

Paving the Way for Inclusive Education During the Covid 19 Pandemic

Isneningtyas Yulianti¹, Nurrahman Aji Utomo², Agus Suntoro³
{tyas.yulianti@gmail.com}

National Research and Innovation Agency (BRIN)^{1,2,3}

Abstract. Learning or education in schools during the COVID-19 pandemic has an impact on students, parents, and teachers. The provision of education for vulnerable and disabled groups is no exception. Based on education as a right, efforts to encourage inclusive education have begun with Government Regulation no. 13 of 2020 concerning reasonable accommodation for students with disabilities. However, the COVID-19 pandemic disrupted the learning system and forced the parties to adopt tactics. The online approach as remote education is not yet friendly to lower-middle families, as well as vulnerable and disabled groups. This study uses a qualitative approach and secondary data sources to see more clearly the direction of inclusive education during the pandemic. The results of the study show that inclusive education during the pandemic and its effectiveness is highly dependent on the role of the government and local governments in understanding the concept of inclusiveness. The challenge of inclusive education during a pandemic should be a lesson on how to prepare face-to-face learning after the pandemic.

Keywords: Disabilities, Education, Inclusiveness, Pandemic Covid 19

1 Introduction

According to the data from the Central Statistics Agency (BPS), the number of children with disabilities of school-age reaches 1.6 million children. Of this amount, the Ministry of Education and Culture noted that only 18% had received inclusive education services. Around 115,000 children with disabilities attend special schools (SLB) which are specially prepared for them and another 299 thousand children attend public schools that implement inclusive programs.[1] Regarding the provision of education for children with disabilities, it is regulated in Government Regulation Number 13 of 2020 concerning Reasonable Accommodation for Students with Disabilities which is the implementing regulation of Article 42 paragraph (8) and Article 43 paragraph (2) and paragraph (4) of the Law. Number 8 of 2016 concerning Persons with Disabilities. There are 3 (three) scopes of regulation which include guaranteeing the provision of reasonable accommodation, provision of disability service units, monitoring and evaluation including the imposition of sanctions for education providers who do not comply with these regulations.[2]

The outbreak of the Covid-19 pandemic that occurred throughout the world also had a direct impact on aspects of education, especially for children with disabilities. The United Nations Human Rights Office of the High Commissioner (OHCHR) in Covid-19 and the Rights of Persons With Disabilities: Guidance, found that in general there is a disruption in access to

education, several countries adopt remote learning practices (remote learning). However, when it comes to children with disabilities, they face difficult challenges related to the necessary facilities and infrastructure, such as access to the internet, accessible educational materials, and support from all parties for the implementation of online-based education. This situation also affects the level of understanding of people with disabilities, especially people with intellectual disabilities. Another thing that also happens is the intensity of interaction between people with disabilities, especially to be involved in social activities, eating together or being creative and exercising.[3]

As part of the adaptation process to the Covid-19 pandemic situation in the field of education, the Government of Indonesia through the Ministry of Education and Culture issued Circular Letter Number 4 of 2020 concerning the Implementation of Education in the Coronavirus Disease (Covid-19) Emergency. This arrangement is intended to provide a meaningful learning experience for students, without being burdened with the demands of completing all curriculum achievements for grade promotion and graduation.

Meanwhile, the main focus in this mechanism is life skills education, including regarding the Covid-19 pandemic, as well as learning tasks that are according to their respective interests and conditions, including considering the gap in access/learning facilities at home.[4] Regarding remote learning aspects, the Minister also issued Circular Letter Number. 15 of 2020 concerning Guidelines for Organizing Learning from Home in an Emergency Period for the Spread of Covid-19. This Circular provides guidelines for educational units to prepare 3 (three) conditions in supporting remote education activities, namely the pre-learning stage, the virtual face-to-face stage and the Learning Management System (LMS) mechanism which is an online integrated learning management system through the application.[5]

Although various regulations have regulated the methods and prerequisites for remote learning and guarantees reasonable accommodation for students with disabilities, these factual conditions show the complexity of their fulfilment in Indonesia. The National Human Rights Commission (Komnas HAM) concluded that there were three main problems with the disruption of access to education during the Covid-19 pandemic for children with disabilities, namely related to the limited ability of teachers to use and integrate technology into virtual classrooms; problems faced by parents/supporters of children with disabilities in mentoring during the learning process and factors of access to quality and internet networks[6].

