principle of inclusion by re-labeling segregated education programs as “inclusion”. It is important that the OHCHR provide a clear definition of what is meant by the principle of inclusion and how this relates to education.

We refer to the 1954 US Supreme Court decision in *Brown vs the Board of Education*, in which it was ruled that separate educational facilities are inherently unequal. The context of this decision was about the *segregation of white and negro children in the public schools of a State solely on the basis of race*.²

NCID believes it is time for the international community to explicitly denounce the segregation of children with and without disability to be inherently unequal and a non-compliance of Article 24 of the CRPD.

Nations should be expected, as a matter of human rights, to provide adequate support and accommodations to include all children in regular schools and classrooms, despite individual human differences.

As Australia is a signatory to the CRPD we would like to be confident that the Australian government is expected to ensure that children with disability have the right to the support they need to participate in the regular education classrooms alongside their peers.

In 1996, NCID published a definition of inclusive education which you may find useful. A copy of this is attached to our submission for your information³. This definition contains three broad elements of inclusion:

1. **Physical inclusion.** This refers to simply ‘being there’ or physical presence in a regular classroom. This may include considerations of the physical environment, attendant care or permission to enroll.
2. **Social Inclusion.** This refers to being welcomed as part of the class. This may include considerations of the child’s sense of belonging in the class and the quality of interactions with other students in class activities.
3. **Curricula Inclusion.** This refers to the involvement of a student in the regular curriculum of the classroom. This may include learning strategies that enable all children to benefit from the class curriculum.

NCID believe it is important that the OHCHR include a definition of inclusive education in its thematic study that can be applied at a classroom-teacher level, and also at a national policy level. The thematic study should provide a means by which we can determine the quality of inclusion for an individual student, and also the quality of response by nations to include all children in the regular school system without discrimination.

Data on Australian Students with Disability⁴

According to the most recent population data collected by the Australian Bureau of Statistics (ABS) there are 292,600 students with disability attending school in Australia. Of this group, 192,800 attend regular classrooms, 71,000 attend special classes, and 28,900 attend special schools. Almost two-thirds of students with disability attend regular classrooms and slightly more than a third of students are grouped in separate classes or schools for students with disability.

Students with Disability	Number	%
Special School	28,900	9.9%
Special Classes	71,000	24.3%
Mainstream Classes	192,800	65.9%
Total	292,700	100.0%

Students with intellectual disability are disproportionately represented in special classes and schools. There are 173,900 students with intellectual disability. Of this group 60,800 attend special classes and 26,600 attend special schools. About half of all students with intellectual disability attend segregated class or segregated school settings.

Students with Intellectual Disability	Number	% of Students with Intellectual Disability	% of All Students with Disability
Special School	26,600	15.3%	92.0%
Special Classes	60,800	35.0%	85.6%
Mainstream Classes	86,500	49.7%	44.9%
Total	173,900	100.0%	59.4%

Students with intellectual disability account for 85.6% of students who attend special classes, and 92% of students who attend special schools. The vulnerability of students with intellectual disability to exclusion from regular classrooms should be addressed by the OHCHR study on education equality.

Comparative Education Research

The OHCHR study on inclusion should include a discussion on the comparative education research evidence. This research evidence shows that students with intellectual disability significantly benefit academically and socially from inclusion in regular classrooms when compared to special classes or schools.

Dr Robert Jackson, Adjunct Associate Professor of Education Edith Cowan University in Western Australia, has published an analysis of the comparative research⁵. This research was presented to

the 2002 Inclusion International Conference in Melbourne Australia. The paper is attached for your information.

A summary of the key points discovered through an examination of the comparative education research includes;

- No review could be found comparing segregation and inclusion that came out in favour of segregation in over forty years of research.
- Special class placements were significantly inferior to regular class placements for students with below average IQs
- Students in segregated education do less well than those who were included, and the longer they were segregated the larger the gap with their included peers.
- It is clear that the academic benefits of inclusion are robust, widespread and continue into secondary education. Segregated education is not supported as a superior alternative to mainstreaming by the empirical data so far available.
- The pull out or 'resource room' model has little data to support it for children with an intellectual impairment and some significant contrary evidence from major studies.
- Students in segregated schools responded more passively and reported feeling lonelier than students in the other groups.
- A highly significant relationship between the degree of integration and the social behaviour of children with severe levels of intellectual impairment, with the more inclusive environments significantly better.
- The findings indicated that the presence of children with severe disabilities had no effect on the levels of allocated or engaged time, and time lost to interruptions was not significantly different to non-inclusive classrooms
- Children without disability made significantly greater academic progress in mathematics and reading in inclusive schools

What the findings of the research indicate is that the right to be included in the regular classroom is about an equal opportunity for the best education. In comparison, segregated education programs group children with disability without any evidence of any educational advantage and encourage parents and children to accept an education of less quality.

