

Policy and Practice of Special Education: Lessons and Implications for Education Administration from Two Countries

Olajide O. Agunloye (Corresponding Author)

Faculty of Education, Rm 321

University Hall, Augusta State University

2500 Walton Way,

Augusta, Georgia, USA

E-mail: oagunloy@aug.edu

Alice B. Pollingue

Department of Educational Leadership

Counseling, & Special Education

Augusta State University, Augusta, Georgia, USA

Paul Davou

Special Education Unit

Universal Basic Education (UBE) Board

Jos, Plateau State, Nigeria

Rose Osagie

Department of Education Foundation

University of Benin, Benin, Edo State, Nigeria

Abstract

Over 10% or 650 million people around the world live with disabilities of which 150 million of them are children. International conventions, pronouncements, and declarations have greatly influenced governmental policies and practices on the education of children with disabilities worldwide, especially in developing countries. The policy and practice of the education of children with disabilities have taken international dimension with the United Nations Educational and Cultural Organization's (UNESCO) sponsored declaration on Education for All by the year 2015. Most developed countries, especially the United States, have had decades of experience establishing and reforming their public education systems to guarantee appropriate education for all children with disabilities, while developing countries, like Nigeria, are just in the pioneering states of providing public education for children with disabilities. In this paper, the authors examine the different journeys of the two countries, the United States and Nigeria, on the path of the education of children with disabilities and proffer possible lessons to be learned from both countries for the mutual improvement on the policies and practices of special education. Implications for the administration and practice of special education in both countries are also examined.

Keywords: international education, education for all, inclusive education, education policies and practices, special education, United States, Nigeria, children with disabilities.

Introduction

Over 10% or 650 million people around the world live with disabilities (United Nations, 2011) of which 150 million children live with disabilities (United Nations; 2011, UNESCO, 2010). Over 80% of these children live in developing countries where their disabilities often exclude them from full participation in society with most of them not having the opportunity to go to school, obtain gainful employment, and make a home and family (UNESCO, 2010). The right to education, as a universal right, should extend to all children and youth in all parts of the world, including those with disabilities. According to a flagship project report by UNESCO under the *Education for All* program,

“The goal of education for all will only be achievable when all nations (*developed and developing*, emphasis added) recognize that the universal right to education extends to all and when all nations act to establish or reform public education systems that are accessible to meet the needs of individuals with disabilities” (UNESCO, 2010, page 2).

Many international agreements, conventions, and declarations have consistently support this obligatory goal. Examples of these agreements, conventions, and declarations, include the *Convention for Right of the Child* (UNICEF, 1989), *World Declaration for Education for All* (UNESCO, 1990), the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* (United Nations, 1993), the UNESCO *Salamanca Statement and Framework for Action* (1994), and the *Dakar Framework for Action* (2000). The Dakar Framework is focused on “Education for All” by 2015. These international pronouncements and declarations have greatly influenced governmental policies on the education of children with special needs worldwide, especially in developing countries. Most developed countries, especially the United States, have had decades of experience to establish and reform their public education systems to guarantee appropriate education for children with disabilities, while the developing countries are just in the pioneering states of providing public education for children with disabilities. The information and thoughts that form the basis for this paper began during one of the authors’ assignments as a Fulbright Seniors Specialist Fellow in 2010 (*name deleted to maintain the integrity of the review process*). It was, and it is still, a time when the policy and practice of the education of children with disabilities was beginning to take root in Nigeria. Knowing that the United States has had over three decades of experience with the education of children with special needs, the authors collaborate to examine the different paths taken by the two countries on the journey towards the education of children with special disabilities and proffer possible lessons to be learned from the two countries for the mutual improvement in policies and practices of special education in both countries.

Evolution of Special Education Policy in the USA

In the USA, attention to the education of children with special needs began to take traction in 1966 when congress established the Bureau of Education of the Handicapped (BEH) under Title VI of the Elementary and Secondary Education Act (ESEA) of 1965. Through BEH, small amounts of federal funds were earmarked to provide educational services for the children with disabilities (Martin, Martin, & Terman, 1998). State laws were pushed to local education agencies to provide partial funding for and offer special education services to students with disabilities. Some states passed such laws. However, despite such laws, congress found that over 1.75 million children were completely excluded from school and 2.5 million were put in inadequate programs that did not meet their needs (Weber, 2009). BEH later recommended that a law should be enacted to codify education for children with special needs. In 1970, congress passed the Education of the Handicapped Act, P.L. 91-230. Despite the passage of P.L. 91-230, attention to the education of children with special needs remained lethargic. Two federal case-law decisions triggered a fresh look at the education of children with disabilities. One was *Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania* in 1971, and the second was *Mills v. Board of Education of the District of Columbia*, 1972. The two cases maintained that the responsibility of states to educate individuals with disabilities resides in the equal protection clause under the Fourteenth Amendment of the United States Constitution (US Department of Education, 1995). Following these two case laws, states began to join the push for a federal legislation that would ensure consistency in the requirements for the education of individuals with disabilities.