Likewise, research by Martina Orsander and Pamela Mendoza showed that parents/caregivers with disabilities reported that 73% of their children had no contact from teachers compared to 66% of parents/caregivers without disabilities. Similarly, in terms of learning, about one in three parents/caregivers with disabilities, 34% reported that their child had no access at all, compared to one in five parents/caregivers without disabilities 20%.[7] If the problem of remote learning and inclusive education, especially for persons with disabilities, is not managed optimally, it will cause learning loss. This condition is influenced by the loss of competencies that have been studied previously, the incompleteness of learning objectives at certain levels and the accumulated impact of failure to master learning from the previous level. In the long term, it will reduce the quality of learning which has an impact on the decline in human resources. The implication is to increase the poverty rate which is correlated to inequality and social inequality.[8]

This paper discusses several questions (1) how to review the right to education, in inclusive education for persons with disabilities in Indonesia; (2) what are the implementation challenges for implementing inclusive education for persons with disabilities during the Covid-19 pandemic. This paper begins by discussing state obligations in education rights, the concept of inclusive education, reasonable accommodation for persons with disabilities. Furthermore, the

second discussion relates to the challenges of implementing inclusive education during the Covid-19 pandemic which began with the arrangement of remote learning, implementation of persons with disabilities and the reopening of offline school.

2 Research Methods

Fons Cooman in "Human Rights Research Methods" emphasizes the relationship between the object of legal studies and human rights, it is necessary to pay close attention to the practice of the study with the object of human rights. The character of international law that dominates human rights studies deserves to be reviewed, this is due to the broad scope of topics.[9] Meanwhile, Todd Landman in *Measuring Human Rights: Principles, Practice, and Policy* emphasizes four functions of the analysis of human rights, namely: (a) conducting contextual descriptions and documentation of violations; (b) classification of types of violations; (c) mapping and identification of violation patterns, space and time; and (d) secondary analysis that provides explanations for violations and solutions to mitigate them in the future. Meanwhile, the indicators for conducting the assessment are based on the following aspects: (a) international and national human rights standards; (b) general indicators are based on norms regulated in the constitution; and (c) specific indicators covering civil rights, political rights, economic rights, social rights, and cultural rights.[10]

The implementation of the human rights study method is very dependent on the approach, how to find relevant information, its regulation, and interpretation of the results, and last but not least, ensuring that there is no contradiction between the method and the substance.[11] This research was conducted with a qualitative method, while the writer used a descriptive approach. This research was conducted by conducting problem identification and then conducting a norm or identification search. That is, to find out the core of the problem as well as find solutions to fix or resolve problems that arise.[12] Therefore, the discussion of the substance in this paper will be based on the configuration of obligations in education and the intellectual life of the nation as regulated in the constitution, then how the regulations regulate education for persons with disabilities and how to adapt during the Covid-19 pandemic.

This paper has a novelty compared to previous research because the analytical instrumentation will focus on policy (normative) aspects and relations with human rights instruments. Observing the research topic, in "Educational Innovation in the Covid-19 Pandemic Period" Ansori and Sari,[13] emphasize the importance of mastering the technological aspect as part of innovation in collaboration with improving human resources. As for the study from Supratiwi,[14] mapped the educational challenges for students with disabilities during the COVID-19 pandemic that were felt by special education teachers (SETs).

A study from Rifai and Humaedi,[15] looks at the relationship between the Covid-19 pandemic and people with disabilities in the perspective of the Sustainable Development Goals (SDGs). The impact of the crisis from the Covid-19 pandemic was felt directly by persons with disabilities as a vulnerable group. For this reason, adaptation to the global agenda in the CRPD and SDGs is needed to encourage the participation and protection of persons with disabilities in pandemic situations. However, some of these studies have not marked the concept of inclusiveness in depth.

