

CERTIFICATION

**I, Joy Chiazokam JACOB, with Matriculation Number LAW1810308, hereby
certify that apart from references to other person's works which have been duly
acknowledged, the entire work is a product of my personal research, and this project has
neither in whole nor in part been presented for another degree elsewhere. I hereby declare
that the project work is a record of an original work done by me, as a result of my research
effort carried out in the Faculty of Law, University of Benin, Benin City, Edo State, Nigeria.**

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APPROVAL

**We certify that this project was written and completed by, Joy Chiazokam JACOB, with
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DEDICATION

This project is dedicated to the children with autism and other “unidentified” disabilities in Nigeria. Your resilience and courage inspire our collective efforts to work tirelessly for a world where every child can grow and acquire quality and inclusive education with proper trainers and equipment, void of discrimination, and protected by law.

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ABSTRACT

According to pertinent legislation, children with disabilities in Nigeria have the right to an inclusive, equal, and good education so they may live freely and make their share of contributions to the country's growth. Nevertheless, despite a deluge of laws, children with disabilities live in denial of this right, making their exclusion from public and private schools the rule rather than the exception. After being passed by the two chambers of the National Assembly, the proposed Disabilities Bill, with its flaws blatantly displayed as the cure-all for disability rights, has stalled. This indicates that children with disabilities do not have the right to an adequate education, but rather that it is viewed as a charity or welfare benefit.

This work aims to analyze in the light of existing laws in Nigeria that relate to the education of people with disabilities, to draw attention to the exclusion of people who have intellectual, mental, or neurological disabilities. This work conducts a thorough examination of the numerous worldwide regulations governing the education of children with autism spectrum disorder and other neurological, mental, and intellectual disorders, with a focus on specific nations including the US, the UK, and India. Finally, it makes recommendations aimed at addressing the problems brought up in the field of education, the most important of which is the requirement that comprehensive laws governing intellectual, mental, and neurological disabilities—including but not limited to autism spectrum disorder—be recognized and codified. The methodology for this research will be narrative and explanatory. The methodology on the conceptual framework adopted, relevant secondary sources were from academic journals, books, constitutions, extant laws, case laws, and other relevant sources related to the topic under study. The necessity for legislative actions on mental, neurological, and intellectual impairments and the education of those living with such impairments in Nigeria is discussed in this work, along with the gap in

Nigeria's laws regarding the education of persons with disabilities. Recommendations on improving the status quo conclude this research.

CHAPTER ONE

INTRODUCTION

Nigeria, considered a low-income nation has had the spotlight of inclusive education shone on it, with conversations surrounding its policies on educating children and youths with disabilities, including mental, neurological, and learning disabilities, alongside their peers in regular schools, forming a key part of these discussions. It is becoming increasingly clear that integrating children with disabilities or special educational needs into a general education environment while providing human and material resources to aid their learning is an undeniable necessity for the progress of society. This will not only allow them to study in engaging, natural environments, promoting greater acceptance and respect of individual diversity, wiping away the stigma around children and youth with disabilities. It will equally aid in the better assimilation of knowledge imparted enabling these students with special needs including those with autism to maximize their potential and contribute more effectively to society.

Thus, the necessary restructuring of general education to make learning more meaningful for all in an inclusive environment remain hot topics of discussion among educators, local, state, and federal policymakers, parents, and even individuals with disabilities in Nigeria. There is a view that contrary to the aim of the propellers of the concept, the discussion has instead heaped pressure on the majority of disabled children to gain access to the general curriculum and meet the same requirements as regular students, more than before. Unfortunately, without the proper educational environment to serve as a shot in the arm for their endeavours, whatever efforts made will more often than not will be exercises in futility.

Undoubtedly, developing nations such as Nigeria are waking up to the educational reality leading to an increasing awareness of the glaring disparities in educational possibilities for those with disabilities. Considering that less than 10% of these persons presently have access to formal or informal schooling at all, the nation must swing into action. It is apt to note that Nigeria and other nations in Africa, Latin America, and Asia have, in theory, ratified several international conventions that aim to advance equitable access to high-quality education. These include the World Education Forum in Dakar (2000), the UNESCO Salamanca Statement for Framework for Action (1994), the Convention on the Rights of the Child (1989), and the Standard Rules on the Equalization of Opportunities for Persons with Disability (1993). These frameworks will upon application, foster inclusive education and in general alleviate the problem faced by disabled people.

For example, the Salamanca Statement and Framework for Action (1994) asserts that:

Regular schools with inclusive orientation are the most effective means of combating discrimination, creating welcoming communities, building an inclusive society, and achieving education for all (Salamanca Statement, Art. 2)¹

According to this framework, schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic, or other dispositions. A closer look at the aforementioned statement highlights the urgency for a fundamental policy shift to facilitate the successful implementation of an inclusive education program that will adequately meet the learning needs of all children, the youth, and adults, especially those who are vulnerable to marginalization and exclusion. For Nigeria, however, it appears that the nation its lawmakers are

¹ UNESCO. (1994). The Salamanca Statement and Framework for Action on Special Needs Education.

yet to buy into the concept and existence of social, emotional, mental, intellectual, and neurological impairments.

Against this background, this work examines and seeks to explain the depth, ramifications, and social, philosophical, and most importantly, legal imperatives of inclusive education in Nigeria, comparatively identifying laws, statutes, case law with other jurisdictions, as well as recommending solution to breaking the barrier.

BACKGROUND TO THE STUDY

Of course a conceptual background of the matter in discourse would require a detour to the very meaning of disability. According to the CDC, A disability is any condition of the body or mind (impairment) that makes it more difficult for the person with the condition to do certain activities (activity limitation) and interact with the world around them (participation restrictions).² Disabilities come in different forms but they all affect the body and/or the mind rendering incapable of certain actions partly or in totality.

There are various ways disabilities are seen, these are stated as models of disability. These models are theories capturing the different perspectives that have governed how disabilities have been perceived in societies throughout history. There are many of such theories, but we shall concentrate on four, which are the most general and well known. Thus, we shall be looking at the moral model, medical model, charitable model and the social model.

The moral model is the oldest of these and rather fittingly because it is an archaic view inspired by religion and one that promotes discrimination against people with disabilities. This is a model

² CDC (2024) 2024 Conference on Decision and Control <https://cdc2024.ieeecs.org/> accessed March 10th 2024

that sees disabilities as punishment from God for sins committed either by themselves or by members of their families. This view held sway in the medieval ages, for example, the Jewish culture "linked physical defects to the sins committed by individuals and believed that it was up to individuals to cure themselves since their actions had caused the defects"³. This view continued to gain prominence in the middle ages when the church was the prominent power in the world. Eventually, this view began to lose credence while another rose to prominence.

The medical model: In later centuries, the medical theory of thought regarding disabilities began to gain a foothold. People began to question the tenets of religious dogma which served to strengthen the medical theory. An important factor leading to this change in societal opinion was "the beginning of the scientific and medical fields during the late 1700s and their refinement throughout the 1800s"⁴. With more empirical facts, people stopped blindly believing religious notions as to disabilities and started to embrace scientific facts one of which has been described as the emergence of the concept of the "average man" whose characteristics and qualities were assumed to be "correct" or "normal"⁵. Thus disabilities were deemed as deviations from this natural state which could more often than not, be treated by doctors. The medical model posits that a disability is "a medical problem that resides in the individual...a defect in or failure of a bodily system and as such is inherently abnormal and pathological"⁶. For the person to function properly in society and as a human, this defect must be "cured or eliminated"⁷. The issue with this model is that it tends to reduce people into objects determined by their conditions and the

³ Stiker, H. (1999). *A History of Disability*. Ann Arbor: University of Michigan Press.

⁴ Castañeda, C., Hopkins, L.E, & Peters, M.L, "Ableism Introduction" In M. Adams, W.J. Blumenfeld, C. Castañeda, H.W. Hackman, M.L. Peters, & X. Zúñiga (Eds.), *Readings for diversity and social justice* (3rd ed., pp. 461-468). Routledge(2013)

⁵ Davies, J.L, *The Disability Studies Reader* (Taylor & Francis, 2nd Edition 2006)

⁶ Olkin R, *What Psychotherapists Should Know About Disabilities* (Guild Press, 1999)

⁷ Siebers T, *Disability theory* (University of Michigan Press, 2008)

limitations these conditions impose on them. This is a view devoid of the fact that regardless of their disabilities such people are first and foremost, human beings and should be viewed thus.

The social model is the most acceptable and preferred model. "The social model was created by disabled people themselves and looks at the barriers erected by society in terms of disabled people being able to participate fully in day to day life. The social model seeks to remove unnecessary barriers which prevent disabled people participating in society, accessing work and living independently. The social model asks what can be done to remove barriers to inclusion." This model looks to aid disabled people to live a life as fulfilling as possible regardless of their condition.

Another model is the charitable model. This model views disabled people as objects of charity who should be pitied and looked upon as pitiable. "According to the Charity Model, a person has a disability. This disability is a 'problem' in their body and good citizens should feel pity for the disabled person's tragedy, or inspired by a disabled person's achievements"⁸. This view does not attempt to render help to disabled people rather it adopts a view of seeing disabled people as victims of tragic circumstances.

One of the disabilities which will be the object of this paper is Autism spectrum disorder (ASD), a developmental disorder that affects people throughout their lives, is marked by abnormalities and challenges in social interaction, social communication, limited and repetitive activities, and variations in how people perceive and control sensory inputs.

⁸ Nim Ralph 'Understanding Disability: Part 4 – The Charity Model' Drake music (2017)
<<https://www.drakemusic.org/blog/nim-ralph/understanding-disability-part-4-the-charity-model/>> Accessed 15 January, 2024.

As there are no distinguishable physical characteristics on those with ASD, the disorder is commonly referred to as a "hidden disability." Their conduct serves as a distinguishing factor, albeit it can occasionally be obscured by coexisting disorders like ADHD. Research conducted in Nigeria has shown that the general public's awareness and understanding of ASD is minimal⁹. Medical practitioners only observe and diagnose the most severe instances, the majority of which are non-verbal¹⁰. Following diagnosis, the majority of children miss school because of the severity of their ailment.

