



# Special Education in Israel

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- **What services does Israel provide for students with disabilities?**
- **What is the legal definition of “students with disabilities”?**
- **Is inclusion an option?**
- **How are placement decisions made?**
- **What changes are on the horizon?**

The foundation for answering questions and understanding Israeli special education is the Special Education Law of 1988 (SEL). The SEL marks a turning point in the provision of special education services to children and adolescents with special needs in Israel. The law was passed with wide multiparty support with hopes that it would create procedural certainty and would codify guidelines where none had previously existed (Gumpel, 2000).

Examination of the legislative intent of the Israeli parliament (the unicameral Knesset) reveals a basic conceptualization of disability among Israeli lawmakers at the time as it advocates for a segregationist and categorical perception of service provision (see box, “Complexities,” for a description of the educational system in Israel).

This article describes changes taking place in Jewish special education (the focus is on the Jewish system, because non-Jewish special education is

attempting to reach parity and match this system’s resources and service provision model).

## Special Education Law

The Israeli SEL was legislated in 1988 and consists of five subsections: Definitions of Terms, Free Special Education, Diagnosis and Placement, Education in a Special Education Institution, and Miscellaneous. Before the law’s passage, special education procedures were based on an informal and personal form of negotiation among the educational system, the child’s family, and the Ministry of Education and Culture (Gumpel, 1996).

In the United States, the Individuals with Disabilities Education Act 1997 Amendments (IDEA) is based on constitutional guarantees of equal protection and due process, as described by the U.S. Constitution. Unlike the United States, Israel has no formal constitution. Some of the functions of a constitution are filled by the Declaration of Establishment (1948), Basic Laws (special “constitutional” laws dealing with basic governmental issues and requiring a large majority of the Knesset to modify them), and Israeli citizenship laws. Because these laws are insufficient to ensure absolute educational access for all citizens (Gumpel, 1996), parent

## The Complexities of the Israeli Education System

The State of Israel is a small country (20,770 square kilometers) with a primarily market-, industrial-, and service-oriented economy (96.5%). The population of more than 5.5 million is composed of 82% Jewish and 18% Israeli-Palestinians (Israeli Arabs) citizens, with a high literacy rate of 95% among those over the age of 15 (Central Bureau of Statistics, Israel).

The Israeli educational system includes four primary directorates:

- Jewish Secular.
- Jewish Religious.
- (Non-Jewish) Israeli-Palestinian.
- Independent (Jewish Ultra-Orthodox).

Each directorate has both general and special education divisions, each with its own bureaucratic machinery.

All public education services in Israel are managed on a national level, with several districts (Jerusalem, Tel Aviv, Central, Northern, Haifa, Southern). Each district is composed of all publicly funded schools; and local superintendents manage each district. These officials have responsibility for the day-to-day functioning of all pedagogically related activities within each school (e.g., teacher hiring and firing, curricular issues, pedagogic focus). Such a system causes a proliferation of service-delivery systems with their concomitantly high costs.

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***Israel’s Special Education Law was an attempt to create procedural certainty and codify guidelines for placement.***

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groups, through a series of legal challenges and legislative advocacy (see Gumpel, 1996), proposed the SEL in the early 1980s.

### Definitions

The opening section of the law provides operational definitions and begins with the definition of “handicapped child” and “special education.” These two definitions provide an interesting tautology: the “handicapped child” is defined as “A person aged three to twenty-one, whose capacity for adaptive behaviors is limited, due to faulty physical, mental, psychological or behavioral development, and is in need of special education” (Special Education Law of 4358, 1988, p. 2930).

On the other hand, “special education” is defined as “methodological teaching, learning and treatment granted by law to the handicapped child.” (p. 2930). These circular definitions exemplify the confusion regarding *exclusionary* versus *inclusionary* special services: For a child to be defined as “handicapped,” he or she must be taught in a “special education” framework which is then defined as a framework provided only to children with handicaps (Gumpel, 2000).

### The Goals of Special Education

According to the law, special education in Israel has the following goals:

To advance and develop the skills and abilities of the special-needs child, to correct and enhance his or her physical, mental, emotional, and behavioral functioning, to impart to him or her knowledge, skills and habits, and to help him learn acceptable social behavior with the goal to facilitate his or her integration into society and employment circles. (Section B.2)

This emphasis on *integration* is in stark contrast to the tautology described in the Definitions section of the law. Critics claim that these diametrically opposing parts of the same law create legal and administrative ambiguity, enabling the Ministry of Education (MOE) to interpret as it sees fit.



**The above banner was displayed at a joint learning festival for students with and without special needs.**

### Diagnosis and Placement

After a child experiences difficulty in school, is tested by a licensed school psychologist, and deemed eligible for special education services, he or she is referred to a local Placement Committee, which formally decides eligibility and placement. The Committee is composed of the following people:

- A representative of the local education authority.
- Two Ministry of Education supervisors.
- An educational psychologist.
- A pediatrician.
- A social worker.
- A representative of the National Special Education Parents' Organization (Section C).

