EDUCATION PROVISION FOR PERSONS WITH DISABILITIES ACT,

B.E. 2551 (2008)\(^1\)

Bhumibol Adulyadej, Rex.

Given on the 27\(^{th}\) Day of January B.E. 2551;

Being the 63\(^{th}\) Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on education provision for persons with disabilities;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislation Assembly, as follows:

Section 1. This Act is called the “Education Provision for Persons with Disabilities Act, B.E. 2551 (2008)”.

\(^1\)Translated by Mr. Tohpøng Smiti under contract for the Office of the Council of State of Thailand’s Law for ASEAN project.- Initial version- pending review and approval.

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Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. In this Act:

“person with disability” means a person having restriction in performing activities in daily life, or in participating in the society due to the impairment in sight, hearing, moving, communicating, mental health, emotion, behaviour, intellect, learning, or other impairment, or having other obstructions, appurtenant to having special educational needs of assistance to be able to perform activities in daily life, or to participate in the society in the same manner with other normal persons, as per the types and rules prescribed by the Minister of Education;

“caretaker of person with disability” means father, mother, child, husband, wife, relative, sibling, or other person who takes care of, or patronise a person with disability;

“individual education provision plan” means a plan which specifies guideline on education provision in harmony with special needs of a person with disabilities, as well as technology, facilities, media, services, and other educational assistances for individuals;


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“technology facility” means a tool, equipment, hardware, software, or service which is specifically for persons with disabilities, or which is adapted, or adjusted to suit special needs of an individual person with disability so as to add, preserve, maintain, develop ability or capability in accessing information, news, communications, including any other activities in daily life for independent living;

“special education teacher” means a teacher whose qualification in special education is higher than bachelor degree, or a teacher whose qualification in special education is bachelor degree but has passed an assessment of teaching skill for persons with disabilities as per the prescription of the committee for the promotion of education provision for persons with disabilities, and perform the teaching, education provision, communication, or other duties in relation to education provision for persons with disabilities in both public and private establishment of education;

“Inclusive education” means providing persons with disabilities access to general education system, at any level and in various settings, including enabling education provision to enable schooling for all groups of persons, including persons with disabilities;

3 Section 3 “Special education teacher” is amended by the Education Provision for persons with disabilities Act (No. 2), B.E. 2556 (2003)
“specific establishment of education for disability” means a public or private establishment of education offering education specifically for persons with disabilities, whether as boarding, day-school, or at-home establishment of education;

“special education centre” means a public establishment of education providing non-formal, or informal education to persons with disabilities at birth, or upon discovery of the disability until the end of life, and offering education, as well as training to caretakers of persons with disabilities, teachers, personnel and community, including provision of media, technology, facilities, services, and other assistances, as well as perform any other duties as prescribed in the Ministerial Notification;

“specific learning centre for disability” means an establishment of education providing non-formal or informal education specifically for persons with disabilities, which is operated by a non-school educational agency, person, family, community, private organisation, local administrative organisation, professional organisation, religious institution, establishment, hospital, medical centre, foster home and other social institutions from level pre-primary education, basic education, vocational college, higher education, and short course;

“organisation for persons with each type of disability” means a national member organisation by type of disability which has submitted its name to the National Office for Empowerment of Persons with Disabilities;

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“committee” means committee for the promotion of education provision for persons with disabilities;

“fund” means fund for the promotion and development of education for person with Disabilities;

“Minister” means The Minister having charge and control of the execution of this Act.

Section 4. The Minister of Education shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations, rules, or notifications for the execution of this Act.

Such Ministerial Regulations, Rules, or notifications shall be enforceable upon their publication in the Government Gazette.

CHAPTER I

EDUCATIONAL RIGHTS AND DUTIES

Section 5. A person with disability shall have the following educational rights:
(1) to receive education without cost at birth, or upon discovery of the disability until the end of life, as well as to receive technology, facilities, media, services, and other educational assistances;

(2) to choose educational service, establishment of education, system, and style of education, by taking into consideration, skills, interest, aptitude, and special requirements of such person;

(3) to receive up-to-standard and quality-assured education, including educational course, educational examination which are appropriate and harmonious with special requirements of each individual person with each type of disability.

Section 6. A special education teacher shall be entitled to receive special remuneration as prescribed by the law.

