

Advancing equity through reasonable accommodation in music education

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This ArtsEqual policy recommendation offers research-based insights and practical examples for enacting reasonable accommodation in music education. It utilises Finnish music education system as a context, but the perspectives presented can be applied in a variety of education systems internationally as well as among other art forms. The policy recommendation is directed at local authorities, institutions and individual teachers.

Reasonable accommodations in music education are individual and context-dependent policies that are planned and implemented together with the person who has a disability. Reasonable accommodations are required by the United Nations' Convention on the Rights of Persons with Disabilities, as well as equity legislations in several countries.



Music education institutions and music teachers should:

- Implement reasonable accommodations for students and teachers with disabilities
- Evaluate their abilities to implement reasonable accommodation as part of institutions' equity plans, as well as accessibility evaluations and solutions
- Offer in-service and continuing education for teachers

Reasonable accommodations in music education are individual and context-dependent policies that are planned and implemented together with the person who has a disability. Reasonable accommodations are required by the United Nations' Convention on the Rights of Persons with Disabilities (CRPD), as well as equity legislations in several countries. This ArtsEqual policy recommendation offers research-based insights and practical examples for enacting reasonable accommodation in music education. The policy recommendation is directed at local authorities, institutions and individual teachers who aim to advance equity in music education. It utilises Finnish music education system as a context, but the perspectives presented can be applied in a variety of education systems internationally as well as among other art forms.

What is reasonable accommodation?

Reasonable accommodations are individual and context-dependent policies that are planned and implemented together with the person who has a disability (De Beco, 2019; Konttinen, 2017). They differ from accessibility policies, which are preventive, systemic and often based on separate protocols. Accessibility policies include, for example, permanent wheelchair ramps or induction loops. Reasonable accommodation complements accessibility policies: If a person does not achieve an equal position with others, reasonable accommodation is required to create equity. For instance, moving teaching from a non-accessible space to an accessible space is reasonable accommodation. Reasonable accommodations concern also entrance examination, when necessary.

In Finland, the legal obligation for reasonable accommodation covers the public and private sectors, including all education providers. Each education provider must create a plan for equity action and evaluate how equity is put into practice. If any pitfalls are encountered during equity planning or evaluation, education providers should implement any necessary actions, such as accessibility policies and reasonable accommodation procedures. Both are required when education is inaccessible to someone. Reasonable accommodation can entail physical learning environments or interaction and communication in learning situations.

The right to reasonable accommodation concerns not only students, but also teachers and other staff members. The education provider must ensure, via accessibility policies and reasonable accommodations, that people with disabilities have an equal opportunity to work as teachers.

An authority, education provider, employer or provider of goods and services has to make due and appropriate adjustments necessary in each situation for a person with disabilities to be able, equally with others, to deal with the authorities and gain access to education, work and generally available goods and services, as well as to manage their work tasks and to advance their career (Non-Discrimination Act in Finland 1325/2014, 15 §).

Teachers as key agents in providing reasonable accommodation

Reasonable accommodation is a collaborative process. A person who requires reasonable accommodation and the education provider (authority,

rector, teachers) decide in dialogue¹ how and what kind of reasonable accommodation will be established. The starting point for reasonable accommodation concerns the needs of a person with disabilities and what can be reasonably expected as a response to the situation at hand. Reasonable accommodation is related to cultural traditions and frameworks – in the context of education under the national core curriculum and traditions related to teaching content and pedagogical approaches.

They also are related to the size of the actor, economic issues and the nature of the activity, i.e., it is assumed that municipalities and other public actors should incur significant economic costs, whereas small, private actors can only be reasonably expected to make minor accommodations. Reasonable accommodation also can be no-cost (Arnardóttir, 2011).

The implementation of reasonable accommodation is centred around evaluations of what is deemed reasonable. In Finland, National Non-Discrimination and Equality Tribunal can resolve reasonability issues, e.g., when a person with a disability complains about a reasonable accommodation being withheld. Currently, very few education discrimination cases have been taken to the board in Finland.