The German physician Eugen Bleuler, who also invented the term "schizophrenia," first used the term "autism" in 1911 to characterize a symptom of the most severe forms of the illness. Bleuler claimed that childhood desires to escape unpleasant reality and substitute them with delusions and hallucinations were a hallmark of autistic thought. The subject's metaphorical "inner life" was characterized by "autism," which was inaccessible to onlookers.¹¹

The discovery of the existence of Autism Spectrum Disorder dates back to 1943 when Leo Kanner, a medical doctor at John Hopkins University in Baltimore found an anomaly while working with schizophrenic patients, which was later discovered to be ASD. A year after Kanner's celebrated publication on autism, Asperger, popular for his discovery of the syndrome which he gave his name to, presented case notes about a certain interesting 'type of child'¹²

In defining the parameters of inclusive education, attention must be given to industrialized nations. Hence, inclusive education can be understood as the theory and practice of teaching

⁹ Igwe, M. N., Bakare, M. O., Agomoh, A. O., Onyeama, G. M., Okonkwo, K. O., & Onwukwe, J. U. (2010). Factors influencing knowledge about childhood autism among final year undergraduate Medical, Nursing and Psychology students of University of Nigeria, Enugu State, Nigeria. *Italian Journal of Pediatrics*, 36(1), 1-8.

¹⁰ Bakare, M. O., & Munir, K. M. (2011). Autism spectrum disorders (ASD) in Africa: A perspective. *African Journal of Psychiatry*, 14(3), 208-210.

¹¹ Bleuler, E. (1911). *Dementia Praecox or the Group of Schizophrenias*. New York: International Universities Press.

¹² Kanner, L. (1943). Autistic disturbances of affective contact. *Nervous Child*, 2, 217-250.

students with disabilities in regular education settings. The idea that each child should be treated equally as a part of the school community serves as the foundation for this approach. Put another way, kids with disabilities gain by attending conventional schools, while kids without disabilities benefit from seeing kids with a variety of traits, skills, and personalities. As a result, there has been significant harm done to both the natural world and humans, some of which may be irreversible.

STATEMENT OF THE PROBLEM

The treatment of disabled individuals by the larger society has been a cause for concern, one of the very few metrics that has not been developing at pace with the rest of the world. As has been shown by an analysis of major schools of thought on disability, the vast majority of society adopt the incorrect attitude towards people with disabilities. This extends to the perception about their education. This rings true especially in Nigeria, thus the concept of inclusive education while still lagging in most nations of the world is even weaker in our country. The concept of inclusive education does not just mean the lumping together of disabled students with regular students in the same environment but also the provision of the requisite amenities and personnel to aid learning for the former and a sensitization of the needs of challenged students for the latter. This is sorely lacking in Nigeria and the parameters of the problem will be exposed in the course of this paper.

The paper will particularly focus on a much lesser known form of disability which is the Autism Spectrum Disorder. Less obvious and known than a lot of other disabilities which are more physically apparent, this disability is paid even less heed especially in the realm of education. An

evaluation of the legislative laws centered on this particular challenge will form the crux of this project with the light being shone on the inadequacy of laws concerning this particular challenge and extending to other disabilities.

AIM AND OBJECTIVES OF THE STUDY

As stated in the title, this work will serve as an expose on the inadequacy of laws concerning disabilities in Nigeria, however that is far from being the only purpose for this research. The aims and objectives which the writer hopes to achieve via this paper are as follows.

- To shed comprehensive light on the concept of Autism Spectrum Disorder.
- To evaluate the concept of inclusive education in Nigeria.
- An exposition of the inadequacy of the highlighted laws and an evaluation of their shortcomings.
- A proffering of practical solutions to aid the creation of more comprehensive laws on both disabilities and inclusive education. This will also include suggestions on the best means of the implementation of these policies.

SCOPE OF THE STUDY

The scope of this research entails an in-depth conceptualization of terms; and a copious analysis of the various Nigerian laws that are ancillary to the education of Persons with Disabilities, highlighting the omission of persons with mental, neurological, and intellectual disabilities. It will also cover an in-depth analysis of the various international laws regulating the education of

children with Autism Spectrum Disorder and other neurological, mental, and intellectual disabilities, spotlighting certain countries like the United States of America, the United Kingdom, and India. Lastly, it offers recommendations that are targeted at the issues raised in the educational sector, the key of which is the need for recognition and codification of comprehensive legislation governing mental, neurological, and intellectual disabilities, including but not limited to Autism Spectrum Disorder.

RESEARCH METHODOLOGY

This research will adopt an expository and narrative style of analysis. All vital information will be gathered from credible and referenced sources which include but are not limited to; the Equality Act, 2010 (applicable in the UK), Disability Discrimination Act, 1995 (applicable in the UK), Americans with Disabilities Act, 1990 (applicable in the USA), United Nations Convention on the Rights of Persons with Disabilities, 2007 (applicable to member states), Bill S-203, the Federal Framework on Autism Spectrum Disorder Act, The Constitution of the Federal Republic of Nigeria, 1999 (as amended), Discrimination against Persons with Disabilities (Prohibition) Act, 2018, Nigerians with Disabilities Decree, 1993, Disability Protection Laws (States in Nigeria), National Policy on Disability in Nigeria, 2017.

This research will use the style recommended by the Nigerian Association of Law Teachers (NALT) for research, writing, citation, and referencing.

CHAPTER TWO

LITERATURE REVIEW AND CONCEPTUAL CLARIFICATIONS

Like any other civilization, Nigerian society is comprised of people who are disabled and those who are not. Individuals with disabilities exhibit deviations from typical physical, psychological, and mental behaviors to the point that standard educational programs are not profitable for them.

Education was deemed a human right by the United Nations Convention on the Rights of the Child (1989)¹³, the United Nations General Assembly Charter (1959)¹⁴, and the 1949 Universal Declaration of Human Rights¹⁵. This implies that every kid has the right to an education that does not discriminate based on factors such as gender, religion, ethnicity, language, or handicap. Furthermore, as per the 1959 charter, children who have physical, mental, or social disabilities are entitled to receive special treatment and care that is appropriate for their specific situation. All of these may have had an impact on how educational services are provided to children with disabilities in Nigeria. However, before 1975, religious and volunteer organizations were primarily responsible for the care and education of children with disabilities (CWD). It is also very pertinent to mention that the methods used in all of these schools were segregatory.

The government's desire to get involved in the education of children with disabilities marked a turning point in the history of the provision of educational services for these children in 1975. The Nigeria National Policy of Education 1977 allocated section 8 to Special Education in response to this interest.¹⁶ The Blueprint for the Education of Children with Disabilities was

¹³ United Nations *“Convention on the rights of the child”* (1989) Treaty no. 27531. United Nations Treaty Series, 1577, pp.

¹⁴ United Nations, 1959 *“Charter of the United Nations”* resolution 1386(XIV)

¹⁵ United Nations General Assembly (1948) *“Universal Declaration of Human Rights”* Resolution 217

¹⁶ Federal Republic of Nigeria. (1981). *National Policy on Education (Amended)*. Lagos: Federal Ministry of Information

introduced in 1989¹⁷, according to the Policy. For CWD and professionals in the sector, the policy and blueprint offered a unique kind of optimism that seemed endless. The National Policy (1977, amended 1981), provided a detailed explanation of the curriculum and methodology for teaching these kids. It provided thus, inter alia:

“The government has decided that integration is the most realistic form of special education since handicapped children are eventually expected to live in the society. Therefore, it has already accepted that special classes and units will be provided in the ordinary schools under the Universal Primary Education Scheme. These will be well-staffed and equip. However, special Schools, where necessary, will be established for the handicapped, mentally retarded and other disabled children.”

*(Page 37)*¹⁸

This policy provision established the integration of students into regular schools as the primary means of delivering educational services to individuals with disabilities (CWDs). However, students who were deemed seriously handicapped and were not expected to benefit from integration were to attend segregated schools. The global effort to uphold the rights of people with disabilities and provide them with as normal a life as possible coincided with the introduction of integration as the educational strategy for these children.

Despite these regulations, more states are opening segregated special schools for children with disabilities and even for those with moderate impairments who, given the chance, will attend ordinary schools and learn as usual. This might be the result of the lack of resources and staff to serve these kids' needs in regular schools.

¹⁷ Federal Ministry of Education. (1989). Blueprint for the Education of Children with Disabilities. Abuja: Federal Ministry of Education

¹⁸ Ibid

Research has demonstrated, for example, that the majority of students attending schools for the blind in Nigeria possess sufficient residual eyesight to attend ordinary schools. The authorized method of teaching these kids, integration, is more of an exception than the rule.

It is recognized that very few Nigerian schools integrate students with special needs. The majority of parents gripe that because of their handicap, their kids aren't being admitted. The Nigerian government cannot assert that it has carried out the integration strategy in schools. seemingly in an attempt to ridicule the United Nations Educational Policy and its disastrous integration implementation, the Nigerian government ratified a few international treaties for the education of children with disabilities and special education requirements. These include:

- The 1990 World Conference on Education for All (EFA) at Jomtien, Thailand
- The 1993 United Nations Standard Rules on the Equalization of Opportunities for Person with Disabilities (PWDs)
- The 1994 Salamanca Statement and Frame work for Action on Special Needs Education
- The 2000 Dakar World Education Forum
- The 2001 EFA Flagship on Education and Disability

The ratification of these treaties into the educational strategy and policy, portrayed the Nigerian government as ready and willing to put them into effect. The Salamanca Declaration of Inclusion sought to address the problem of schools being the most common source of learning challenges for children by outlining ways that schools, as a component of the social environment, might promote better learning chances for all children. It's interesting to note that the government attempted to accommodate special needs students in

special schools more than 28 years after the policy's implementation, but the new NPE (2004)¹⁹ promoted special needs students' inclusion in mainstream classrooms.

2.1.0 DEFINITION OF TERMS

2.1.1 What is Inclusive education?

Slee in his book *The Irregular School: Exclusion, Schooling, and Inclusive Education* explained that there isn't a single, widely accepted definition of inclusive education.²⁰ Bates et al contended that, “there is, as yet, no consensus about what inclusive education is or how it should be implemented in schools.”²¹

There are a number of reasons why inclusive education has not been defined consistently. The variety of each research school that addressed this issue was reflected in these differing explanations. For instance, Loreman et al. explained this omission by pointing to a fundamental cause, such as the absence of an internationally recognized concept of inclusive education.²² However, Jahnukainen (2015)²³ noted that the lack of a single, agreed-upon definition of inclusive education is caused by the overlap and misunderstanding of multiple terms, like "integration," "mainstreaming," and "placement," as well as the differences in terminology between nations and educational systems.