3 Results and Discussion

One of the most basic principles in the framework of the formation of Indonesia which was formulated in the preamble to the 1945 Constitution is to place education as a means of educating the nation's life. After the reformation with the amendment of the 1945 Constitution which contains human rights norms, Article 28 C paragraph (1) stipulates that everyone has the right to develop themselves through fulfilling their basic needs, has the right to receive education and benefit from science and technology, arts and culture, for the sake of improving the quality of life and for the welfare of mankind. Based on this formulation, Limpo stated that the purpose of national education is the development of the potential of learners to become human beings who; (1) be faithful and dedicated to God Almighty, (2) be noble, healthy, knowledgeable, capable, creative, independent, and (3) be a democratic and responsible citizen.[16]

The right to education in the concept of human rights is the main responsibility of the State. This obligation can be referred to in The Universal Declaration of Human Rights (1948) was the first major international human rights instrument to give emphasis and momentum to the right to education. The preamble to the Universal Declaration guarantees that "every individual and every organ of society ... [to] strive by teaching and education to promote respect for these rights and freedoms". Referring to Article 26(2) states that the right to education must include the development of the human personality and the strengthening of respect for human rights and fundamental freedoms.[17] The second reference to this obligation is the International Covenant on Economic, Social and Cultural Rights (ICESCR). Referring to article 13 & 1, the State Parties to the present Covenant recognizes the right for everyone to education and also through education shall enable "all persons to participate effectively in a free society,..." Education should also promote understanding tolerance and friendship among all nations and all racial, ethnic or religious groups.[18]

In the context of education for persons with disabilities, the UN Convention on the Rights of Persons with Disabilities through the provisions of Article 24 recognizes and encourages States parties to ensure an inclusive education system at all levels and lifelong learning. This inclusive education is carried out for (a) full development of self-potential and a sense of dignity and self-worth, respect for human rights, fundamental freedoms and human diversity; (b) develop personality, talents and creativity, as well as mental and physical abilities to reach their full potential; (c) participate effectively in a free society.[19] Base on General Comment 13: The Right to Education (UN Doc. E/C.12/1999/10), basic education is an important socio-economic right directed, among other things, at promoting and developing a child's personality, talents and mental and physical abilities to his or her fullest potential.[20] Moreover, as the human rights vision pertains to justice at all levels of individual and State relationships, the term 'empowerment' has a special significance. Referring to the United Nations Decade for Human Rights Education (1995-2004), the World Program seeks to promote a common understanding of basic principles and methodologies of human rights education, to provide a concrete framework for action and to strengthen partnerships and cooperation from the international level down to the grassroots.[21]

Based on various human rights instrumentations regarding education for persons with disabilities, Katarina Tomaševski has formulated a legal framework based on three aspects. In the aspect of the right to education in the availability element, it regulates fiscal allocations, matching human rights obligations, schools matching school-aged children (number, diversity), teachers (education & training, recruitment, labour rights, trade union freedom). While the element of acceptability regulates the elimination of obstacles to compulsory schooling (fees,

distance), identification and elimination of discriminatory denials of access, elimination of financial obstacles and elimination of legal and administrative barriers. Regarding the aspect of Right in Education in the element of acceptability, it regulates the parental choice of education for their children (with human rights correctives), enforcement of minimal standards (quality, safety, environmental health), recognition of children as subjects of rights, freedom from censorship and language. of instructions. Meanwhile, the adaptability element regulates guarantees related to child migrants, travellers, children with disabilities, working children, indigenous children and minority children. Lastly, it relates to the aspect of Right Through Education in the element of adaptability, which regulates the prevention of child soldiering, elimination of child labour, elimination of child marriage and concordance of age- determined rights.[22]

In the domestic sphere, the establishment of Law Number 19 of 2011 concerning Ratification of the Convention on the Rights of Persons with Disabilities dated November 10, 2011, shows the commitment and seriousness of the Government of Indonesia to respect, protect, and fulfil the rights of persons with disabilities. Furthermore, the instrumentation became the framework for the formation of Law Number 8 of 2016 concerning Persons with Disabilities. The concept of equality becomes paradigmatic in policy formulation in all aspects of life such as education, health, employment, politics and government, culture and tourism, as well as the use of technology, information, and communication. To realize this, Article 10 paragraph (1) guarantees the right to quality education for persons with disabilities in education units at all lines, levels, and types of inclusive and special education.[23]