A special education teacher, teacher, and faculty member shall be supported and developed in bodies of knowledge, continuous education, and skill in education provision for persons with disabilities, provided that it is in accordance with the criteria prescribed by the committee.

Section 7. A public or private establishment of education offering inclusive education, private charity establishment of education offering education specifically for
persons with disabilities, and qualified specific learning centre for disability shall receive subsidies and special assistances from the State.

Rules, and procedures on the receipt of subsidies and special assistances shall be as prescribed by the committee.

Section 8. Establishments of education of any affiliation shall create individual education plan in harmonious with special needs of persons with disabilities, and shall improve individual education plan at least yearly, as per the rules and procedures prescribed in the Ministerial Notification.

Establishments of education affiliated to all, and specific learning centres for disabilities may offer education for persons with disabilities, whether formal, non-formal, and informal, in various styles, such as inclusive education, specific education provision for disabilities, including provide rehabilitation service, improvement in potential of independent living, development in necessary basic skills, vocational training, or other services.

Establishments of educations of any affiliations shall provide proper environment, support the teaching, as well as technology services, facilities, media, services, and other educational assistances which persons with disabilities can access, and utilise.

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Establishments of higher education of any affiliation shall have the duty to offer places to persons with disabilities in an appropriate proportion or number, as per the rules and procedures prescribed by the committee.

An establishment of education refusing a place for a person with disability shall be deemed an act of unfair discrimination under the law.

An establishment of education or relevant agencies shall support caretakers of persons with disabilities, and coordinate with the society, or professionals to have persons with disability educated in all level, or serviced, in the area of education, in harmony with special requirements of persons with disabilities.

Section 9. The State shall allocate subsidiary for the promotion of the development research on relevant bodies of knowledge and technology, and development of teachers, educational personnel to have knowledge, understanding, skill, and ability to provide education for persons with disabilities.

The state shall specifically allocate budget, and other educational resources appropriately and in harmony with special requirements of persons with disabilities, and of establishments of education which provide education for persons with disabilities.

Section 10. For the purpose of education provision for persons with disabilities, local administration shall issue ordinances, municipal ordinances, regulations, rules, or notifications, as the case may be, to be in accordance with this Act.

CHAPTER II

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PROMOTION OF EDUCATION PROVISION FOR PERSONS WITH DISABILITIES

Section 11. There shall be a committee called “committee for the promotion of education provision for persons with disabilities” consisting of:

(1) Minister of Education as the chairperson;

(2) Deputy Minister of Interior as the first vice-chairperson, and a qualified member appointed by the Minister from qualified members who are representatives of organisations of persons with disabilities under(4) as the second vice-chairperson;

(3) ten ex officio members, namely Permanent Secretary of the Ministry of Education, Secretary-General of basic education commission, Secretary-General of vocational education commission, Secretary-General of higher education commission, Secretary of the office of education council, Director-General of the Department of Medical Services, Director-General of the Department of Local Administration, Director-General of the Department of Mental Health, Governor of Bangkok, Secretary of the National Office for Empowerment of Persons with Disabilities;

Section 11. is amended by Education Provisions for Persons with Disabilities Act (No.2), B.E. 2556

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(4) fourteen qualified members appointed by the Minister from persons having knowledge, skill, expertise, and high experience in one or many of these fields: education administration, education for persons with disabilities, law, medication and public health, technology facilities for persons with disabilities and social welfare. In these number, there shall be not less than seven persons who are representatives of organisation for persons with each type of disability.

The Director of the Bureau of Special Education shall be a member and secretary, and an official of the Bureau of Special education appointed by the Director shall be an assistant secretary.

Section 12. The committee shall have the following powers and duties:

(1) to propose a policy, strategy, Education plan for education provision for Persons with disabilities, plan on resource allocation and guideline on development of educational administration and provision for persons with disabilities in all systems and all levels to the Council of Ministers so as to consider the approval, and assign to a relevant agency to undertake the duty;

(2) to give an opinion, and an advice to the Minister responsible for the prescription of curricula, standard and assurance of quality of education, educational assessment and examination appropriate and harmonious with special requirements of....
persons with disabilities, including rules, procedures, acquisition, and special remuneration of special education teacher, for the relevant agencies to follow;