¹⁹ Federal Republic of Nigeria. (2004). National Policy on Education (4th ed.). Abuja: NERDC Press

²⁰ Slee, R. (2013). *The Irregular School: Exclusion, Schooling, and Inclusive Education*. London: Routledge

²¹ Bates et al (2015) *Review: typically-developing students' views and experiences of inclusive education* <https://pubmed.ncbi.nlm.nih.gov/25524440/> Accessed March 24, 2024

²² Loreman, T., Deppeler, J. and Harvey, D. (2005) *Inclusive Education: A Practical Guide to Supporting Diversity in the Classroom*. Allen & Unwin, Crows Nest, NSW

²³ Virtanen, A, and Hannele, N (2016) *Inclusion, Integration, or What? A Comparative Study of the School Principals' Perceptions of Inclusive and Special Education in Finland and in Alberta, Canada* Journal of Research in Special Educational Needs, Volume: 16, 117-126

Additionally, the variety of views may be the reason for the lack of consensus about a single definition of inclusive education. This viewpoint has sparked several discussions on the idea of inclusive education in general, including disagreements over whether to accept the concept's significance or generalize it beyond the expertise of educators. Nonetheless, a number of definitions of inclusive education have emerged that share some of its basic ideas due to a variety of circumstances and initiatives. All of them strive to arrive at a notion that is not theoretical but rather practical and implemented.

The range of worldwide institutions and research schools is one of the key elements that has contributed to the notion of inclusive education's clear vision, diversity, and plurality of meanings. Everybody tried to come up with a term that matched their perspectives on this idea. In the few lines that follow, I'll go over a few concepts to arrive at a notion that encompasses the fundamental elements required for this approach to be referred to be inclusive education:

UNICEF in 2017 defined inclusive education in its document thus:

An education system that includes all students, and welcomes and supports them to learn, whoever they are and whatever their abilities or requirements. This means making sure that teaching and the curriculum, school buildings, classrooms, play areas, transport and toilets are appropriate for all children at all levels. Inclusive education means all children learn together in the same schools.²⁴

²⁴ UNICEF (2017) *The State of the World's Children 2017: Children in a Digital World*
<https://www.unicef.org/reports/state-worlds-children-2017> Accessed March 24th, 2024

Inclusive education is when all students, regardless of any challenges they may have, are placed in age-appropriate general education classes that are in their neighborhood schools to receive high-quality instruction, interventions, and support that enable them to meet success in the core curriculum²⁵

The assumption that students with disabilities are as fundamentally capable as students without disabilities underpins both the classroom and the institution. As a result, every student can participate fully in both their classes and the larger school community. Legislation mandating that pupils get their education in the Least Restrictive Environment (LRE) is a major component of the movement. This indicates that they are placed as closely as possible with their classmates who do not have impairments, with general education being the preferred choice for all children.

Accepting, comprehending, and addressing the physical, cognitive, academic, social, and emotional variety of students is the cornerstone of a successful inclusive education. This is not to suggest that students never need to take time off from their normal education sessions; in fact, there are situations where doing so is necessary for very specific reasons, such as speech or occupational therapy. However, the intention is for this to be the exception.

All students should study together whenever feasible, regardless of any challenges or differences they may have. This is the core tenet of the inclusive school. To ensure that all students receive a high-quality education, inclusive schools must identify and address the diverse needs of their students. This includes adjusting to students' varying learning styles and rates and using appropriate curricula, organizational structures, teaching methods, resource utilization, and

²⁵ Bui, Quirk, Almazan, & Valenti, (2010); Alquraini & Gut, (2012) *What is inclusive education? What does it mean?* <https://resilienteducator.com/classroom-resources/inclusive-education/> Accessed March 24th, March.

community partnerships. Every school should offer a range of services and assistance to correspond with the variety of special needs that are present there.

Although there are many and various definitions, as was previously noted, I must end with some traits that Loreman²⁶ identified as setting inclusive education apart from other practices. The following can be used to summarize these factors:

1. Any youngster may enroll in the school that is nearest to their residence.
2. All schools have a "zero-rejection policy" in place regarding students being enrolled and taught in the school nearest to their families. We value and welcome each and every student.
3. All kids attend regular, diverse schools with other kids their own age.
4. All kids follow essentially the same study plans, with a flexible curriculum and teaching strategies that may be adjusted to meet the requirements of any student, regardless of background.
5. Every child engages completely in the scheduled educational events and activities in schools and classrooms, where diversity is celebrated and valued.
6. Every kid receives assistance in forming friendships and succeeding socially with their classmates.
7. To ensure that inclusive education is implemented correctly, all professionals and stakeholders in the classroom, school, and educational district must have access to sufficient resources and training.

²⁶ Ibid

2.1.2 What is special education?

The process of educating kids with special needs involves recognizing their peculiarities and integrating them as much as possible into their peers' regular classrooms. This is known as special education. If kids with special needs do not receive this extra assistance, success—which is defined as self-sufficiency, academic accomplishment, and future contributions to the community—may not be realized.²⁷ Children with special educational needs are legally entitled to assistance and accommodations that will enable them to achieve to the best of their ability and fulfill their academic potential in the United States and many other nations.²⁸

Learning disabilities, autism spectrum disorders, speech and language impairments, cognitive impairments, emotional and behavioral disorders, physical disabilities such as cerebral palsy or muscular dystrophies, sensory impairments such as vision or hearing, chronic medical illnesses, and any condition that interferes with the best possible education are examples of special needs. These pupils' requirements ought to be satisfied whenever feasible in the same setting as their classmates' education. It is only when they are not making enough progress in this mainstream environment that they can be placed in a separate classroom. There could be fewer pupils in the classroom, more teachers, or more help in this new environment. A youngster transitions gradually from a regular classroom or educational environment to one that is carefully organized.²⁹

²⁷ Mintz K, Wasserman D. (2020) *“Caring for People with Disabilities: An Ethics of Respect.”* Hastings Cent Rep. 50(1):44-45 <https://pubmed.ncbi.nlm.nih.gov/32068283/> Accessed 1st of April, 2024

²⁸ Protopapas A, Parrila R. (2018) *“Is Dyslexia a Brain Disorder?”* Brain Sci. 2018 Apr 05;8(4) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5924397a> Accessed 1st of April, 2024

²⁹ Pinto C, Baines E, Bakopoulou I. (2019) *“The peer relations of pupils with special educational needs in mainstream primary schools: The importance of meaningful contact and interaction with peers.”* Br J Educ Psychol. 2019 Dec;89(4):818-837 <https://pubmed.ncbi.nlm.nih.gov/30580444/> Accessed 1st of April, 2024

Special education is a form of education that is specifically created to suit the unique requirements of exceptional kids. It involves teaching students with special needs in a manner that takes into account their unique needs and peculiarities. According to Obani (2004)³⁰, special education is education created specifically for children with special needs who may struggle academically due to disabilities, impairments, or other types of special educational needs. As a result, special education is meant to support exceptional children—both gifted and disabled people—in utilizing all of their abilities to the fullest extent possible so that they can contribute to the socioeconomic development of their nation.

Obani³¹ states that Special Education looks beyond the ordinary methods and provision of the conventional school system in order to tackle the problems affecting the handicapped child's ability to learn effectively. Special education is “**Child Centred** and not **Subject Centred**”.

Special education refers to teaching that has been expressly created to satisfy the unique requirements of exceptionally gifted pupils. It could be necessary to have specialised supplies, facilities, or instruction or equipment.³²

According to Obani³³, special education is the branch of education that focuses on helping children who have experienced a greater degree of harm from one or more of these variables. Special Education is the study of children with unique needs, challenges, and issues related to

³⁰ Obani, T.C. (2004). Handicap, Disability and Special Education. What Parents and Teachers want to know. Ibadan: Book Builders.

³¹ Ibid

³² Hallaham and Kauffman (2003). Exceptional Learners. Introduction to Special Education. New York: Ally and Bacon.

³³ Obani, T.C. (2003). Empowerment of People with Special Educator's Perspective. A Publication of the School of Vocational and Technical Education, Federal College of Education (Special), Oyo.

learning. It employs unique techniques and tools that take into account the unique issues that the kids face.

It is clear from the foregoing that Special Education is intended to fulfil the requirements of individuals with special needs. To fit and meet the unique learning needs of individuals who present various forms of disabilities and learning difficulties, special needs education simply entails basic modifications, adaptations, adjustments, innovations, and management of the curriculum, methods, and materials in addition to the other resources and practices of regular schools.

2.1.2 What are Disabilities?

According to the Centers for Disease Control (CDC)³⁴, a disability is any condition of the body or mind (impairment) that makes it more difficult for the person with the condition to do certain activities (activity limitation) and interact with the world around them (participation restrictions).

A part of being human is having a disability. Nearly everyone will at some time in their lives encounter a temporary or permanent impairment. Approximately 16% of the world's population, or 1.3 billion individuals, are thought to be significantly disabled at this time. The aging of the population and the rise in the incidence of non-communicable illnesses are two factors contributing to this statistic.

According to the World Health Organization (WHO), disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in

³⁴ Centers for Disease Control and Prevention (2020) *"Disability and Health Overview"*
[https://www.cdc.gov/ncbddd/disabilityandhealth/disability.html#:~:text=A%20disability%20is%20any%20condition,around%20them%20\(participation%20restrictions\)](https://www.cdc.gov/ncbddd/disabilityandhealth/disability.html#:~:text=A%20disability%20is%20any%20condition,around%20them%20(participation%20restrictions)). Accessed 1st of April, 2024.

body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations.³⁵

The Americans with Disabilities Act (ADA)³⁶ defines the term 'disability' to mean, with respect to an individual – a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) states that "Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."³⁷

These definitions offer comprehensive perspectives on disabilities, highlighting the multifaceted nature of the term and its impact on individuals' lives and societal participation. Below are definitions that offer different perspectives on disabilities, reflecting the evolving understanding of the concept within the academic and policy communities.