3.1 Glancing Inclusive Education in Indonesia

Revealed that every citizen has the right to obtain an education, as stated in the 1945 Constitution, so a person with disabilities also has the right to education. Derivative of it, Law Number 20 of 2003 on National Education System, Article 15 and Article 32 and in the Explanation to Article 15 describing Inclusive education: "Special Education is the provision of education program for the disabled and/or the gifted learners, organized inclusively or exclusively at the basic and secondary level of schooling". The government of Indonesia (GoI) responded with special education for children with special needs, such as Special Schools, Special Elementary Schools, Special Secondary Schools, but unfortunately it still excludes the children with special needs from the mainstream.[24] Inclusion as special education often neglects the intersectionality of important diversity topics such as race, class, and gender of individuals with disabilities[25].

General perspective, according to UNESCO, inclusive education is seen as "a process of addressing and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion from education and from within education.".[26] The goal is that the whole education system will facilitate learning environments where teachers and learners embrace and welcome the challenge and benefits of diversity. Within an inclusive education approach, learning environments are fostered where individual needs are met and every student has an opportunity to succeed.

Debate continues of inclusive education, they conclude, fall into two broad groups: (a) those who detail features of inclusion, and (b) those who identify and describe barriers to inclusion that must be removed. Inclusive education is a contentious term that lacks a tight conceptual focus, which can contribute to some misconceptions and confusing practices.[27] But on the other hand, the complexity of inclusive education guarantees the principles and actions of justice, fairness and equality.[28] For this reason, it is important to look at the development and

context of inclusive education directed at students with disabilities. Including based on a rights-based approach.

It should be acknowledged that issue the centralized management of education in Indonesia is unable to accommodate all differences, differences, interests of each region, school, and student.[29] Now, in an era of local autonomy and decentralization, the education system is required to make changes, adjustments, and reforms to accommodate diversity and encourages community participation.[16] Continued neglect of diversity, equity, and inclusion creates vulnerabilities, in the broad picture all drive instability and compromise national security.[30] On that account, grand design educations should recognize and address race, gender, and socioeconomic inequality in school. Differences in socioeconomic status create food insecurity and threaten internet connectivity for many.

Seeing education through the inclusion lens implies a shift from seeing the child as a problem to seeing the education system as the problem that can be solved through inclusive approaches. Initial views, which emphasized that the source of difficulties in learning came from within the learner, ignored the environmental influences on learning. Affirms that the reorganization of ordinary schools within the community, through school improvement and a focus on quality, ensures that all children can learn effectively, including those categorized as special needs[31].

In the context of Indonesia, the implementation of inclusive education is mandated in Law Number 8 of 2016 concerning Disabilities. As the basis for regulation, the Government then issued Government Regulation Number. 13 of 2020 concerning Reasonable Accommodation for Students with Disabilities. Previously, the rules regarding inclusive education were regulated by the Minister of National Education Regulation Number 70 of 2009. Government Regulation Number 13 of 2020 provides criteria or indicators in the implementation of inclusive education, at least relating to budget allocations or funding assistance; provision of facilities and infrastructure; preparation of teachers and education personnel; and inclusive curricula[32].

Through the regulation of the Minister of Education Regulation Number 70 of 2009 concerning Guidelines for the Implementation of Inclusive Education, it requires eight components that must be the attention of stakeholders, namely students, curriculum, teachers, learning activities, assessment and certification, school management, awards and sanctions, and public participation. The success of implementing inclusive education requires teachers or educators who have special skills for students with disabilities or special needs. These special teachers and educators have the main task of educating, teaching, guiding, directing, training, assessing, and evaluating students in educational units that implement inclusive education programs.[33]

Nevertheless, based on an evaluation from the ministry of education, of 35,082 inclusive schools that received 127,541 students, there were three challenges in implementing inclusive education related to the curriculum, distribution of teachers or mentors, and inclusive school management. [34]

3.2 Reasonable Accommodation Guarantee

In 1989, the United Nations launched The Convention of The Right of Children and organized a world conference on Education for All. The two agendas recommend that all children have the right to receive education either at school or in educational services that are by the characteristics and conditions as the basis for implementing inclusive education. The establishment of Standard Rules on Equalization of Opportunities for People with Disabilities (1991) was aimed at ensuring education for persons with disabilities as an integral part of the general education system.