The law does *not* guarantee parental or the child's teachers' participation in the Placement Committee. The Committee decides where the child will be educated and gives “priority to placing the child in a recognized school that is not a special education school” (Section C.7b).

The child with special needs, a parent, or a representative of a public organization is entitled to submit an appeal concerning a decision made by the Placement Committee within 21

days of the decision. The MOE appoints a seven-member Board of Appeal that can accept or overturn the Placement Committee decision (Section C).

### Special Education Procedures

At the beginning of every school year, a multidisciplinary team at the special education institution develops an individualized education program (IEP) for each child. The IEP is defined as follows:

A plan that describes the performance level of the special-needs child at the time it is drawn up, the learning aims and objectives, the timetable for achieving these, the resources needed to achieve them, and the standards for measuring their attainment. (Section D.19c)

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***The special education Placement Committee includes a social worker, a physician, a psychologist, and supervisors, but not the parents of the child.***

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As opposed to the U.S. special education service-delivery model, parental consent is not required for IEP implementation. Further, no due process procedure is available to ensure parental agreement or resolution of differences.

### Criticism of the Special Education Law

According to Margalit (2001), the 1988 SEL legislation was a significant achievement that reflected the “conceptions of its time.” We have three major criticisms of the original law.

First, through the definition of disability, a child has special educational needs due to a “developmental impairment” that limits his or her adaptive behavior. The law’s stated goal is “to correct” the child’s performance, with the assumption that the performance *can*, indeed, be corrected. We feel that this definition and goal are not in line with international standards of care in special education. Viewing disability from a deficit and medical model, rather than an educational model based on the analysis and reinforcement of strengths and abilities, may seriously affect the special education system’s ability to provide the best possible range of educational and habilitative services.

Second, although the Placement Committee ostensibly gives priority to placement in nonspecial education and segregative schools, the SEL does not embrace inclusionary ideology. In fact, the stated ambiguity in the law toward inclusionary practices, along with no direct mention of the least restrictive environment (LRE), enables the MOE and Placement Committees to choose exclusionary special education placements.

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***Critics of Israel’s Special Education Law state that it views disability from a deficit and medical model, rather than an educational model based on the analysis and reinforcement of strengths and abilities.***

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Third, the involvement of parents in their child’s education is limited. The parents have no legal rights to attend the actual Placement Committee meetings or to take an active part in the decision-making process. This situation is common in Israel, however, where there are no clear guarantees of due process (Gumpel, 1996).

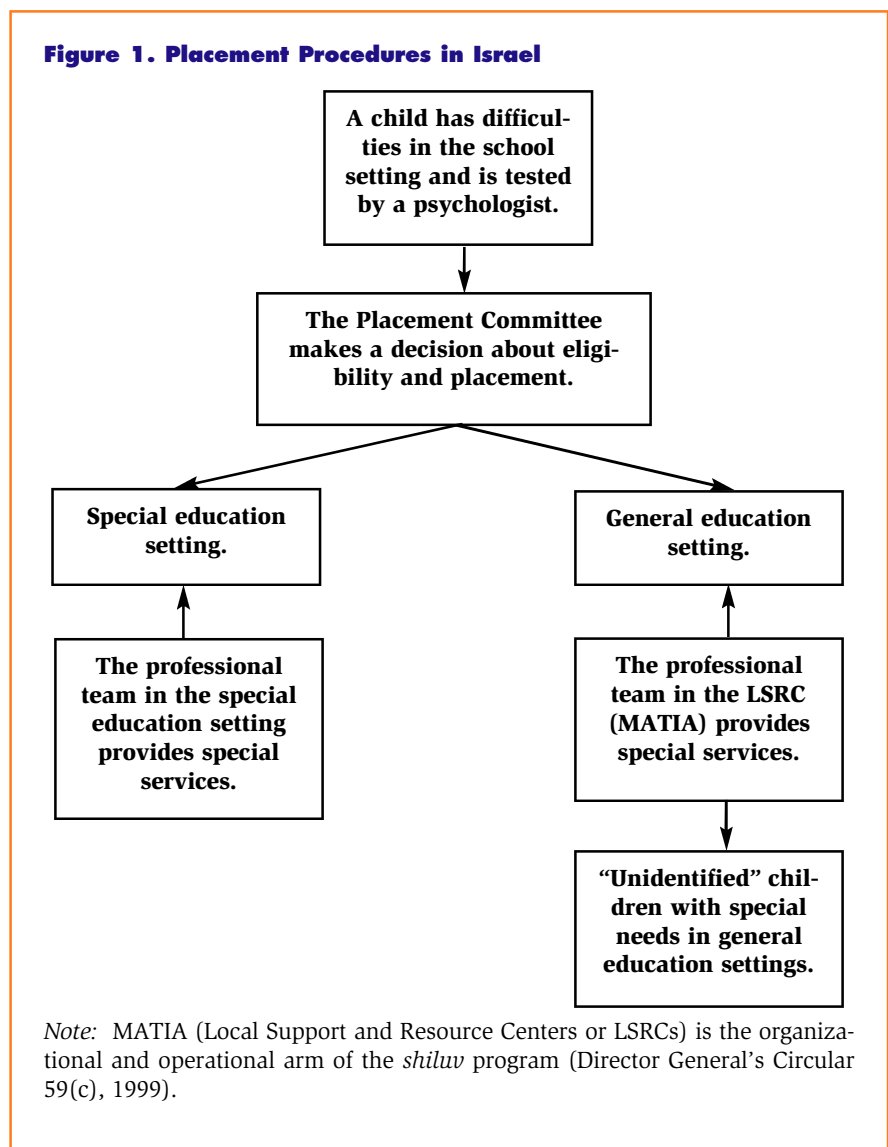
### The Current Status of Special Education in Israel