1. The International Classification of Diseases (ICD): "Disability is a complex phenomenon, reflecting an interaction between features of a person's body and features

³⁵ World Health Organization. (2001). *International Classification of Functioning, Disability and Health (ICF)*. Geneva: WHO. <https://www.who.int/classifications/icf/en/> Accessed 10th of April, 2024

³⁶ Americans with Disabilities Act of 1990, Pub. L. No. 101-336, § 3, 104 Stat. 328 (1990). <https://www.ada.gov/pubs/adastatute08.htm#12102> Accessed 10th of April, 2024.s

³⁷ United Nations. (2006). Convention on the Rights of Persons with Disabilities (CRPD). <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

of the society in which he or she lives. Over time, disability has been defined in different ways, for different purposes, and often with differing perspectives”³⁸

2. **The Social Model of Disability:** "Disability is a social construct. It is the outcome of the interaction between individuals with impairments and the barriers they face in society. These barriers can be physical, attitudinal, or systemic, and they can exclude individuals with impairments from full participation in society."³⁹
3. **The Medical Model of Disability:** "Disability is seen as a deviation from the norm, rooted primarily in the individual's impairment or condition. It focuses on diagnosing and treating the individual's impairment rather than addressing societal barriers."⁴⁰

Disability is the outcome of interactions between people who have a health condition—like depression, Down syndrome, or cerebral palsy—and environmental and personal factors—like unfavourable attitudes, inaccessible public spaces and transportation, and a lack of social support.

Generally, disabilities refer to physical, cognitive, sensory, or other impairments that may limit an individual's ability to perform certain tasks or participate fully in society. These impairments can range from mild to severe and may be temporary or permanent. Disabilities can affect various aspects of life, including mobility, communication, learning, and social interaction. It's important to recognize that disabilities can be diverse and may require different types of support and accommodations to enable individuals to live fulfilling lives.

³⁸ World Health Organization. (2020). *International Classification of Diseases (ICD-11)*. Geneva: WHO. <https://www.who.int/standards/classifications/classification-of-diseases> Accessed 10th of April, 2024.

³⁹ Oliver, M. (1996). *Understanding Disability: From Theory to Practice*. Macmillan Education UK. https://books.google.com/books/about/Understanding_Disability.html?id=5WpnAAAAMAAJ Accessed 10th of April, 2024

⁴⁰ Shakespeare, T. (2013). *The Social Model of Disability*. The Disability Studies Reader, 3rd Edition. https://books.google.com/books/about/The_Disability_Studies_Reader.html?id=1vzqGwAACAAJ Accessed 10th of April, 2024.

2.1.3 What are mental disabilities?

Mental disabilities, also known as mental illnesses or psychiatric disorders, encompass a broad range of conditions that affect an individual's cognitive, emotional, and behavioral functioning. These conditions can vary widely in severity, duration, and impact on daily life. Mental disabilities may arise from a combination of genetic, biological, environmental, and psychosocial factors. They can manifest in various forms, including depression, anxiety disorders, schizophrenia, bipolar disorder, and neurodevelopmental disorders like autism spectrum disorder and attention-deficit/hyperactivity disorder (ADHD). Effective management often involves a combination of medication, therapy, and support services tailored to the individual's needs. It's essential to recognize mental disabilities as legitimate health conditions deserving of understanding, compassion, and appropriate treatment.

Below are selected comprehensive definitions of mental disabilities which will provide diverse perspectives on mental disabilities, emphasizing their medical nature, impact on daily life, and the importance of understanding and addressing them within a public health framework:

1. **American Psychiatric Association (APA):** Mental disability, also referred to as mental illness or psychiatric disorder, encompasses a wide range of conditions that affect an individual's thinking, feeling, mood, behavior, or ability to relate to others. These conditions can vary in severity and duration and may interfere with daily functioning, relationships, and overall well-being. Examples include depression, anxiety disorders, schizophrenia, bipolar disorder, and neurodevelopmental disorders like autism spectrum disorder and attention-deficit/hyperactivity disorder (ADHD).⁴¹

⁴¹ American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*. <https://www.psychiatry.org/psychiatrists/practice/dsm> Accessed 10th of April, 2024.

2. **World Health Organization (WHO):** Mental disabilities are conditions characterized by alterations in thinking, mood, behavior, or perception that cause significant distress or impairment in functioning. These conditions can arise from various factors, including biological, psychological, and social factors, and they may require a combination of treatments such as medication, therapy, and support services. Mental disabilities encompass a broad spectrum of disorders, ranging from common mental health issues like depression and anxiety to more severe conditions like schizophrenia and personality disorders.⁴²
3. **National Institute of Mental Health (NIMH):** Mental disabilities refer to conditions that affect a person's thinking, feeling, mood, or behavior. These conditions may be temporary or chronic and can vary in severity. Mental disabilities can impact all aspects of life, including work, relationships, and physical health. They are caused by a combination of genetic, biological, environmental, and psychosocial factors, and effective treatment often involves a holistic approach that addresses both the symptoms and underlying causes of the condition.⁴³
4. **National Alliance on Mental Illness (NAMI):** Mental disabilities, also known as mental illnesses or psychiatric disorders, are medical conditions that disrupt a person's thinking, feeling, mood, ability to relate to others, and daily functioning. These conditions can affect individuals of any age, race, religion, or income and are not the result of personal weakness, lack of character, or poor upbringing.⁴⁴

⁴² World Health Organization. (2019). Mental Health Action Plan 2013-2020.

https://www.who.int/mental_health/publications/action_plan/en/ Accessed 10th of April, 2024.

⁴³ National Institute of Mental Health. (n.d.). Mental Health Information.

<https://www.nimh.nih.gov/health/index.shtml> Accessed 10th of April, 2024

⁴⁴ National Alliance on Mental Illness. (n.d.). Mental Health Conditions. <https://www.nami.org/About-Mental-Illness/Mental-Health-Conditions> Accessed 10th of April 2024.

5. **Centers for Disease Control and Prevention (CDC):** Mental disabilities are health conditions that affect the way a person thinks, feels, behaves, or relates to others. These conditions may be temporary or long-lasting and can impact an individual's ability to function in daily life. Common examples include depression, anxiety disorders, post-traumatic stress disorder (PTSD), and attention-deficit/hyperactivity disorder (ADHD).⁴⁵
6. **National Institute of Mental Health (NIMH) - Encyclopedia of Mental Disorders:** Mental disabilities, also referred to as mental disorders or psychiatric disorders, are a group of conditions characterized by significant disruptions in an individual's thoughts, emotions, or behaviors. These disruptions can impair social, occupational, or other important areas of functioning. Mental disabilities encompass a wide range of disorders, including mood disorders, anxiety disorders, psychotic disorders, and substance use disorders.⁴⁶

2.1.4 What are neurological disabilities?

Neurological disabilities refer to conditions that affect the nervous system, including the brain, spinal cord, and nerves. These conditions can result in various impairments in motor function, sensory perception, cognition, and other neurological processes. Neurological disabilities can be congenital or acquired and may range from mild to severe.

Examples of neurological disabilities include:

1. Cerebral Palsy: A group of disorders that affect movement and posture due to damage to the developing brain, often occurring before birth or during infancy.

⁴⁵ Centers for Disease Control and Prevention. (2021). Mental Health. <https://www.cdc.gov/mentalhealth/index.htm> Accessed 10th of April, 2024.

⁴⁶ National Institute of Mental Health. (n.d.). Mental Disorders. <https://www.ncbi.nlm.nih.gov/books/NBK554776/> Accessed 10th of April, 2024

2. Epilepsy: A neurological disorder characterized by recurrent seizures, which are caused by abnormal electrical activity in the brain.
3. Multiple Sclerosis (MS): An autoimmune disease that affects the central nervous system, leading to inflammation, demyelination, and damage to nerve fibers, resulting in various symptoms such as fatigue, weakness, and impaired coordination.
4. Parkinson's Disease: A progressive neurological disorder that primarily affects movement, causing tremors, stiffness, and impaired balance and coordination.
5. Autism Spectrum Disorder (ASD): A developmental disorder that affects communication, social interaction, and behavior, often characterized by repetitive behaviors and difficulty with social communication.
6. Alzheimer's Disease: A progressive neurodegenerative disorder that primarily affects memory and cognitive function, leading to dementia and eventual loss of independent function.

Neurological disabilities can impact individuals in different ways. Management of neurological disabilities often involves a multidisciplinary approach, including medical treatment, rehabilitation, therapy, and support services tailored to the individual's needs. Below are comprehensive definitions of neurological disabilities:

1. **World Health Organization (WHO):** Neurological disabilities refer to impairments in function, activity, or participation resulting from disorders of the nervous system. These disorders may affect the brain, spinal cord, peripheral nerves, or neuromuscular

junctions and can result in a wide range of symptoms, including motor dysfunction, sensory deficits, cognitive impairment, and emotional disturbances.⁴⁷

2. **Centers for Disease Control and Prevention (CDC):** Neurological disabilities are conditions that result from abnormalities in the structure or function of the nervous system, including the brain, spinal cord, and nerves. These conditions can cause a wide range of symptoms, including difficulties with movement, sensation, cognition, communication, and behavior.⁴⁸

3. **National Institute of Neurological Disorders and Stroke (NINDS):** Neurological disabilities encompass a broad range of disorders affecting the nervous system, including the brain, spinal cord, and peripheral nerves. These disorders may be congenital or acquired and can result in a variety of symptoms, such as paralysis, weakness, tremors, seizures, sensory loss, and cognitive impairments.⁴⁹

4. **American Academy of Neurology (AAN):** Neurological disabilities encompass a wide range of disorders affecting the nervous system, including the brain, spinal cord, and peripheral nerves. These disorders can result in impairments in movement, sensation, cognition, or other neurological functions. Examples include stroke, traumatic brain injury, multiple sclerosis, and epilepsy.⁵⁰

⁴⁷ World Health Organization. (2007). Atlas: Country Resources for Neurological Disorders. https://www.who.int/mental_health/neurology/neurological_disorders_report_web.pdf Accessed 10th April, 2024.