In 1975, the US congress passed the Education for All Handicapped Children Act (EAHCA), P.L. 94-142. The Act requires that all students with disabilities receive Free Appropriate Public Education (FAPE) and that special funding be provided to assist in the cost of special education programs. P.L. 94-142 was later renamed Individuals with Disabilities Act (IDEA). The Act stressed the following provisions. First, that procedures be established for the identification, evaluation, placement, and dispute resolution relating to the education of children with disabilities. Second, that all children, no matter their level of disability, are entitled to free appropriate public education. Third, services that needed to ensure appropriate education be provided, as long as such services are related to the learning disability. Fourth, that a least-restrictive environment be provided for appropriate education to the maximum extent proximal to that of children without disabilities. Fifth, that there is guarantee of parental participation in education decisions in relation to the children with disabilities. Sixth, that a written Individualized Educational Program (IEP) that sets out current performance level, educational goals, and related services be developed. In 2004 when IDEA was aligned with the No Child Left behind (NCLB) Act, which itself was a re-authorization of Title I of the Elementary and Secondary Education Act (ESEA). The new aligned IDEA, called Individuals with Disabilities Education Improvement Act (IDEIA), redefined the tenets of the regulatory provisions relating to the Act in the areas of initial evaluation, identification of Specific learning disabilities, disproportionally & over-identification, early intervention services, teacher quality, and individualized educational plan. These are addressed under the practices of special education in the USA.

Evolution of Special Education Policy in Nigeria

Prior to the 1980s, the education of children with disabilities in Nigeria was through humanitarian and voluntary private organizations, who were often Christian missions. These organizations set up residential facilities and provide rudimentary services for the education of children and person with disabilities (Garuba, 2003). During this period there was no federal or state involvement in the education of children with disabilities. The few available humanitarian and voluntary organization centers were able to accommodate the educational needs of only a handful of children with disabilities. In most cases the parents of children with disabilities kept them at home and are left without any formal education or training in appropriate skills to assure transition to independent living. In Nigeria, the Federal Government holds a major responsibility for public education, at the primary, secondary, and tertiary levels; in terms of learning, learning outcomes, and funding. States are only responsible for funding and supporting the universities and tertiary educational institutions they establish. The Federal Government establishes and funds most of the institutions of higher learning. Therefore, policy changes in education are principally driven by the Federal Government.

The Federal Government of Nigeria began paying tacit attention to the issue of persons with disabilities following the aftermath of the Nigerian Civil War (1967-1969) which left the country with critical number of persons with disabilities. With increasing crude-oil revenue, the government also began the taking over of missionary and religious schools with the intent to move towards universal basic education for all children, including children with special needs. Starting from the 1970s, some of the federal government tertiary institutions, like University of Ibadan, University of Jos, and Federal Advanced Teachers College, Special Education (FATC) began offering diploma and degree programs in Special Education (Garuba, 2003). In 1977, the federal government released a National Policy on Education which contained some provisions for special education including the idea of equalizing education for all children irrespective of their physical, mental, and emotional state (Garuba, 2003). One of the first states in the Nigeria to move forward with the dictates for the education of children with special needs in the 1977 National Policy on Education was Plateau State; by enacting the Plateau State Handicapped Law in 1981 which makes the education of children with disabilities compulsory with a provision for the rehabilitation of adults with disabilities.

Like in most developing countries, serious governmental policies in Nigeria are driven by international trends, treaties, agreements, manifestos, and directives. In the arena of education, national policies are driven by international organization manifestos especially those from the United Nations International Children and Emergency Fund (UNICEF) and the United Nation Educational Scientific, and Cultural Organization (UNESCO) declarations. From the late 1980s UNICEF began to take on the issue of education for children as a central goal. In pursuance of this goal, the organization produced a binding international instrument known as the Convention on the Rights of the Child (CRC) in 1989. The Convention sets out 54 articles and two Optional Protocols. Part I, Article 2, Section 1 of the Convection states.

“ State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (Office of the United Nations Commissioner for Human Rights, <http://www2.ohchr.org/english/law/crc.htm>).

Also of significant importance are the UNESCO's Declaration on Education for All (EFA) in 1990, the Salamanca Statement Framework for Action 1994, and the World Education Forum in Dakar, Senegal, in 2000. All of these form the coherent force that influenced the adoption of national policies on the education of children with disabilities in Nigeria. As result of political instability, Nigeria was unable to formulate a coherent national policy on education, especially the education of children with special needs until 1999 when a democratic system of government began to take root again; following three decades of military dictatorship. In 1999 the Universal Basic Education (UBE) policy was adopted and enacted into law in 2004 as the UBE Act. The UBE Act provides for free basic education for all children from ages 5-16. However the actual provision for funding of the education of children with special needs, as a national education policy under the UBE Act, was not put into effect until 2008. This was when the policy of Inclusive Education was officially and formally adopted as an integral part of the UBE policy.