The substance in these standards was then formulated by UNESCO in the Salamanca Statement which emphasized the importance of principles, policies and practices in special needs education, including reaffirming the commitment to accommodate persons with disabilities in general education.[35]

This formulation from UNESCO is then referred to as a guideline in the formation of schools that guarantee reasonable accommodation. As a legal basis, the Government has established Government Regulation Number 13 of 2020 concerning Reasonable Accommodation for Students with Disabilities which regulates the appropriate and necessary mechanisms, modifications and adjustments to ensure the enjoyment or implementation of all human rights and on an equal basis. Referring to articles 11-16 Government Regulation Number 13 of 2000, the formulation of appropriate accommodation is generally carried out starting from the admission selection with the concept of affirmation, further emphasizing the importance of flexibility in learning, learning materials according to needs, formulation of graduate competencies or learning outcomes, as well as competency evaluation and assessment[2].

Another prerequisite for success in the accommodative concept is the application of the specifics of disability combined with the use of technology, applications, and technology-based equipment from registration, administration, teaching and learning process, and evaluation. Some special needs for physical disabilities in the form of accessibility to higher places (lifts, floors, etc.), for students with intellectual disabilities it is stipulated that learning outcomes must be adjusted to the abilities of each individual. Students with visual impairments must present lessons in braille format, questions with pictures and charts in the form of embossed images, and for speech disabilities require assistance in class either by a sign language interpreter or a note-taker if the educator cannot communicate using sign language.

The establishment of Government Regulation Number 13 of 2020 as described above, even though it was published during the Covid-19 pandemic, but in essence is the implementation of the mandate of the Law on Disability Number 8 of 2016. Therefore, ideally, the government needs to consider the substance of Government Regulation Number 13 of 2020 as a reference and harmonization with Circular Letter Number 15 of 2020 concerning Guidelines for Organizing Learning from Home in an Emergency Period for the Spread of Corona Virus Disease. As part of the responsibility, the Ministry of Education encourages the implementation of new student admissions in 2021 instructing every public school to allocate 5 percent for students with disabilities. [36] The government policy is intended to reduce the gap in access for students with disabilities to obtain inclusive education. Because there is still 35 percent of the 144,621 students with disabilities who have not been accommodated, either in 2500 special schools or inclusive schools.[37]

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3.3 Habituate Remote Learning

The Covid-19 pandemic situation forces all parties, including the government, schools, teachers, students and parents or companions involved in education, to adapt to new habits. One new mechanism that is being implemented is learning from home or known as remote learning. It is also important to refer to the United Nation document "What is the impact of covid-19 on the right to education of persons with Disabilities?" (April 2021) as a guideline for formulating policy steps for the State in providing education for students with disabilities[3].

The United Nation document briefly formulates seven steps for the state to ensure the implementation of disability education during the Covid-19 pandemic which includes: (a) provide clear guidance to education and school authorities on the scope of their obligations and

the variety of available resources when providing education outside schools, (b) ensure access to Internet for remote learning and ensure that software is accessible to persons with disabilities, including through the provision of assistive devices and reasonable accommodation, (c) provide guidance, training and support for teachers on inclusive education through remote learning, (d) establish close coordination with parents and caregivers for early education of children with disabilities, (e) provide guidance and distance support for parents and caregivers to assist in setting up equipment and to support the education program of their children with disabilities, (f) develop accessible and adapted materials for students with disabilities, to support remote learning, and (g) develop accessible educational audio-visual materials to disseminate through different media (e.g., online on-demand, televised educational programs, etc.)[3]

As a basis for implementing remote learning, the Government through the Minister of Education issued Circular Letter Number 15 of 2020 concerning Guidelines for Organizing Learning From Home in an Emergency Period for the Spread of Corona Virus Disease (Covid-19). The formulation or substance regarding remote Learning, in brief, can be seen in table 1.[5]