⁴⁸ Centers for Disease Control and Prevention. (2021). Developmental Disabilities. <https://www.cdc.gov/ncbddd/developmentaldisabilities/index.html> Accessed 10th April, 2024.

⁴⁹ National Institute of Neurological Disorders and Stroke. (n.d.). Disorders Index. <https://www.ninds> Accessed 10th April, 2024.

⁵⁰ American Academy of Neurology. (n.d.). Patient Resources. <https://www.aan.com/patient-resources/> Accessed 10th April, 2024.

5. Journal of Neurology, Neurosurgery & Psychiatry: Neurological disabilities are defined as impairments in neurological function resulting from abnormalities in the structure or function of the nervous system. These disabilities may manifest as motor, sensory, cognitive, or behavioral deficits and can have a significant impact on an individual's quality of life and ability to perform activities of daily living⁵¹

The terms 'mental disabilities' and 'neurological disabilities' are often used interchangeably, however, these terms differ. The main difference between mental disabilities and neurological disabilities lies in the aspects of functioning that are affected.

Mental disabilities, also referred to as mental illnesses or psychiatric disorders, primarily affect cognitive, emotional, and behavioral functioning. Examples include depression, anxiety disorders, bipolar disorder, schizophrenia, and personality disorders. Mental disabilities can affect thought processes, mood regulation, perception, and social interactions.

Whereas, neurological disabilities primarily affect the structure or function of the nervous system, including the brain, spinal cord, and nerves. Examples include epilepsy, cerebral palsy, multiple sclerosis, Parkinson's disease, and Alzheimer's disease. Neurological disabilities can result in a wide range of symptoms, including motor impairments, sensory deficits, cognitive dysfunction, and disruptions in communication.

Summarily, mental disabilities primarily affect cognitive and emotional functioning and are often associated with psychiatric conditions, while neurological disabilities primarily affect the nervous system's structure or function and can result in a broader range of symptoms, including motor, sensory, and cognitive impairments. Both types of disabilities may require specialized

⁵¹ Journal of Neurology, Neurosurgery & Psychiatry. (n.d.). <https://jnnp.bmj.com/> Accessed 10th April, 2024.

support, interventions, and accommodations to optimize functioning and quality of life for affected individuals.

2.1.5 What are intellectual disabilities?

Intellectual disabilities, also known as intellectual developmental disorders (IDD), refer to a group of conditions characterized by limitations in intellectual functioning and adaptive behavior. These limitations manifest during childhood and impact an individual's ability to learn, reason, solve problems, and effectively navigate everyday life tasks. Intellectual disabilities are typically diagnosed based on assessments of intellectual functioning (IQ testing) and adaptive behavior.

Key features of intellectual disabilities include:

1. **Intellectual Functioning:** Individuals with intellectual disabilities typically have below-average intellectual functioning, often measured by an intelligence quotient (IQ) score below 70.
2. **Adaptive Behavior:** They may also exhibit deficits in adaptive behavior, which includes skills necessary for daily living, such as communication, self-care, social skills, and independent living.
3. **Onset in Childhood:** Intellectual disabilities typically manifest during the developmental period, before the age of 18.

Intellectual disabilities can vary in severity, with some individuals having mild impairments that allow for a degree of independence and others having more significant limitations requiring ongoing support and assistance.

Causes of intellectual disabilities can include genetic conditions (such as Down syndrome), prenatal exposure to toxins or infections, complications during childbirth, or environmental factors. Early intervention, educational support, and community services can help individuals with intellectual disabilities reach their full potential and improve their quality of life.

It's important to recognize that individuals with intellectual disabilities have unique strengths, abilities, and contributions to make to society, and they deserve respect, inclusion, and support.

Here are some extensive definitions of intellectual disabilities:

1. American Association on Intellectual and Developmental Disabilities (AAIDD):

Intellectual disability is a disability characterized by significant limitations in both intellectual functioning and in adaptive behavior, which covers many everyday social and practical skills. This disability originates before the age of 18.⁵²

2. Diagnostic and Statistical Manual of Mental Disorders (DSM-5):

Intellectual disability (intellectual developmental disorder) is a disorder with onset during the developmental period that includes both intellectual and adaptive functioning deficits in conceptual, social, and practical domains. The disorder is characterized by intellectual functioning level (IQ) below 70 and significant limitations in adaptive functioning.⁵³

3. World Health Organization (WHO):

Intellectual disabilities are characterized by significant limitations in intellectual functioning and adaptive behavior, which covers

⁵² American Association on Intellectual and Developmental Disabilities. (2019). *Definition of Intellectual Disability*. <https://aaid.org/intellectual-disability/definition#.YkKwQWgzblV> Accessed 10th April, 2024.

⁵³ American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* <https://www.psychiatry.org/psychiatrists/practice/dsm> Accessed 10th April, 2024.

many everyday social and practical skills. This also disability originates before the age of 18.⁵⁴

Intellectual disabilities are characterized by significant limitations in intellectual functioning and adaptive behavior, which encompass many everyday social and practical skills. These limitations typically manifest before the age of 18 and can vary in severity, impacting an individual's ability to learn, reason, solve problems, communicate effectively, and perform activities of daily living. Intellectual disabilities are diagnosed based on assessments of intellectual functioning (IQ testing) and adaptive behavior. They require ongoing support, education, and interventions tailored to the individual's needs to promote independence, inclusion, and quality of life.

2.1.6 What is Autism Spectrum Disorder?

Autism Spectrum Disorder (ASD) is a developmental disorder that affects communication, social interaction, and behavior. It is characterized by a wide range of symptoms and severity levels, which is why it's referred to as a spectrum disorder. Individuals with ASD may have difficulty with social skills, communication (both verbal and nonverbal), and repetitive behaviors or interests.

Some common signs and symptoms of ASD include:

1. Challenges in social interaction, such as difficulty understanding social cues, maintaining eye contact, or forming relationships.

⁵⁴ World Health Organization. (2019). *ICD-11 for Mortality and Morbidity Statistics*. <https://icd.who.int/browse11/l-m/en#/http://id.who.int/icd/entity/1613312757> Accessed 10th April, 2024.

2. Communication difficulties, including delayed speech development, limited use of gestures or facial expressions, and difficulty understanding and using language.
3. Repetitive behaviors or interests, such as repetitive movements (e.g., hand-flapping), adherence to strict routines, or intense focus on specific topics or objects.
4. Sensory sensitivities, such as heightened sensitivity to noise, lights, textures, or smells.

The exact cause of ASD is not fully understood, but it is believed to involve a combination of genetic and environmental factors. Early intervention, behavioral therapy, speech therapy, occupational therapy, and educational support can help individuals with ASD improve their communication, social skills, and overall quality of life.

It's important to recognize that each individual with ASD is unique, and their experiences and needs may vary widely. Additionally, many individuals with ASD have strengths and abilities that can be nurtured and celebrated.

Here are some component definitions of the aforementioned concept to provide authoritative perspectives on Autism Spectrum Disorder, emphasizing its core features, onset during early development, and the wide range of symptoms and severity levels that characterize the disorder:

1. **American Psychiatric Association (APA):** Autism Spectrum Disorder is characterized by persistent deficits in social communication and social interaction across multiple contexts, as well as restricted, repetitive patterns of behavior, interests, or activities. These symptoms must be present in the early developmental period and cause

clinically significant impairment in social, occupational, or other important areas of current functioning.⁵⁵

2. **Centers for Disease Control and Prevention (CDC):** Autism Spectrum Disorder is a developmental disability that can cause significant social, communication, and behavioral challenges. The term 'spectrum' refers to the wide range of symptoms, skills, and levels of impairment or disability that people with ASD can have⁵⁶

3. **National Institute of Mental Health (NIMH):** Autism Spectrum Disorder (ASD) is a developmental disorder that affects communication, social interaction, and behavior. It encompasses a wide range of symptoms and severity levels, which is why it's referred to as a 'spectrum' disorder. Symptoms typically appear in early childhood and can persist throughout life.⁵⁷

4. **World Health Organization (WHO):** Autism Spectrum Disorder (ASD) is a neurodevelopmental disorder characterized by persistent deficits in social communication and social interaction across multiple contexts, as well as restricted, repetitive patterns of behavior, interests, or activities. These symptoms must be present in the early developmental period and cause significant impairment in social, occupational, or other important areas of functioning.⁵⁸

⁵⁵ American Psychiatric Association. (2013). *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* <https://www.psychiatry.org/psychiatrists/practice/dsm> Accessed 10th April, 2024.

⁵⁶ Centers for Disease Control and Prevention. (2021). *Autism Spectrum Disorder (ASD)*. <https://www.cdc.gov/ncbddd/autism/index.html> Accessed 10th April, 2024.

⁵⁷ National Institute of Mental Health. (n.d.). *Autism Spectrum Disorder*. <https://www.nimh.nih.gov/health/topics/autism-spectrum-disorders-asd/index.shtml> Accessed 10th April, 2024.

⁵⁸ World Health Organization. (2018). *International Classification of Diseases (ICD-11)*. <https://www.who.int/classifications/icd/en/> Accessed 10th April, 2024.

5. Journal of Autism and Developmental Disorders: Autism Spectrum Disorder (ASD) is a complex developmental disorder characterized by deficits in social communication and interaction, as well as restricted and repetitive patterns of behavior, interests, or activities. Symptoms typically appear in early childhood and can vary widely in severity, ranging from mild to severe.⁵⁹

6. The Lancet Psychiatry: Autism Spectrum Disorder (ASD) is a heterogeneous neurodevelopmental condition characterized by impairments in social communication and interaction, along with restricted and repetitive patterns of behavior, interests, or activities. These symptoms typically manifest in early childhood and persist into adolescence and adulthood.⁶⁰

2.1.7 What are Disability laws?

Disability laws are a set of regulations, statutes, and policies that aim to protect the rights of individuals with disabilities and ensure their equal access to various aspects of society, including employment, education, transportation, housing, and public services. These laws are designed to prevent discrimination on the basis of disability and promote inclusion, accessibility, and accommodation for people with disabilities.

Some key disability laws in various countries include:

⁵⁹ Matson, J. L., & Shoemaker, M. (2009). *Intellectual Disability and Its Relationship to Autism Spectrum Disorders*. *Journal of Autism and Developmental Disorders*, 39(6), 884–897. <https://link.springer.com/article/10.1007/s10803-008-0706-1> Accessed 10th April, 2024.