The Practice of Special Education in USA

Special education in the US has always been based on a categorical model of services. Eligible students are categorized into particular disability groups. Schools provide evaluations for students who are referred to special education by a specialist in that area (audiologist for hearing impaired, school psychologist for mental retardation/ intellectual disability, etc.) to determine eligibility. The original categories in Public Law 94-142 were mental retardation, behavior disorders, learning disabilities, vision/hearing/speech impairment, orthopedic impairment, serious emotional disturbance, deaf, blind, other health impairments, multiple disabilities and deaf-blind. The 1990 reauthorization of IDEA (P.L. 105-47) added the categories of autism and traumatic brain injury. Attention deficit hyperactivity disorder has never been a separate disability category of IDEA because it has been considered to be a psychiatric diagnosis. According to Kauffman & Landrum (2009), three to five percent of all school aged children may have ADD. If the students are labeled with another type of disability such as a learning disability, they will qualify for special services. Students may be served under Section 504 of the Vocational Rehabilitation Act of 1973. Section 504 is a civil rights law that prevents discrimination against individuals on the basis of disability. Some students, who do not qualify for services under IDEA, but have a physical or mental impairment that significantly limits learning may be eligible for services via Section 504 (deBettencourt, 2002).

When Public Law 94-142 was passed in 1975, the mandates required so much change to existing special education programs that school districts were allowed until 1980 for full implementation. The law stated that every child with a disability between the ages of 3 and 21 is entitled to a free, appropriate public education in the least restrictive environment. There were few trained special education teachers because the first federal funding for teacher training in special education was not until 1958 with the passage of P.L. 85-926. This law offered incentives to institutions of higher education to encourage teacher training programs for students with disabilities. Until this time special educators were trained in programs for early childhood teachers and many special education students were held in elementary grades long after they had chronologically aged out. As the field grew, it became increasingly obvious that children with disabilities grew up, and since they were entitled to 12 years of public education, training programs for teaching students in middle schools and at secondary levels were needed. For example, special education teachers may have been trained to emphasize fine motor skills such as cutting with scissors and coloring. These are important skills for young children, but are not appropriate for older students. In fact, special education teachers are now expected to be able to teach the content areas through grade 12 due to the emphasis on the general curriculum in a co-teaching setting.

All students are now required to be exposed to the general curriculum and state standards (No Child Left Behind Act of 2001). As the field of special education grew, the need for special education teachers to be trained in teaching students in upper grades increased. Programs have since been developed to accommodate P-12 certification; which most states have implemented and is required for state certification. Special education teachers since the reauthorization of IDEA (2004) have an added problem of becoming "highly qualified". Teachers must have an advanced degree, academic major, or pass a competency test in the content area they teach. One of the components of Public Law 94-142 that revolutionized the services provided students with disabilities was the creation of Individualized Education Programs (IEPs). An IEP must be completed for each child after the eligibility determination and placement by a multidisciplinary team. This team is composed of all individuals involved with the student, the special education and general education teachers, parents or guardians and their child, the school psychologist, a school administrator, and other related service personnel such as a speech, occupational, or physical therapist or a school nurse.

The IEP serves as an educational plan, and includes the student's level of academic performance or functional performance, annual goals, short term objectives, modifications needed for program support, related services, and frequency and duration of type of services. Each participant must agree and sign the IEP. It then becomes a legal document and must be followed. The IEP must be reviewed annually to go over the progress and any changes deemed necessary with the student's program. When IEPs were first added, they were laboriously written out by teachers and copies made. Recently, most counties have software programs with templates making the procedure much easier and quicker for teachers. IEP objectives are continuously monitored by teachers. The largest category of students served in special education has traditionally been speech impaired. In the 1980s the category of learning disabilities grew tremendously and became the largest category. According to Mercer and Pullen, (2009), students with learning disabilities make up over half of the special education population in the public schools, and make up 5% of the total school population (Mercer & Pullen, 2009). Traditionally, the eligibility for the category of learning disabilities was an IQ-Achievement Discrepancy model.

Due to the increasing number of students with LD, schools have begun implementing a Response-to-Intervention model prior to considering whether students are eligible for special education. This is a preventive, problem-solving process for students who are falling behind in one or more areas. RTI provides research-based interventions for students who were falling behind their peers. The multi-tiered intervention is provided by general education teachers with the assistance of special education teachers. Students are provided with intense and individualized instruction. Students who do not respond to the interventions may be referred for evaluation in special education.