According to the law, implementation should have been concluded at the beginning of the 1999 academic year. The master plan for implementation, however, was only ratified in the 1995 academic year. During the period of implementation, an emphasis was given

to *shiluv* (Hebrew for mainstreaming or inclusion) of children with special needs in general classrooms. Today children with special needs receive services in special education settings or in general education settings (see Figure 1).

The structure of special education placement is changing as the Ministry of Education strives to limit the number of children being placed in segregated settings, through two maneuvers:

- Not formally identifying them as children with special needs (and hence not bringing them before the Placement Committee, thereby circumventing the restrictive budgetary aspects of the law).
- Establishing a series of decentralized resource centers in each community



***Local Support and Resource Centers (LSRCs) serve only students in mild disability categories, function in a semi-autonomous manner, and are able to allocate resources according to specific local needs.***

in the country. "MATIA" (Local Support and Resource Centers or LSRCs) is the organizational and operational arm of the *shiluv* program (Director General's Circular 59(c), 1999). These LSRCs currently serve only mild disability categories, function in a semi-autonomous manner, and are able to allocate resources according to specific local needs.

LSRCs are changing the very nature of service provision in Israel: Special education teachers are no longer associated with specific schools, but rather with their LSRC. In this way, teachers and paramedical services are provided from within an itinerant consultative/collaborative framework (Gumpel, 2000).

In the 1999 academic year, more than 35,000 students received special education services in special education settings, and about 80,000 students received special education services through the LSRC in preschool and general education schools. Of the students in special education settings, 38.8% had learning disabilities (LD), 25.7% had mental retardation (MR, mild, moderate or severe/profound), and 7.5% had behavioral disorder (BD). Figure 2 shows the special education populations in Israel (Ministry of Education, Department of Special Education, Israel).

In 1999, the Minister of Education appointed a public committee whose objective was to examine the implementation of the SEL. In July of 2000, the committee presented their findings, which were adopted by the Minister. According to Margalit (2001), the rec-

ommendations attempted to clarify the law's ambiguity and focused on the rights of students with special needs to learn together with their peers. The committee emphasized that special education does not relate to a place, but rather to a range of educational, didactic, and therapeutic procedures that are carried out in different settings.

In addition, the committee addressed the right of special groups to amended priorities in the allocation of the resource for special education. The committee recommended that historically deprived social groups (e.g., Israeli-Palestinian, Bedouin) be given priority when resources are allocated and services are developed. The committee also recommended that cultural components that are unique to the cultural and national group should be considered when developing special education services.

### Final Thoughts

It is an exciting, yet confusing, time to be involved in special education in Israel. From 1988 to 1998 and into the 21st century, the provision of special services to children with disabilities has

### Additional Resource

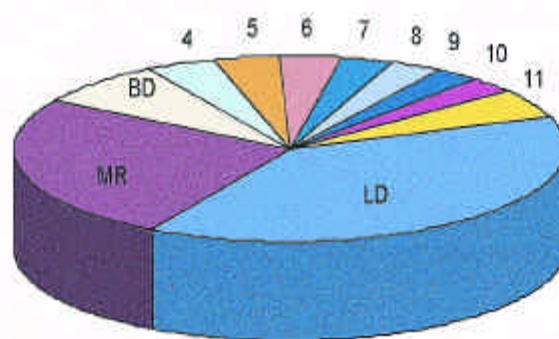
Information on special education in Israel, including the Special Education Law in English can be found on the Web site of the State of Israel Minister of Education, the Special Education Department: [http://www.education.gov.il/special/english\\_ind.htm](http://www.education.gov.il/special/english_ind.htm)

undergone rapid changes. Today, we are seeing dynamic changes in the Department of Special Education in the MOE; and we have witnessed the development of a professionally rich and engaging work atmosphere. Special education in Israel, however, remains highly categorical and segregative and hence has a long way to go.

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**Figure 2. Special Education Populations in Israel**



Note: Populations in special education settings only: LD = learning disabilities (38.8%); MR = mental retardation (25.7%); BD = behavioral disorders (7.5%); 4 = moderate, multiple mental disabilities (4.1%); 5 = borderline IQ (3.8%); 6 = developmental delay (3.7%); 7 = deafness (3%); 8 = cerebral palsy (3%); 9 = emotional disorders (2.7%); 10 = Autism (2.6%); 11 = other (5.1%).

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