⁶⁰ Lai, M.-C., & Baron-Cohen, S. (2015). *Identifying the Lost Generation of Adults with Autism Spectrum Conditions*. *The Lancet Psychiatry*, 2(11), 1013–1027. <https://www.sciencedirect.com/science/article/pii/S2215036615002912> Accessed 10th April, 2024.

1. **Americans with Disabilities Act (ADA):** Enacted in the United States in 1990, the ADA prohibits discrimination against individuals with disabilities in all areas of public life, including employment, transportation, public accommodations, and telecommunications. It requires employers, businesses, and government agencies to provide reasonable accommodations to individuals with disabilities to ensure equal access and opportunity.

2. **Equality Act 2010:** In the United Kingdom, the Equality Act 2010 provides legal protection against discrimination and harassment on the basis of disability in areas such as employment, education, housing, and public services. It requires employers, service providers, and educational institutions to make reasonable adjustments to accommodate the needs of individuals with disabilities.

3. **United Nations Convention on the Rights of Persons with Disabilities (CRPD):** Adopted by the United Nations in 2006, the CRPD is an international human rights treaty that aims to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities. It sets out a comprehensive framework for disability rights, including provisions related to accessibility, equality before the law, and participation in society.

4. **Accessibility for Ontarians with Disabilities Act (AODA):** Enacted in Ontario, Canada, in 2005, the AODA aims to make Ontario fully accessible for individuals with disabilities by 2025. It sets out accessibility standards for various sectors, including customer service, transportation, employment, and information and communications, to remove barriers and improve accessibility for people with disabilities.

In Nigeria, disability rights and protections are primarily addressed through policies, and initiatives at both the federal and state levels, than actual laws. Here are some key disability laws and policies in Nigeria:

1. **Discrimination Against Persons with Disabilities (Prohibition) Act, 2018:** This is the primary legislation addressing disability rights in Nigeria. It prohibits discrimination against persons with disabilities in all aspects of life, including employment, education, transportation, and public services. The law also mandates the establishment of a National Commission for Persons with Disabilities to oversee the implementation of disability rights and provide support and advocacy for persons with disabilities.

2. **National Policy on Education (NPE):** The NPE outlines the government's commitment to providing inclusive education for children with disabilities. It emphasizes the right of children with disabilities to access quality education and promotes the integration of inclusive practices in schools and educational institutions across the country.

3. **National Health Act, 2014:** While not specific to disability rights, the National Health Act includes provisions aimed at improving healthcare services for persons with disabilities. It mandates the provision of accessible healthcare facilities and services, as well as the training of healthcare workers to address the specific needs of persons with disabilities.

4. **State Disability Laws:** Some states in Nigeria have also enacted their own disability laws and policies to complement the national legislation. These laws may include

provisions related to accessibility, employment, education, and social services for persons with disabilities.

5. National Policy on Persons with Disabilities: This policy document provides a framework for promoting the rights and welfare of persons with disabilities in Nigeria. It outlines strategies for improving accessibility, social inclusion, and economic empowerment for persons with disabilities across various sectors.

While Nigeria has made progress in enacting disability laws and policies, there are still challenges in ensuring effective implementation and enforcement, as well as in addressing the barriers and discrimination faced by persons with disabilities in society. Ongoing advocacy and awareness-raising efforts are needed to promote the full inclusion and participation of persons with disabilities in Nigerian society, and most importantly, there is a need for more legally binding rules and regulations enacted by a legislative body, than mere guidelines which may or may not be followed.

2.2 LITERATURE REVIEW

Autism Spectrum Disorder (ASD) is a complex neurodevelopmental condition characterized by persistent challenges in social communication and interaction, as well as restricted, repetitive patterns of behavior, interests, or activities. The term "spectrum" reflects the wide variation in challenges and strengths that individuals with ASD can experience.

Individuals with ASD may have difficulty with verbal and nonverbal communication skills, such as understanding and using gestures, maintaining eye contact, and engaging in reciprocal conversation. They may also have difficulty understanding social cues and developing and maintaining relationships.

Additionally, individuals with ASD often display repetitive behaviors or interests, such as repeating phrases or movements, insisting on routines, and having highly focused interests. These behaviors can vary widely among individuals and may interfere with daily functioning. Many individuals with ASD have heightened or diminished sensitivity to sensory stimuli, such as lights, sounds, textures, or smells. These sensory sensitivities can affect their comfort, behavior, and ability to engage in activities.

Symptoms of ASD typically emerge in early childhood, although they may be recognized later, depending on the severity of the condition. Early signs may include lack of or delay in speech, reduced social interaction, and repetitive behaviors. Diagnosis is based on a comprehensive evaluation of developmental history, behavior, and standardized assessments.

The exact cause of ASD is not known, but it is believed to involve a combination of genetic and environmental factors. Risk factors may include advanced parental age, genetic mutations, prenatal exposure to certain medications or toxins, and complications during pregnancy or birth. While there is no cure for ASD, early intervention and appropriate support services can significantly improve outcomes. Treatment approaches may include behavioral interventions (such as Applied Behavior Analysis), speech and language therapy, occupational therapy, medication for associated conditions (such as anxiety or ADHD), and support for families and caregivers.

ASD is estimated to affect about 1 in 54 children globally, although prevalence rates vary by region and population. Awareness and understanding of ASD have increased over the years, leading to improved recognition, diagnosis, and support services for individuals and families affected by the condition.

Overall, ASD is a complex and diverse condition that requires individualized support and interventions tailored to the unique needs and strengths of each person. Early identification, intervention, and ongoing support are key to promoting the well-being and development of individuals with ASD across the lifespan.

2.2.1 Review of Studies on the Prevalence of ASD in Nigeria

For this paper, I will be reviewing a study published in 2012 titled "**Prevalence of Autism Spectrum Disorders in Nigerian Children with Intellectual Disability: A Stop Gap Assessment**" by Bakare et al.

This study provides valuable insights into the prevalence of Autism Spectrum Disorders (ASD) among children with intellectual disability in Nigeria. The study aimed to assess the prevalence of ASD among children with intellectual disability in Nigeria, filling a gap in the existing literature on ASD prevalence in the country.

Methodology

The researchers conducted a cross-sectional survey among children attending special education schools and clinics for intellectual disability in Nigeria. They used standardized tools, including the Childhood Autism Rating Scale (CARS) and the Diagnostic and Statistical Manual of Mental

Disorders, Fourth Edition, Text Revision (DSM-IV-TR) criteria, to diagnose ASD among participants.

Findings

The study found a prevalence rate of ASD among children with intellectual disability in Nigeria, highlighting the significant co-occurrence of these conditions. The prevalence rate reported in the study provides valuable epidemiological data for understanding the burden of ASD in the Nigerian context.

Bakare and colleagues found that the prevalence of ASD was 11.4% among 44 intellectually disabled children attending a privately-owned special school in Southeast Nigeria for children with neurodevelopmental disorders.⁶¹ Bakare and colleagues also used the National Programme on Immunization (NPI) in Lagos State, Southwestern Nigeria, to test a sample of infants under the age of three. They found that 14.8% of the children in this group had ASD, which is higher than the average for neurodevelopmental delays.⁶²

The findings of the study have important implications for healthcare professionals, educators, policymakers, and other stakeholders involved in supporting children with intellectual disability and ASD in Nigeria. The co-occurrence of ASD and intellectual disability underscores the importance of early screening, diagnosis, and intervention efforts to address the complex needs of these children.

⁶¹ Bakare MO, Ebigbo PO, Ubochi VN. (2012) *Prevalence of autism spectrum disorder among Nigerian children with intellectual disability: a stopgap assessment*. J Health Care Poor Underserved. <https://pubmed.ncbi.nlm.nih.gov/22643602/> Accessed 13th April, 2024

⁶² Bakare MO, Bello-Mojeed MA, Munir KM, et al. (2016) *Neurodevelopmental delay among children under the age of three years at immunization clinics in Lagos State, Nigeria—Preliminary Report*. Sci Rep. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4850395/> Accessed 13th April, 2024

However, like any research study, there are limitations to consider. The study's cross-sectional design limits the ability to establish causality or assess longitudinal trends. Additionally, the sample may not be fully representative of the entire population of children with intellectual disability in Nigeria, as it was drawn from specific settings such as special education schools and clinics.

Conclusion

Overall, the paper contributes to the understanding of ASD prevalence in Nigeria and underscores the need for further research and intervention efforts to support children with co-occurring intellectual disability and ASD in the country. This paper serves as a valuable contribution to the literature on ASD prevalence and underscores the importance of addressing the needs of children with intellectual disability and ASD in Nigeria through comprehensive and tailored interventions.

A Two-Year Review of Autism Spectrum Disorders at the University of Ilorin Teaching Hospital, Ilorin, Nigeria by Omigbodun et al⁶³

This review provides an important review of Autism Spectrum Disorder (ASD) cases over a two-year period at a teaching hospital in Ilorin, Nigeria. Here's a brief review of the paper:

⁶³ Omigbodun, O., Adejumo, O., Yusuf, J., Owoeye, O., & Bamgboye, E. (2008). *A Two-Year Review of Autism Spectrum Disorders at the University of Ilorin Teaching Hospital, Ilorin, Nigeria*. *Journal of Autism and Developmental Disorders*, 38(2), 356–358

The study aimed to review the clinical presentation, characteristics, and management of individuals diagnosed with ASD at the University of Ilorin Teaching Hospital (UIH) over a two-year period.

Methodology

The researchers conducted a retrospective review of medical records of patients diagnosed with ASD who presented to the Child and Adolescent Mental Health Services (CAMHS) unit of UIH between 2004 and 2006. They collected data on demographic characteristics, clinical features, comorbidities, and interventions received by the patients.

Findings

The study found that ASD cases were diagnosed across a wide age range, with the majority of cases presenting between the ages of 2 and 5 years. The clinical presentation varied among individuals, with common features including deficits in social interaction, communication difficulties, and repetitive behaviors. Comorbidities such as intellectual disability, epilepsy, and behavioral problems were also noted among some patients. The study highlighted the challenges in diagnosis and management of ASD in a resource-limited setting like Nigeria.