Legislation and Policy on Inclusive Education.

All Australian education authorities have written inclusive education policies. Australian education authorities are also subject to the Commonwealth Disability Discrimination Act 1992 which makes it unlawful to discriminate against students with disabilities in education.

The experience of children with disabilities and their families, however, is that inclusive education and anti-discrimination policies have not resulted in changing discriminatory and exclusionary practice in all schools and education systems.

The experience from Australia is that the effect of laws and policies are limited. While these policies express the right of children with disabilities to an inclusive education, these have not been able to change all attitudes and practices of segregation in education.

Restrictions to attend regular schools on an equal basis continue to exist. There are also significant concerns from children and families about the quality of inclusive education provided when attending regular classrooms.

According to Children with Disability Australia (CDA),

“ . . . access to equal educational opportunities is a right that has been denied too many people with disability. There has been ongoing advocacy around the rights and entitlements of people with disability for many years but the reality in Australia is that our present system does not adequately meet the needs of students with disability.

Education remains one of the most significant concerns for children and young people with disability, and as such has been taken up in the Learning and Skills Policy action area in the National Disability Strategy. It is frequently reported to CDA that through their educational experiences, children and young people with disability are subjected to: limited opportunities; low expectations; exclusion; bullying; discrimination; assault and violation of human rights. CDA is inundated with concerns regarding the educational experiences of children and young people with disability.”⁶

According to the Diving for Pearls Survey Report by Queensland Parents for People with a Disability (QPPD),

“The research found that parents cannot yet feel confident that inclusive policy is being put into practice in all Queensland schools. It indicated that all children with disability do not yet have true membership, with the senses of belonging and achievement that membership entails, in regular classrooms in local schools. Exclusion is still either a reality or a risk for students with disability and their families.”⁷

QPPD found that over a third of 179 parents surveyed, indicated that they were not able to access education on the basis of equal opportunity and not at the school of their choice. The report discovered:

- that some parents were being directed to a segregated class or school
- a negative response by the school that some parents preferred to attend
- parents had to make a huge effort to achieve enrollment in a regular school
- a lack of support and expertise at the regular school
- that some students are only permitted to participate in regular classrooms part-time
- that schools with special education programs are more likely to exclude children with disabilities from regular classes
- that some students do not follow the same classroom curriculum
- an inappropriate use of teacher assistance which prevents the inclusion and participation of students with disabilities
- a dissatisfaction with student outcomes and social inclusion in the school

A recent comment from a father of a child with disability questions whether Australia is building stronger pathways and school communities. The father used to think that by his child attending a mainstream school that he would be creating a pathway for other children with disability to follow. He now thinks that the pathway he created has been closed over by the education authorities and

thereby forcing every new family and child with disability to once again create a new pathway to an inclusive education. This view indicates that the education system keeps regressing back to old habits rather than building a capacity to welcome and include.

The Developmental Disability Council of Western Australia held a specific forum on education in 2011 titled 'Parents as Partners in Education'. The forum was held in response to the Federal Government's lack of consultation with parents of students with disabilities. A common experience expressed by families was the lack of support for their children in regular schools. Families felt that they had little choice but to remove their children from the regular school and place them in a segregated class or school.

NCID believes that the regular education system has failed these families. Whereas the inclusion of children with disabilities may be a "choice" according to written "policy", and that discrimination in education is unlawful, the education system is not demonstrating welcome and a capacity to include all children with disabilities with the support needed to ensure quality educational outcomes.

Some Australians believe that such rejection and emotional pain experienced by students with disabilities and their families is evidence that "inclusion" is not the right direction. According to Dr Jackson, however,

If the same argument was applied to the inclusion of girls in schools –that they are sometimes subject to rejection, teasing and bullying by boys – it would be seen for the fallacious argument that it is. It is not logical to use poor inclusion practices as a 'scientific' rationale for its abandonment. The issue is that the schools have to do better, and in particular they need to protect the most vulnerable.⁸

The key message for a thematic study on inclusive education of students with disabilities is that the making of legislation and policy are of themselves noteworthy, but not measurements of meeting the human rights of children with disability to equal rights in education. The quality of inclusion, in terms of being welcomed and supported to grow and develop alongside peers without disability remains an area of significant need and development in Australia.

Australia has made some strides forward with legislation and policy, and two-thirds of students with disability are at least present in regular classes. Rejection and discrimination however remains for a significant proportion of students with disabilities, particularly students with intellectual disability.

Disability Discrimination Law

Australia enacted the Disability Discrimination Act (DDA) in 1992. Disability discrimination in education is unlawful. The DDA explicitly states that:

(1) It is unlawful for an educational authority to discriminate against a person on the ground of the person's disability:

(a) by refusing or failing to accept the person's application for admission as a student; or

(b) in the terms or conditions on which it is prepared to admit the person as a student.