Table 1. Remote Learning Mechanism

Pre Learning	During Learning Live Learning	After Learning	
Preparation of parents' cellphone numbers for the formation Whatsapp Groups	Check attendance and pray before learning	Communication with parents or student companions	Students fill out activity sheets every day
Discuss the availability of devices, materials and schedules	Submission of material according to the method or tool used	Monitoring learning activities	Parents to collect activity sheet photos or assignments
Parental support or companion in the learning process.	Provide time or opportunity for students to interact	Open a consulting service	Provide feedback on the teaching and learning process

The issuance of various regulations, both regulating reasonable accommodation for schools with disabilities and regarding remote learning, indicates that in the normative aspect the government has formulated steps to fulfil it. In the technical aspect, students with disabilities get guaranteed accommodation by the requirements. This policy implies government guarantees to ensure the learning system is disabled and inclusive schools, adapt learning materials, and ensure the distribution of remote learning facilities during the Covid-19 pandemic.[5] Referring to the formulation of Circular Number 15 of 2020 above still requires improvements to the substance or material that is in line with the needs of students with disabilities, and reflect several main problems.

First, the substance of the regulation or norm in remote learning is general for all students and does not regulate the requirements of persons with disabilities. The Executive Board of the Indonesian Teachers Association (PGRI) highlighted the need for a special remote learning curriculum and methods for students with disabilities by optimizing community participation[38].

The second, the issuance of Circular Letter Number 15 of 2020 has not been compatible with human rights norms for persons with disabilities, especially when compared to the application of the elements of availability, accessibility, acceptability and adaptability. The

formulation in this Circular Letter also simplifies the use of the phrase "application of technological principles" so that education is only carried out using hardware and application methods, and twelve learning applications provided by the government can only be accessed by smartphones or computers[39].

Effective remote (online) learning includes affordability and accessibility of digital technologies, consistency between online materials and curricula, the willingness of teachers and parents to support learning, monitoring, and evaluation.[40] These strategies are guided by a concern for equity and inclusion and the need to ensure the design and delivery of remote learning do not exacerbate existing educational and social inequalities.[40] The availability of digital technologies has been problematic for families of low social economic status (SES). Some literature on educational inequality and recent reports suggest that the response to the COVID-19 pandemic may exacerbate this disadvantage [41].

Third related to implementation aspects in the field. Students with disabilities face obstacles in following this new system, ranging from limited access to technology and the internet because the majority of people with disabilities still live in poverty.[42] Lack of support, access to the internet, accessible software and learning materials is likely to deepen the gap for students with disabilities.[15] Disruption to skills and training programs are likely to have far-reaching effects on youth with disabilities who face a multitude of barriers to entering the workforce.[43] Studies from Australia-Indonesia Disability Research and Advocacy Network, La Tobe University and the Center for Disability Studies and Services Universitas Brawijaya strengthen this conclusion because based on their research 36% of teachers stated that the biggest difficulty in remote learning is in terms of communicating because it is influenced by supporting facilities, namely the availability of supporting technology such as laptops, cell phones, internet network facilities and the ability to pay pulse fees (21%) and the mental and psychological health conditions of students with disabilities who experience ups and downs while studying from home as much as 19%.[8][44] For this reason, it is necessary to look at the compatibility of learning technology with various disabilities.

The Fourth is related to aspects of participation in the form of limited attendance, the process of examination or assignment that is not monitored, as well as various declines in the quality of learning due to obstacles in the learning media, learning process, learning atmosphere, parental support and other factors.[45] Challenges in other forms, For many children with disabilities, peer relations, social perception and social competence are significant aspects of their Individual Education Plans, all of which are challenged in the context of school closures.[43] At this point the need for community support becomes important. Covid-19 Pandemic affects education for people with disabilities[30] Likewise, the community needs to support parents of children with autism spectrum disorder having physical fatigue, anger and fear due to changes in their children's behaviour, and concern regarding their children's health.[46] Some parents wanted additional support to assist them to aid their children's learning in a variety of subjects and children from lower SES backgrounds were more likely to not have access to resources, such as their piece of technology[47].