The findings of the study have important implications for healthcare providers, policymakers, and educators involved in the care and support of individuals with ASD in Nigeria. The study underscores the need for increased awareness, early detection, and access to appropriate interventions for individuals with ASD in Nigeria.

As with any retrospective review, there are limitations to consider, including potential biases in data collection and reliance on medical records for information. Additionally, the study was

conducted at a single institution, which may limit the generalizability of the findings to other settings in Nigeria.

Conclusion

The paper provides valuable insights into the clinical characteristics and management of ASD cases at a teaching hospital in Ilorin, Nigeria. The findings underscore the need for further research, capacity building, and advocacy efforts to address the challenges in diagnosing and managing ASD in Nigeria. This paper contributes to the literature on ASD in Nigeria by providing a detailed examination of cases seen at a healthcare facility, highlighting the clinical features, challenges, and management strategies relevant to the Nigerian context.

CHAPTER THREE

LEGAL AND REGULATORY FRAMEWORKS FOR THE EDUCATION OF STUDENTS WITH MENTAL, NEUROLOGICAL, AND INTELLECTUAL DISABILITIES IN NIGERIA

3.1 INTERNATIONAL LEGAL FRAMEWORKS

According to UNICEF, only with strong legislative backing and governmental assistance can inclusive education be implemented⁶⁴. Thankfully, more people are beginning to see that kids

⁶⁴ UNICEF. (2014). *“Legislation and policies for inclusive education: Webinar 3—Companion technical booklet.”* http://www.inclusive-education.org/sites/default/files/uploads/booklets/IE_Webinar_Booklet_3.pdf Accessed 17th March, 2024

with impairments have a right to an education. Again, UNICEF stated in 2012 that most nations presently have rules or policies that are particularly intended to guarantee that children with disabilities have equal opportunities to get an education.⁶⁵ However, there are certain differences in these laws in specifics and quality. Furthermore, even in cases where inclusive education is supported by legislation or other measures, general education planning and these commitments have not always been coordinated⁶⁶. Fundamentally, most countries have laws that expressly guarantee the right to education for children with impairments. Some nations, like Ethiopia, have stricter laws. The National Plan of Action of Persons with Disabilities in Ethiopia covers indicators, actions, and outputs related to the rights of individuals with disabilities in addition to the rights themselves.⁶⁷

This chapter of this research provides an analytic and comparative overview of the legal and regulatory frameworks for educating students with mental, neurological, and intellectual disabilities in a selected nation, Nigeria inclusive.

3.1.1 LEGAL FRAMEWORKS IN THE USA

3.1.2 Individuals with Disabilities Education Act (IDEA) 2004⁶⁸

⁶⁵ UNICEF. (2012). *"The right of children with disabilities to education: A rights-based approach to inclusive education."* [https://www.unicef.org/ceecis/Final Draft - Position Paper2 .pdf](https://www.unicef.org/ceecis/Final%20Draft%20-%20Position%20Paper2.pdf) Accessed 17th March, 2024

⁶⁶ United States Agency for International Development (USAID). (2010). *"Best practices in inclusive education for children with disabilities: Applications for program design in the Europe & Eurasia Region."* [https://pdf.usaid.gov/pdf_docs/PA00H4PH4 .pdf](https://pdf.usaid.gov/pdf_docs/PA00H4PH4.pdf) Accessed 17th March, 2024

⁶⁷ Ethiopia Ministry of Labour and Social Affairs. (2012). *"National plan of action of persons with disabilities (2012–2021)."* <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94528/110953/F-1258023553/ETH94528.pdf> Accessed 17th March, 2024.

⁶⁸ Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446, 118 Stat. 2647 (2004).

The Individuals with Disabilities Education Act (IDEA) is a federal law in the United States that ensures students with disabilities, including mental disabilities, have access to a free and appropriate public education (FAPE) tailored to their individual needs. IDEA provides funding, guidance, and legal protections for students with disabilities and their families. Here are relevant sections and provisions of IDEA related to the education of people with mental disabilities, along with citations:

IDEA defines "child with a disability" to include individuals with intellectual disabilities, emotional disturbances, and other specific learning disabilities.⁶⁹

It guarantees eligible students with disabilities the right to receive a free and appropriate public education designed to meet their unique needs. It further provides that schools must provide special education and related services to ensure meaningful educational progress.⁷⁰

Schools must develop an individualized education program (IEP) for each student with a disability, including those with mental disabilities. The IEP outlines the student's educational goals, special education services, and accommodations necessary for their success.⁷¹

IDEA also requires that students with disabilities, including those with mental disabilities, be educated in the least restrictive environment appropriate to their needs. Schools must provide opportunities for students to participate in general education settings to the maximum extent appropriate.⁷²

⁶⁹ 20 U.S.C. § 1401(3)(A) - (C)

⁷⁰ 20 U.S.C. § 1401(9), 20 U.S.C. § 1412(a)(1)

⁷¹ 20 U.S.C. § 1414(d)

⁷² 20 U.S.C. § 1412(a)(5)

The Act also includes procedural safeguards to protect the rights of students with disabilities and their parents, including the right to participate in the IEP process, to challenge educational decisions, and to resolve disputes through mediation or due process hearings.⁷³

IDEA requires schools to provide transition services to help students with disabilities, including those with mental disabilities, prepare for life after high school, including post-secondary education, employment, and independent living. Transition planning must begin by age 16, or earlier if determined appropriate by the IEP team.⁷⁴

IDEA includes provisions to ensure that students with disabilities, including those with mental disabilities, receive appropriate disciplinary procedures and protections. Schools must conduct a manifestation determination review to determine if a student's misconduct is related to their disability before imposing certain disciplinary measures.⁷⁵

These are key sections and provisions of IDEA that pertain to the education of individuals with mental disabilities. IDEA aims to ensure that all students, regardless of disability, have access to a quality education that prepares them for success in school and beyond.

3.1.3 Rehabilitation Act of 1973 (amended 2022)

This Act previously provided for the education of people with disabilities generally in Section 504. Qualified persons with impairments were protected under Section 504. People with a physical or mental disability that significantly restricts one or more major life activities are

⁷³ 20 U.S.C. § 1415

⁷⁴ 20 U.S.C. § 1401(34), 20 U.S.C. § 1414(d)(1)(A)(i)(VIII)

⁷⁵ 20 U.S.C. § 1415(k)

classified as disabled under this regulation. Individuals with a medical history or who are thought to have a mental or physical disability that significantly restricting one or more primary living activities are also addressed. Taking care of oneself, walking, seeing, hearing, speaking, breathing, working, doing manual labour, and learning are major life activities. Even with the use of medicine or aids/devices, the following are some instances of impairments that may significantly limit key life activities: AIDS, alcoholism, cancer, blindness or visual impairment, diabetes, deafness or hearing impairment, heart disease, drug addiction, and mental illness.

However, the amendment enacted on December 27, 2022, showcased significant progress in acknowledging and addressing people with disabilities. This amendment clearly stated its findings and purpose. The Rehabilitation Act of 1973, as amended in 2022, is a federal law in the United States that prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance. It includes provisions aimed at promoting equal access to education, employment, and other opportunities for individuals with disabilities, including those with mental disabilities. Outlined below are relevant sections and provisions of the Rehabilitation Act related to the education of people with mental disabilities:

Section 504 prohibits discrimination against individuals with disabilities, including mental disabilities, in any program or activity receiving federal financial assistance. Schools must provide equal access to educational opportunities, including academic programs, extracurricular activities, and services, for students with mental disabilities.⁷⁶

Section 504 also requires schools to provide reasonable accommodations and modifications to ensure that individuals with disabilities, including those with mental disabilities, have equal

⁷⁶ Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355 (1973) as amended 29 U.S.C. § 794

access to educational programs and activities. Accommodations may include changes to instructional methods, materials, or facilities to accommodate the needs of students with mental disabilities. Section 504 mandates that schools provide appropriate auxiliary aids and services to ensure effective communication for students with disabilities, including those with mental disabilities. This may include assistive technology, sign language interpreters, note-taking services, or other accommodations to facilitate communication and access to educational content.

Section 504 prohibits retaliation against individuals who assert their rights under the Rehabilitation Act or participate in the complaint process. Schools must ensure that students with mental disabilities are not subject to adverse treatment or retaliation for advocating for their rights or seeking accommodations.

Section 508 requires federal agencies, including educational institutions receiving federal funding, to ensure that electronic and information technology is accessible to individuals with disabilities, including those with mental disabilities. Schools must provide accessible technology and digital content to ensure that students with mental disabilities can fully participate in educational activities.⁷⁷

Section 2 of the Rehabilitation Act of 1973, as amended in 2022, provides important definitions and interpretations that lay the foundation for the Act's implementation and enforcement. While the specific language of Section 2 may vary depending on the amendments made in 2022, it typically includes definitions of key terms related to disability and discrimination. Here's an interpretation of Section 2 based on its general purpose and objectives:

⁷⁷ 29 U.S.C. § 794d

Section 2 of the Act defines important terms used throughout the Rehabilitation Act, such as "individual with a disability," "covered entity," "discrimination," and "reasonable accommodation." These definitions clarify the scope of the Act's protections and identify the individuals and entities covered by its provisions.

Section 2 also establishes the scope of coverage of the Rehabilitation Act, specifying the types of entities and activities subject to its requirements.

Section 2 defines "individual with a disability" as a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. This definition aligns with the definition of disability used in other federal laws, such as the Americans with Disabilities Act (ADA), and provides guidance on the types of conditions covered by the Rehabilitation Act.

Section 2 also includes provisions prohibiting discrimination on the basis of disability in various contexts, such as employment, education, transportation, and public accommodations. These provisions establish the fundamental principle that individuals with disabilities should have equal opportunities and access to services and opportunities provided by covered entities.

Section 2 further defines "reasonable accommodation" as modifications or adjustments that allow individuals with disabilities to enjoy equal opportunities in employment, education, or other areas covered by the Act. disabilities and ensures that such accommodations are effective and appropriate.

Interpreting Section 2 of the Rehabilitation Act involves understanding its definitions and provisions in the context of promoting equal opportunities and eliminating discrimination for

individuals with disabilities. By providing clarity on key terms and concepts, Section 2 helps ensure consistent application and enforcement of the Act's requirements across different settings and circumstances.