(2) It is unlawful for an educational authority to discriminate against a student on the ground of the student's disability:

(a) by denying the student access, or limiting the student's access, to any benefit provided by the educational authority; or

(b) by expelling the student; or

(c) by subjecting the student to any other detriment.

(2A) It is unlawful for an education provider to discriminate against a person on the ground of the person's disability:

(a) by developing curricula or training courses having a content that will either exclude the person from participation, or subject the person to any other detriment; or

(b) by accrediting curricula or training courses having such a content.

(3) This section does not render it unlawful to discriminate against a person on the ground of the person's disability in respect of admission to an educational institution established wholly or primarily for students who have a particular disability where the person does not have that particular disability.

The DDA also enables the Australian Government to formulate Standards in relation to any area in which it is unlawful for a person to discriminate against another person on the grounds of disability.

In 2005 the Australian parliament approved the Disability Standards for Education⁹. According to the Explanatory Document tabled in parliament;

The primary purpose of the Standards is to clarify, and make more explicit, the obligations of education and training service providers under the DDA and the rights of people with disabilities in relation to education and training.

The Standards specify how education and training are to be made accessible to students with disabilities. The Standards cover topics of enrollment; participation; curriculum development, accreditation and delivery; student support services; and the elimination of harassment and victimisation.

The Part for each area of the Standards includes a statement of the rights of students, the legal obligations of educational authorities, and measures that are evidence of compliance with the legal obligations.

A Report on the Review of the Disability Standards for Education was published in June 2012.

The report found:

- Low awareness of the Standards.
- Terms such as 'consultation' and 'reasonable adjustment' are unclear.
- Examples of students with disability unable to access and participate in education on the same basis as other students
- Limited practical advice and training on implementing the Standards for educators
- Limited access to qualified professionals and professional development in inclusive education.
- Not enough focus on promoting greater inclusion and removing subtle and indirect discrimination.
- Obligations under the Standards are not backed up by strong accountability frameworks.
- The complaints process is complex and parents are reluctant to make a complaint.
- Few consequences for education providers that breach the Standards.

The report made fourteen detailed recommendations for change. The Australian government has responded with a high degree of support to implement the report's recommendations.

Promotion of Inclusive Education

One of the objectives of the Disability Education Standards is to *promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.*

The Report of the Review of the Disability Standards found there needs to be much greater awareness about the Standards. The review recommended a range of promotional activities including good practice guides on:

- Inclusive education practice, information about the learning impacts of specific disabilities and practical advice on adjusting teaching modes, assessment and curriculum design and adaptation.
- Addressing indirect discrimination, bullying, harassment and victimisation experienced by students with disability.
- Managing challenging behaviour, student safety and the use of restrictive practices with students with disability.
- Strategies for meeting the needs of students with disability who have complex and multiple needs.

The Australian government has responded by promising to undertake a promotion of *inclusive education practice and investigation of ways to recognise inclusion in contemporary policy initiatives.* The Government has also agreed to *promote inclusive education practices through the mechanisms established for future schools funding.*

Teacher Education

Families and advocates of inclusion have repeatedly identified the professional development of teachers to know how to include students with disabilities in regular classes as a critical need.

The Australia government funded a research project - *Project to Improve Learning Outcomes of Students with Disabilities in Mainstream Classes in the Early, Middle and Post Compulsory Years of Schooling.* This project was managed by the University of Canberra and provided a report in 2007.

The Review of the Literature analysed over 400 references to published research and to practices that have been successful in Australian schools.¹⁰ The major conclusions of the research found

- The inclusion of students with disabilities in general classrooms raises issues about diversity in general. Disability is only one of many possible sources and indicators of individual learning needs.
- Teachers need the skills to respond to the diversity in general classrooms, irrespective of its source or presentation, and teachers will have maximum effect when their school proactively attends to student diversity.
- This growing emphasis on the individual needs of all students suggests that the pedagogical focus must shift from 'adaptations for special needs or disability' to 'universal design pedagogy'.
- Disability is not a uni-dimensional construct and it is incorrect and potentially misleading to generalise about 'students with disabilities'.

- The teaching techniques and classroom adaptations and differentiations that are effective for students with disabilities tend to be effective for other students.
- Principals play a pivotal role in supporting inclusive practice.
- The achievement of satisfactory learning outcomes by students with disabilities is dependent on the cultures and policies of mainstream schools and school systems.
- There are concerns about the extensive use of teaching assistants (para-educators) in teaching students with disabilities in the mainstream.
- There is an urgent need for further research and policy development in relation to the way secondary schools can successfully include students with disabilities.