In-service education can offer tools for analyzing cultural frameworks that impact reasonable accommodation.

Despite the teaching context, teachers always have autonomy to some extent in relation to national and local curricula concerning teaching approaches. This autonomy allows teachers to decide on whether reasonable accommodations that advance equity are needed; e.g., in Finland, teachers have nearly full authority and professional freedom to demand reasonable accommodations (Kivijärvi & Rautiainen, 2020).

Reasonable accommodation in music education practice

The following examples of reasonable accommodation are based on an article by Sanna Kivijärvi and Pauli Rautiainen (2020), 'Contesting music education policies through the concept of reasonable accommodation: Teacher autonomy and equity enactment in Finnish music education'², published in the peer-reviewed journal *Research Studies in Music Education*.

Example 1:

Figurenotes and reasonable accommodation of notation conceptions

Western standard music notation can be a mechanism that limits equity in music education (Kivijärvi & Väkevä, 2020). In music education provided by comprehensive or upper secondary schools or in Basic Education in the Arts, there are no curricular reasons why other notation systems cannot be used. The framework curricula set by the Finnish National Agency for Education addresses music reading and writing, but do not provide guidance on the use of Western standard music notation as such (LPOPS, 2019; POPS, 2014; TPOPS, 2017). Western standard music notation's hegemony seems to be based on traditions in music education practices.

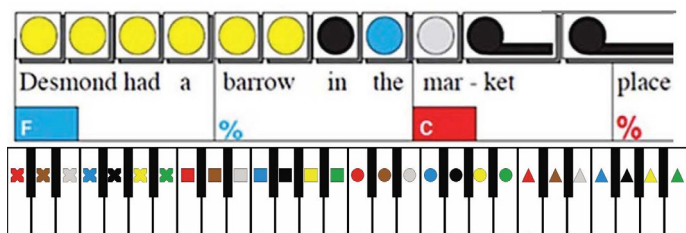
The Figurenotes notation system is an example of reasonable accommodation in notation conceptions.³ Figurenotes is a colour- and shape-based notation system that is used at all levels of the education system, from basic education to teacher education departments (Kivijärvi, 2019).

¹ With a minor, the negotiation takes place with the student and the student's parents or guardians.

² The article is readable as Open access version through the link: <https://journals.sagepub.com/doi/full/10.1177/1321103X20924142>

³ Figurenotes is a notation system invented and developed by Kaarlo Uusitalo and Markku Kaikkonen. It has been used particularly at Resonaari Music Centre (ks. Kaikkonen & Uusitalo, 2005; 2014; www.resonaari.fi).

Figure 1. An example with 'Ob-La-Di-Ob-La-Da'
by J. Lennon and P. McCartney (Kaikkonen and Uusitalo, 2014).



There are no legislative, curricular⁴ or administrative barriers to reasonable accommodation with Figurenotes. Reasonable accommodation must be implemented in cooperation and negotiation with the student. This negotiation should cover the benefits and limitations regarding reasonable accommodation. In the case of Figurenotes, the negotiation can concern, for example, potential limitations in musical genres or repertoire selections or goals regarding learning. Reasonable accommodation does not cause an undue burden for the education provider or the person requiring reasonable accommodation. Buying Figurenotes books or writing sheet music with computer software aligns with the costs of traditional notation material.

Example 2: Tablet computer as an instrument choice

Music education in Finnish comprehensive and upper secondary schools and Basic Education in the Arts institutions⁵ mainly are based in traditional musical instruments. It can be impossible for a person living with muscular disease or other physical challenges to play a traditional musical instrument. In this case, reasonable accommodation is directed toward instrument conceptions: instead of a traditional musical instrument, an individual can play a tablet computer.

There are no curricular restrictions for reasonable accommodation in instrument conceptions. Negotiation of reasonable accommodation can be directed toward learning goals or group playing opportunities. A similar negotiation also can take place regarding traditional instruments. From an economic perspective, tablet computers are affordable compared with traditional instruments. In-service education on the use of tablet computers can incur significant expenses, especially for Basic Education in the Arts teachers, who have been trained to master specific instruments.