Fifth, the absence of an inclusive curriculum has so far been very burdensome for students with disabilities for BDR, is of course learning materials for students with disabilities even though it is adapted to the condition of their disability, but will follow the maker, meaning there are no standards because the standards are submitted by the respective teachers. As for what can be done by teachers to realize inclusive education is to create a learning atmosphere that grows each other (cooperative learning). Cooperative Learning will teach students to be able to understand each other (mutual understanding) the shortcomings of each of their friends and care about the weaknesses of their classmates. Thus, this learning system will shift the competitive

learning system that has been applied in our education world. At the same time, competitive learning can be an effective solution to the problems faced by teachers in implementing inclusive education. In the end, this cooperative learning atmosphere is expected not only to create individual brain intelligence but also to hone the intelligence and social sensitivity of students[48].

Regarding the importance of an inclusive curriculum, UNICEF encourages every country to prepare as an adaptation to learning during the Covid-19 pandemic. Therefore, the curriculum must take into consideration the various needs of pupils to ensure "access for all". Some of these strategies are: providing flexible time frames for students to study specific subjects, giving teachers greater freedom in choosing their working methods, providing opportunities for teachers to provide specific support in practical subjects and above the allotted period for more traditional school subjects. Allocate time for additional assistance with class-based work, emphasizing aspects of pre-vocational training[31].

Sixth, threats to the continuity and quality of education. The results of Save the Children's research in 2020 in 46 countries involving 31,683 parents and 13,477, including in Indonesia with the number of respondents reaching 4,568 parents and 2,232 children spread over 30 provinces, generally show that 16% of parents who have daughters persons with disabilities, three times more likely to believe their children will return to school after the pandemic, parents of persons with disabilities also point to the fact that they 76% find it more difficult to get food; children with disabilities, three times more likely to experience behavioural changes (bed-wetting 7% girls vs. 2% boys) and unusual screaming (17% girls vs 5% boys); and in the aspect of education acceptance and difficulties in understanding homework (PR) from school it reached 35% for women and 45% for men[49].

In practice compared to traditional learning environments, students are less expected to complete tasks online, mainly due to low motivation, technological problems, lack of immediate evaluations of their performance by teachers and lack of parental support.[50] The threat of quality decline due to remote learning especially for persons with disabilities was also recognized by the Director-General of Early Childhood Education, Basic Education and Secondary Education of the Ministry of Education and Culture, Jumeri, one factor is that the subject matter provided is not as much as in face-to-face schools[51].

3.4 Reorienting Understanding, Regulation and Budget

Based on article 13 (1) of the ICESCR, the main responsibility for efforts to fulfil, protect and enforce human rights in the field of education is the State, in this case, the Government.[52] In the context of Indonesia, referring to the constitution of the 1945 Constitution Article 28I (4) the implementation of State responsibilities together becomes a unified obligation between the central government and regional governments.[53] While at the operational level based on the provisions of Article 3 Government Regulation Number. 13 of 2020 concerning Reasonable Accommodation for Students with Disabilities, provision by the central government is carried out by the Minister of Education and Culture and local governments by governors and regents/mayors by their respective authorities[2].

Closely related to the implementation of the obligations in Government Regulation Number 13 of 2020 which gives responsibility to the Regional Head at the provincial or district/city level, the simplest measure is based on the determination or allocation of the budget and the existence of regulations governing it at the regional level. The role of the regional head of education during the pandemic is very crucial, this indicates that education matters are the affairs of the regional government, under the division of government affairs.

The first parameter relates to the budget for the preparation of reasonable accommodation for persons with disabilities concerning the right to education as regulated in Article 5 (1) is the allocation from the State Budget (APBN), Regional Revenue and Expenditure Budget (APBD), the community, and other sources legal and not binding.[54] Based on the search for documents and budgets in BPS data, no data specifically shows the allocation of funds regarding the budget that is devoted to the provision of reasonable accommodation for persons with disabilities. The budget allocation is combined with the total education ceiling of 20% of the total APBN budget which for 2019 is Rp. 492.5 T.[55] The House of Representatives (DPR) reminded that in the Ministry of Education and Culture's budget of Rp. 35,071 T also did not escape allocating education for people with disabilities, improving the quality of special schools, service standards for inclusive schools, increasing teachers in inclusive schools[56].