In the review, teachers indicated that they want professional development that is classroom based, strategy-oriented, and practical. They want this provided by experts or teachers to directly support their needs, and involves learning from others' experience through networking, visiting and observing.

The review produced a resource for mainstream teachers who have, or are about to have, a student with a disability in their classroom. The resource is based on recent research and experience in schools and classrooms across Australia. (Students with disabilities in mainstream classrooms. A resource for teachers. Anthony Shaddock, Loretta Giorcelli, Sue Smith¹¹)

Despite the preparation and availability of such resources, the 2012 Review of the Disability Education Standards found that there is limited access to qualified professionals and limited ongoing professional development in inclusive education. Advocacy organisations in the review stressed the urgent need for professional development in inclusive education.

Concluding Thoughts and Recommendations

NCID believe that the OHRHC thematic paper is an opportunity to provide clarity on the meaning and direction on the right of inclusive education as set out in the UN CRPD.

Australian families increasingly desire children with disabilities to be included in the regular classroom in regular schools alongside their peers without disability, and for some, where their brothers or sisters go to school.

There have been some outstanding inclusive education success stories. In 1996 NCID published eight stories, one from each Australian state and territory, showing positive inclusive education experiences.¹² The critical element from each of these stories was the leadership by school principals to welcome families and children and work in partnership to do what it takes to achieve positive inclusive education experience and outcomes.

There continues to be, however, a large number of Australian families whose experience of inclusive education has been negative and heartbreaking. It is these experiences that demonstrate that Australian policies of inclusive education have not resulted in positive inclusive education as universal and typical.

To assist Australia to achieve progress towards inclusive education for all, NCID believes the OHCHR thematic paper should provide

1. A clear workable definition of inclusive education which distinguishes this from practices of the old paradigm of segregation.

2. A recognition that there has been some progress by some Australia schools towards inclusive education, but that there still remains much more to do to achieve inclusive education for all students with disabilities, particular students with intellectual and developmental disabilities of whom 50% are still excluded from the regular classroom.

3. A position that laws and policies on inclusive education by governments and education authorities are necessary but not sufficient to change attitudes and practices.

3.1. There must also be practical programs and structures to promote, encourage and welcome families with children with disabilities in regular school classrooms, and provide the necessary support needed to achieve substantive equity of participation and quality outcomes.

3.2. This includes the need for teacher education which provides skills to respond to the diversity of the student population, including students with disability.

4. A position that recognises the importance of discrimination law which makes disability discrimination in education unlawful and provides a complaints process.

4.1. Whereas Australia has had such a law and complaints process in place since 1992, and Standards since 2005, such processes remain complex and difficult for families to use, and there is little consequence for a breach of the Standards by schools and education authorities.

4.2. Complaints processes need to be simple to use, inexpensive and provide quick resolution to enable children with disability to attend regular schools with the support they need. Lengthy delays caused by expensive drawn out legal processes can waste the precious learning years of childhood.

- ¹ Darrell Wills and Paul Cain. A World Without 'Special Needs' — The 'Naked' Truth. *Interaction*, 16, 4, 2003
- ² United States Supreme Court May 17, 1954. Brown et al v. Board of Education.
- ³ Darrell Wills and Robert Jackson. Inclusion. Much More Than "Being There". *Interaction* 10, 2, 1996, 19-24
- ⁴ Australian Bureau of Statistics, 4429.0 - Profiles of Disability, Australia, 2009
- ⁵ Robert Jackson PhD. Adjunct Professor of Education. Edith Cowan University. June 2008. Inclusion or Segregation for Children with an Intellectual Impairment: What does the Research Say? Queensland Parents for People with a Disability
- ⁶ Email communication From Children with Disability Australia to NCID, 7 October 2012.
- ⁷ Queensland Parents for People with a Disability. 2011. Diving for Pearls. An Account of parents' quest for an inclusive education in Queensland.
- ⁸ Robert Jackson PhD. Adjunct Professor of Education. Edith Cowan University. June 2008. Inclusion or Segregation for Children with an Intellectual Impairment: What does the Research Say? Queensland Parents for People with a Disability
- ⁹ For access to the Disability Education Standards 2005, Report on the Review of the Disability Education Standards for Education 2005 go to <http://deewr.gov.au/disability-standards-education>
- ¹⁰ For access to this report go to <http://www.canberra.edu.au/researchrepository/items/1c1cba2b-42d9-248e-b79d-5e13e28c891e/1/>
- ¹¹ For access to this resource go to <http://hccweb2.org/pip/wp-content/uploads/2009/04/dest08-inclusionteacherresource.pdf>
- ¹² *Interaction* 10, 2, 1996, 19-24. Published by National Council on Intellectual Disability