(3) to consider approval of a plan on the spending of fund for the promotion of education for persons with disabilities of agencies affiliates with all which provide education for persons with disabilities, including approval of a project, or plan to spend the money of the fund in the part which is beyond the powers and duties of the fund management committee;

(4) to lay down a rule, regulation, notification, order, guideline related to education administration for persons with disabilities, educational patronisation, provision of technology facilities for the education provision of persons with disabilities to public or private establishments of education, including specific learning centre for disabilities;

(5) to encourage, and assist with activities of agencies related to education provision for persons with disabilities, including support projects for educational rights of persons with disabilities;

(6) to encourage all relevant agencies to integratively provide education provision for persons with disabilities, including support and develop potential of special education teachers, teachers, and faculty members to have bodies of knowledge, continuous education, and skill in education provision for persons with disabilities;
(7) to lay down practices related to fund administration, with the approval of the Ministry of Finance under section 23 (1);

(8) to lay down practices in relation to consideration of approval of payment to support education provision for persons with disabilities under section 23 (2);

(9) to lay down rules in relation to the making of financial status and fund administration report under 23 (3);

(10) to lay down rules in relation to the receipt of payment, payment, maintaining of fund, debt forgiveness, with the approval of the Ministry of Finance under section 24;

(11) to lay down rules related to determination of standard, certification, revocation of certification of public and private establishments of education which offers joint study, charity private establishments of education which provide education for persons with disabilities, and specific learning centre for disabilities;

(12) to perform other work as this Act or other Act prescribe as powers and duties of the committee.

Section 13. A qualified member shall hold office for a term of three years, and may be reappointed but not more than two consecutive terms.
Upon the expiration of the term of office under paragraph one, a new qualified member shall be appointed within sixty days. While a new member has not yet been appointed, the member whose term of office has expired shall be in office to perform the duties until a new member assumes the duties.

Section 14. In addition to vacating office on the expiration of term, a qualified member vacates office upon:

(1) death;
(2) resignation;
(3) being bankrupt;
(4) being an incompetent person or a quasi-incompetent person;
(5) being imprisoned due to a final judgment;
(6) being dismissed by the Minister due to negligence or dishonesty, or disgraceful behaviour.

Section 15. In the case where a qualified member vacates office before the expiration of the term, the Minister may appoint a replacement. The person appointed to replace the vacated member shall be in office for the unexpired term of office of the

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vacated member he or she replaces. If the remaining term of the qualified member is less than sixty days, the Minister may or may not appoint a replacement.

Section 16. At a committee meeting, the presence of not less than one-half of members is required to constitute a quorum.

At any meeting, if the chairperson does not attend or is not present at the meeting or is unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 17. The committee may appoint a sub-committee for making decision or for the execution as assigned by the committee.

At a sub-committee meeting, section 16 shall apply mutatis mutandis.

Section 18. Office of special education administration affiliated with Office of Basic Education Committee shall have a duty related to the work of secretary of the committee, including the following duties:

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(1) to promote, support, and cooperate in education provision for persons with disabilities in establishments of education, including assess and report to the committee;

(2) to encourage educational service area offices to offer extensive and of-good-quality inclusive education to persons with disabilities in the area under its authority;

(3) to research and develop quality of teaching and learning of persons with disabilities;

(4) to produce, research, and develop technology facilities for education provision for persons with disabilities;

(5) to act in relation to allocation of technology facilities;

(6) to act in relation to general affairs of the fund;

(7) to encourage educational agencies to be able to produce, and develop technology facilities for the education provision of persons with disabilities;

(8) to coordinate, promote, support education provision of private establishments of education, local administrations, including persons, families, communities, community organisations, professional organisations, vocational organisations, religious institutions, establishments, and other institutions which provide education for persons with disabilities;

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(9) to coordinate, and encourage local administration to be able to provide education for persons with disabilities in accordance with policies, and standard of education.

The Office of Basic Education Commission shall support, direct, supervise the Bureau of special education administration so as to perform the duties efficiently, and effectively.

The Director of the Bureau of special education administration shall be the person to command and be responsible for the course of performance of the Bureau of special education administration to be in accordance with policies, guidelines, and action plans of the Ministry and Office of the Basic education Commission.

Section 19. The Educational Service Area Offices shall have the duty to provide education, especially joint study, and to communicate, direct, follow up, for persons with disabilities to have an extensive access to of-good-quality education as prescribed by the law.