The Practice of Special Education in Nigeria

The practice of special education in Nigeria began from an inclusion education premise. The 2008 National Policy on Education (Federal Ministry of Education, 2008) makes inclusive education the norm rather than the exemption. There is no structure in place for early detection and identification of children with disabilities and special needs at the governmental level. The responsibility of bringing children with special needs to schools rests squarely on the shoulders of the parents. The principal focus is on children with obvious physical or neurological learning disabilities. When such children are brought to school, they are assigned to special education teachers in self-contained resource settings for intensive teaching and learning of the necessary socialization and other transition skills needed to move them from the self-contained resource setting to completely inclusive classrooms in as short a time period as possible.

There are limited numbers of evaluation specialists. Evaluative services, in terms of the nature of disability, learning needs of students, and eligibility for special education services are done by special education teachers at the school level or through referral to special centers. Except at the special center, there is no extensive battery of tests in place to determine eligibility for the category of learning disabilities. Therefore majority of children classified as qualified for special education services are those with very obvious disabilities. Currently the focus areas of disabilities are vision/hearing/speech impairment, deaf, blind, mental retardation, learning disabilities, and orthopedic impairment. Attention to behavior disorder, autism, traumatic brain injury, and emotional disability is not yet a priority. However, if parents bring children with these types of disabilities to school, they are accepted and integrated into inclusive settings as soon as possible. There is no law yet that separates special education services from vocational rehabilitation services. Students who qualify for special education services automatically qualify for vocational rehabilitation services. Free and appropriate special education services are only available to children up to the age of 16 when transition services are provided to move them to senior secondary schools or vocational/technical institutions. From this point on, the funding of their education becomes the responsibility of their parents or guardian.

The inclusive education requirement allows both special education and the general education teachers to cooperatively expose children with special needs to a general education curriculum as quickly as possible. States are now requiring that special education teachers have advanced degrees in special education beyond a diploma. There is no requirement for subject area content specialization. There is no legally binding requirement for the development of individualized educational plan. However, school-level special education coordinators are appointed to ensure that systematic planning, organization, and monitoring are in place to meet the needs of children with special needs in their respective schools. Nigeria has 36 states and a Federal Capital Territory (FCT). At the state level, a desk officer is assigned to coordinate special education programs across the state. Funding for special education in Primaries 1-6/Junior Secondary School (JSS) 1-3 (equivalent to Grades 1-9) comes directly from the Federal Government to special UBE Boards at the state level. The state departments of education are separate from the UBE Boards and have limited control over the funds for primary/JSS educational. This allows targeted utilization of the funds. There is no accurate data on the categorical proportions of students with disabilities in public school in Nigeria. However, estimates indicate that the largest categories of students served in special education are the visually impaired, the blind, the hearing impaired, the deaf, the orthopedically challenged, and the emotionally disturbed (Federal Department of Education, 1999).

Lessons and Implications for Educational Administration in Both Countries

There are lessons and implications that education administrators in both countries can learn from each other, to inform both educational policy and practice, as they relate to the education of children with special needs.

The following are policy and practice lessons/implications Nigeria can learn from the USA:

- Establishment of early identification procedure. In the USA, identification starts from gestation and continues in schools through constant assessment assessments.

- Formalization of eligibility procedure with input from specialists to identify more eligible categories and children.
- Establishment of formal IEP procedure, with parental participation, albeit with less legal overburden.
- Institutionalization of graduated Response-to-Intervention (RTI) process for in-school identification of children with learning disabilities.
- Provision of government funding for the education of children with special needs to age 21 to ensure higher success at transition to independent living.
- More home-grown policy and legislative directives to ensure local application and adaption of adopted international directives and mandates.
- Teacher preparation programs should include intensive courses and practicum in special education and in core content area to make all teachers ‘highly qualified’ to teach in full-inclusive settings.

The following are policy and practice lessons/implications the USA can learn from Nigeria:

- International benchmarking of policy and practice (especially policy) to provide educators with the opportunity to know and understand international issues and trends relating to the education of children with special needs. This is especially important considering the fact that the USA is a nation of immigrants from all over the world.
- Adoption of the practice of quick transitioning of special needs students from self-contained resource rooms to full inclusion classroom. The benefit of this quick transition includes, but not limited to: (1) More efficient use of often limited resources for education, in general. (2) Quicker path to knowledge and skills acquisition for students with special needs. (3) Quicker way to familiarization and acculturation of students with special needs with regular education students. (4) Improved opportunity for socialization and social integration of all students. (5) Synergistic instructional interaction and beneficial exchanges among all students through peer coaching. (4) Improved normalization and promotion of educational access and opportunity without unnecessary delays.

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