Example 3: Reasonable accommodation for a student using a wheelchair

In summer 2017, Finnish media discussed a case of twin sisters who both applied and were accepted into comprehensive school music education in a so-called music-emphasis class. Originally, the City of Espoo refused to make necessary reasonable accommodation for the sister who used a wheelchair. Later, the city changed its policy and implemented reasonable accommodation.

In this case, reasonable accommodation referred to changes in the physical environment so that the student accepted in music-emphasis class was able to participate. Examples of reasonable accommodation in a situation like this can be lift arrangements or installing elevators. Also, in this case, reasonable accommodations must be implemented in consultation with the person in need of the accommodation. There are no cost-related barriers to reasonable accommodation, as basic education is funded publicly and required to advance educational equity.

Students and teachers with disabilities have the right to reasonable accommodation to guarantee equity

Reasonable accommodation refers to individualised, physical or interaction-related modifications that guarantee equity for people with disabilities. The goal of reasonable accommodation is to advance the implementation of human rights for everyone. The concept was developed under the United Nations' Convention on the Rights of Persons with Disabilities (CRPD), which is one of the UN's 16 human rights conventions.⁶ It obligates countries that have ratified the convention to fully guarantee human rights for people with disabilities. In practice, all countries that have ratified the convention must implement legislative, governmental and other policies to fulfil the rights addressed in the convention.

CRPD denies discrimination in all areas of life, including in, education and the arts. Education providers can and should make every effort to accommodate and remove a variety of challenges that students, teachers and other staff members with disabilities encounter in their daily lives. According to the convention, resistance to implementation of reasonable accommodations is discrimination.

The concept of reasonable accommodation follows a paradigm shift that aligns with the social model of disability, according to which, the barriers related to disability are a social problem and thus, communities can solve them (Shakespeare, 2014). Responding to the criticism over the inclusion/exclusion dichotomy (Lawson, 2008), this view emphasises the agency and self-determination of people with disabilities. Reasonable accommodation also expands human rights obligations to areas that previously were discretionary.

In Finland, the reasonable-accommodation obligations in CRPD have been put forth in the Non Discrimination Act, which aims to advance equity, prevent discrimination and enhance legal protection for those placed in discriminatory predicaments. In addition to direct and indirect discrimination, the Non-Discrimination Act in Finland views withholding reasonable accommodation as discrimination.

In Finland, not all differences in treatment are discrimination under the non-discrimination legislation. It is not discriminatory to implement policies that advance actual equity or remove or prevent barriers caused by discrimination (ks. Jansen ym. 2017). The Non-Discrimination Act in Finland addresses such treatment in sections regarding positive discrimination (9 §) and reasonable accommodation (15 §). The main difference in these sections is that positive discrimination is not mandatory, whereas reasonable accommodations are.

Withholding reasonable accommodation from people with disabilities is discrimination under CRPD.

⁴ The national core curriculum for comprehensive schools states that the goal 'is to help the student to understand the basic principles of how to notate music as part of music-making' (p. 142) and adds that 'as the [student's] capabilities develop, the concepts are named and either established or [the student's] own symbols are utilised to describe music' (p. 264) (POPS, 2014). The BEA national core curriculum's advanced part states that 'the student should be guided to play by heart and to read and interpret the approaches of notation that are typical for the musical genre in question' and that the objective is 'to guide the student to develop his or her ability to read music notation and notate music' (p. 48) (TPOPS, 2017). There is no mention about reading or writing music in the upper secondary school curriculum (LPOPS, 2019).

⁵ There has been interest in music and band activities among young people living with Spinal Muscular Atrophy (SMA) in Finland. They have studied within BEA at least in Resonaari music school. In addition, patient associations have organised music education for their members (Uudenmaan lihastautiyhdistys, 2015).

⁶ The convention was established internationally in 2008 and ratified in Finland in 2016.

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