To ensure the success of the performance under paragraph one, the Office of Basic Education Commission shall provide supports in resources, bodies of knowledge, and personnel with specific expertise to the Educational Service Area Offices.
Section 20. A specific establishment of education for disabilities shall have the duty to provide education in accordance with its mission to persons with disabilities, and shall be a juristic person.

CHAPTER III

FUND FOR THE PROMOTION AND DEVELOPMENT OF EDUCATION FOR PERSONS WITH DISABILITIES

Section 21. There shall be a Fund called “Fund for the promotion and development of education for persons with disabilities” in the Office of Basic Education Commission for spending on fair and extensive encouragement and development of Education for persons with disabilities. The Fund shall consist of:

(1) money and properties transferred from money of the Education Fund for persons with disabilities under the rules of the Ministry of Education on education fund for persons with disabilities B.E. 2546 (2003);

(2) subsidiary from the Government;

(3) subsidiary from Local Administration;

(4) income from selling lottery, or from activities;

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(5) Interest and benefit from the money or properties of the Fund
(6) money or properties from donation;
(7) a part of income from the tax of products or services which cause disabilities as prescribed by the law.

Section 22. There shall be a fund administration committee consisting of Secretary-General of the Basic Education Commission as the chairperson, Deputy Secretary of the Basic Education commission assigned by the Secretary-General as the first vice-chairperson, nine qualified member who is a representative of an organisation of persons with disabilities as the second vice-chairperson, representative of the Office of Permanent Secretary of the Ministry of Education, representative of the Office of Higher Education Commission, representative of the Office of Vocational Education Commission, representative of the Ministry of Finance, representative of the Bureau of Budget, representative of the National Office for Empowerment of Persons with Disabilities, and eleven qualified members appointed by the committee, in this number at least seven persons must be representatives of organisation for persons with each type of disability, and the Director of the Bureau of Special education Administration shall be a member and secretary.
Section 23. The fund administration committee shall have the powers and duties as follow:

(1) to administrate the fund, including to undertake in relation to investment, take benefit, and manage the fund to be in accordance with the rules prescribed by the committee, with the approval of the Ministry of Finance;

(2) to consider an approval of payment to support education provision for persons with disabilities as per the rules prescribed by the committee;

(3) to report financial status, and fund administration to the committee as per the rules prescribed by the committee;

(4) to appoint a sub-committee or working group for the course of performance assigned by the fund administration committee.

Section 24. The receipt of payment, payment, maintenance of fund, and debt forgiveness shall be as per the rules prescribed by the committee, with the approval of the Ministry of Finance.

Section 25. The Fund Administration Committee shall make a financial statement, and send it to the audit for audition within ninety days from the last day of every year.
The Office of the Auditor General of Thailand shall be the yearly auditor of the fund, and shall make an audit report, and present it to the Committee.

Section 26. Section 13, section 14, section 15, and section 16 shall apply to the entry into the office, vacation from office, appointment of a replacement, and meeting of the Fund administration committee *mutatis mutandis*.

Transitory Provision

Section 27. Upon the enforcement of this Act, all money, properties, rights, and debts of the education fund for persons with disabilities under the rules of Ministry of Education B.E. 2546 (2003) shall be transferred to the fund under this Act.

Whilst the rules on fund administration under section 12 has not yet been issued, the Ministerial Rules on education fund for persons with disabilities B.E.2546 (2003) of the Minister of Education shall be in force until such rules is issued under this Act, provided that the issuance must not be later than one year as from the date this Act comes into force.
Section 28. At the beginning period where the committee for the promotion of education provision for persons with disabilities has not yet been appointed, the commission for the promotion of special education under the Government Administration in the Ministry of Education Act B.E. 2546 shall perform the duties until the Committee for the promotion of education provision for persons with disabilities is appointed under this Act, which must not exceed one hundred and eighty days as from the date this Act comes into force.

Section 29. A teacher or education personnel who has passed the certification training for special teacher in the course approved by the official teacher and education personnel commission before this Act comes into force shall be a special education teacher under this Act.

Within one year as from the date this Act comes into force, a person who has passed the certification training for special teacher in the course approved by the official teacher, and education personnel commission is entitled to be appointed as a special education teacher under this Act.

Countersigned by
General Surayud Chulanont

Prime Minister