The second parameter related to reasonable accommodation for education for persons with disabilities is the existence of legal instruments in the form of regional regulations or regulations of the Governor or Regent/Mayor which are the basis for implementation. In general, based on the author's search, the birth of Government Regulation Number. 13 of 2020 has not become a guideline in drafting regulations, but Regional Heads directly refer to Law Number 8 of 2016 concerning Persons with Disabilities or Government Regulation Number 17 of 2010 concerning Management and Implementation of Education by establishing inclusive education. Some of these areas include DKI Jakarta with Governor Regulation No. 67 of 2014 concerning Admission of New Students[57], North Sumatra Province with Governor Regulation Number. 29 of 2016 concerning the Implementation of Inclusive Education[58], and the province of West Nusa Tenggara also issued Governor Regulation Number. 2 of 2016 concerning the Implementation of Inclusive Education[59].

For district/city government in several regions, such as the City of Solo, Central Java, the Regional Regulation Number. 9 of 2020 concerning the Protection and Fulfillment of the Rights of Persons with Disabilities[60], The City of Bukittingi, West Sumatra, has also issued Regional Regulation Number 10 of 2019 concerning Persons with Disabilities, which regulates guarantees and proper implementation in education although it does not specifically refer to Government Regulation Number 13 of 2020[61].

Although it is not evenly distributed both at the provincial and district/city levels that issue implementing regulations governing the right to obtain education for persons with disabilities, the Covid-19 pandemic and the issuance of Government Regulation Number 13 of 2020 can be seen as a momentum for the readiness of the central and local governments, as well as the school in preparing the needs of students with disabilities through the fulfilment of reasonable accommodation[44].

3.5 Reopening School on Pandemic Situation and preparation for disabilities for returning to school

The pandemic situation is not over yet, but the government has reopened face-to-face schools. Face-to-face learning plans have been awaited by some students and their parents. Barriers that occur during learning from home have conditioned parents to immediately accept face-to-face learning. Emphasizing the previous description, that learning from home is not yet fully inclusive. So things that must be considered by the government is preparing for the reopening of schools and holding face-to-face learning. Whereas students in areas with minimal access, the government should provide or facilitate access to social protection and other social assistance, to support their learning activities[62].

Students with disabilities experience serious problems regarding barriers to attending education and being in schools with minimal facilities. Most of the incoming students are also

students who spent their first year studying from home, so it will be very important if the school also provides room orientation for students with disabilities. For non-disabled students, it will be easy to recognize their space or other room layouts, but for students with disabilities, this is very difficult. For that space, orientation is needed for students with disabilities. Preparation of reasonable accommodation is also very much needed according to Government Regulation Number 13 of 2020. Providing facilitation for students with disabilities is important in providing reasonable accommodation. The provision of these facilities includes the provision of budget, facilities and infrastructure, preparation and provision of educators and education personnel, including the provision of the curriculum[32].

In the context of reopening schools, it is important to pay attention to the principle of inclusiveness for students with disabilities.[62] This is stated in the guidelines compiled by UNICEF such as schools can plan and develop steps to welcome students with disabilities, prepare school budgets, ensure facilities that are accessible to persons with disabilities, strengthen cooperation in social protection, communicate with families about accessible services. for children with disabilities, and provide clear and easy-to-understand information for families and students with disabilities.

With the reopening of schools, it is hoped that there will be opportunities to create schools that are more inclusive than before the Covid 19 Pandemic. By ensuring the availability of reasonable facilities and opening schools to accept students with disabilities and making schools more disability-friendly.

4 Conclusion

Based on statistical analysis showed that the interaction between the treatment of liquid cal public services and access to inclusive education are still the main unanswered problems both in the realm of policies and programs and services. Before the pandemic, the situation of inclusive education in Indonesia had not shown good results for students with disabilities. Meanwhile, government policies respond to inclusive education during the pandemic, with inclusive education guidelines that have not mapped the vulnerability of various disabilities and challenges to being able to live in society.

Understanding that students with disabilities are one of the most vulnerable parties, so inclusive education policies for people with disabilities during the pandemic require proper understanding. Government policy should go beyond just separating inclusive education from special education. The shift to the development of the concept of cooperative learning in inclusive education encourages ordinary students to understand the shortcomings and care about the weaknesses of their classmates. This is feasible to complement the government's understanding in designing post-pandemic inclusive education in Indonesia.

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