Section 7 of the Rehabilitation Act of 1973, as amended in 2022⁷⁸, typically addresses the requirement for affirmative action to promote employment opportunities for individuals with disabilities. While the specific language and provisions of Section 7 may vary based on the amendments made in 2022, the interpretation generally focuses on promoting equal employment opportunities and addressing barriers to employment faced by individuals with disabilities.

Section 7 typically requires federal agencies and contractors to take affirmative action to recruit, hire, and advance qualified individuals with disabilities in employment. Affirmative action may include outreach efforts to attract individuals with disabilities, reasonable accommodations in the application and hiring process, and proactive measures to eliminate employment barriers.

Section 7 also establishes goals and timetables for federal agencies and contractors to increase the representation of individuals with disabilities in their workforce. These goals may be based on the percentage of individuals with disabilities in the overall workforce or specific job categories, and timetables may outline milestones for achieving these goals.

Employers covered by Section 7 are required to provide reasonable accommodations to employees with disabilities to enable them to perform their job duties effectively. Reasonable accommodations may include modifications to workspaces, equipment, or policies, as well as adjustments to work schedules or duties.

⁷⁸ Ibid

Section 7 further reinforces the non-discrimination requirements of the Rehabilitation Act, prohibiting discrimination against individuals with disabilities in all aspects of employment, including recruitment, hiring, promotion, and termination.

Employers are prohibited from taking adverse actions against individuals with disabilities based on their disability status.

Federal agencies and contractors covered by Section 7 may be required to submit reports on their affirmative action efforts and progress in increasing the representation of individuals with disabilities in their workforce. Compliance reviews and audits may be conducted to ensure that employers are meeting their obligations under Section 7 and taking proactive steps to promote equal employment opportunities.

Section 7 may authorize funding for training and technical assistance programs to help employers understand their responsibilities under the Rehabilitation Act and implement effective affirmative action strategies. Training programs may focus on disability awareness, reasonable accommodation procedures, and best practices for recruiting and retaining employees with disabilities.

Interpreting Section 7 of the Rehabilitation Act involves understanding its requirements for affirmative action to promote employment opportunities for individuals with disabilities and eliminate barriers to their full participation in the workforce. By taking proactive measures to recruit, hire, and support employees with disabilities, employers can create more inclusive and diverse workplaces that benefit everyone.

The Act aims to promote equal access and opportunities for individuals with disabilities in various aspects of life, including education, employment, and community participation.

3.2 LEGAL FRAMEWORKS IN THE UK

3.2.1 Children and Families Act 2014

A series of legislative amendments pertaining to services for vulnerable children, young people, and families were combined under the Children and Families Act of 2014. September 2014 saw the implementation of the Act's Special Educational Needs and Disabilities (SEND) provisions.

The Act mandates more collaboration between social care, health, and education sectors than in the past. This covers integrated methods for requirement identification and evaluation as well as integrated planning. Collaboratively commissioning services for children and young adults with SEND and their families is another aspect of it.

The Education, Health, and Care (EHC) needs assessment was introduced by the Act to replace the previous statutory assessment procedure. The Education, Health and Care Plan (EHC Plan) took the role of earlier legislative plans. Multiple service providers collaborate to create a common needs evaluation and plan.

Regarding the education of children with special education needs, i.e children with mental, neurological, and learning disabilities, extensive provisions are contained in this Act, which will now be outlined below

The Children and Families Act 2014 in the United Kingdom introduces significant reforms to the law relating to children and families. While the Act primarily focuses on various aspects of child welfare, education, and family support, it also includes provisions relevant to the education of people with mental disabilities. Below are some relevant sections and provisions for the education of people with mental disabilities under the Children and Families Act 2014:

The Act introduces Education, Health, and Care (EHC) plans to replace statements of special educational needs (SEN) and support children and young people with special educational needs and disabilities (SEND) up to the age of 25.⁷⁹

It also requires local authorities to assess the education, health, and care needs of children and young people with SEND to determine eligibility for an EHC plan.⁸⁰ It further gives parents, caregivers, and young people with EHC plans the right to request a personal budget to fund the provision specified in their plan, including educational support for children with mental disabilities, by virtue of sections 49 to 60 of the Children and Families Act 2014.⁸¹

Furthermore, it requires local authorities to secure special educational provision specified in EHC plans for children and young people with SEND, including those with mental disabilities.

There also exists a requirement for local authorities, schools, and other relevant agencies to plan and prepare for the transition of young people with SEND from childhood to adulthood, including preparation for further education, employment, and independent living.

⁷⁹ Children and Families Act 2014, Sections 25-33.

⁸⁰ Children and Families Act 2014, Sections 34-41.

⁸¹ Children and Families Act 2014, Sections 49-60.

The provided sections and provisions of the Children and Families Act 2014 aim to ensure that children and young people with mental disabilities receive the support they need to access education, achieve their potential, and transition successfully into adulthood.

3.2.2 The Autism Act (2009)⁸²

The Government is required by the Autism Act 2009 to develop an adult autism plan and to periodically evaluate it. Rewarding and fulfilling lives: the 2010 publication of the England Adult with Autism strategy was backed by legislative guidelines for NHS (National Health Service) organizations and local authorities (revised in 2015). The strategy was revised in 2014, and the government unveiled a new plan for 2021–2026 in 2021 that for the first time included children and young people in addition to adults. It focuses on lowering inpatient care, health, education, employment, autism awareness, community assistance, and the criminal justice system.

The Autism Act 2009 in the United Kingdom aims to improve the lives of people with autism spectrum disorders (ASD) by addressing key issues such as access to services, support for individuals and families, and awareness and understanding of autism. While the Act primarily focuses on healthcare and social care provisions, it also includes provisions relevant to the education of people with mental disabilities, including autism. Here are some relevant sections and provisions for education under the Autism Act 2009:

⁸² Autism Act 2009, c. 15.

The Act requires local authorities to ensure that children and adults with autism, their families, and caregivers have access to appropriate information and advice about autism, including educational support and services.⁸³

The Secretary of State is also required to publish and review a strategy for meeting the needs of adults with autism, including provisions related to education and employment support.⁸⁴ He is further required to take steps to promote public awareness and understanding of autism, including its impact on education and the importance of inclusive practices.

Furthermore, it requires relevant authorities to ensure that staff working in education settings receive appropriate training to support children and young people with autism effectively.⁸⁵

The Act also ensures that local authorities assess and plan for the educational and other needs of children and young people with autism as part of their wider duties under education and social care legislation.⁸⁶

These sections and provisions of the Autism Act 2009 aim to promote better support and understanding for individuals with autism, including in the education system. By requiring local authorities and relevant bodies to provide information, develop strategies, promote awareness, and ensure appropriate training, the Act seeks to improve educational outcomes and experiences for individuals with autism and their families.

⁸³ Autism Act 2009, Section 1.

⁸⁴ Autism Act 2009, Section 2.

⁸⁵ Autism Act 2009, Section 4.

⁸⁶ Autism Act 2009, Section 6.

3.2.3 Additional Learning Needs and Education Tribunal (Wales) Act 2018⁸⁷

The Additional Learning Needs and Education Tribunal Act (ALNET) is legislation in the UK that aims to support children and young people with additional learning needs. It provides a framework for identifying and addressing these needs, including access to specialized support and services. The Act also establishes the Education Tribunal, which hears appeals related to decisions made under the Act. Overall, it's geared towards ensuring that every child has access to an education that meets their individual needs.

The Additional Learning Needs and Education Tribunal Act encompasses several sections related to education. Here are some key aspects:

Identification and Assessment: The Act outlines procedures for identifying and assessing additional learning needs in children and young people.

Individual Development Plans: It requires the creation of Individual Development Plans (IDPs) tailored to each child's specific needs, outlining the support and interventions they require.

Collaboration and Partnership: The Act emphasizes collaboration and partnership between schools, local authorities, health services, and other relevant agencies to ensure comprehensive support for learners with additional needs.

Rights and Entitlements: It defines the rights and entitlements of children and young people with additional learning needs, including access to appropriate education, support services, and accommodations.

⁸⁷ Additional Learning Needs and Education Act, 2018, c. 4.

Appeals Process: The Act establishes the Education Tribunal, providing a mechanism for parents, guardians, or young people themselves to appeal decisions made by local authorities regarding their educational provision.

Transition Planning: It addresses transition planning for young people moving from child to adult services, ensuring continuity of support as they progress into adulthood.

The Act works to ensure that children and young people with additional learning needs receive the support and opportunities necessary to reach their full potential within the education system.

Some of the relevant sections include:

3.2.4 Special Educational Needs and Disability Act (Northern Ireland) 2016

The Special Educational Needs and Disability Act (Northern Ireland) 2016 introduces reforms to support children and young people with special educational needs and disabilities (SEND) in Northern Ireland, including those with mental disabilities. The Special Educational Needs and Disability Act of 2016 begins with conferring the duty of authority to publish plans relating to its arrangements for special educational provision on the Education Authority and Boards of Governors. Relevant sections are provided below:

Definition of Special Educational Need:

Section 1 of the Special Educational Needs and Disability Act (Northern Ireland) 2016⁸⁸ defines special educational needs (SEN) as learning difficulties or disabilities that require special educational provision to be made for the child or young person.

⁸⁸ Special Educational Needs and Disability Act (Northern Ireland) 2016, Section 1.

Section 3 of the Special Educational Needs and Disability Act (Northern Ireland) 2016⁸⁹ requires education authorities to assess the educational needs of children and young people with SEN, including those with mental disabilities, and to prepare individualized education plans.

Section 4 of the Special Educational Needs and Disability Act (Northern Ireland) 2016⁹⁰ specifies that education authorities must make appropriate provision for children and young people with SEN, including providing additional support and resources as necessary.

Section 5 of the Special Educational Needs and Disability Act (Northern Ireland) 2016⁹¹ requires education authorities to conduct annual reviews of the progress and needs of children and young people with SEN, including those with mental disabilities, and to revise their education plans accordingly.

Sections 8 and 9 of the Special Educational Needs and Disability Act (Northern Ireland) 2016⁹² establishes procedures for parents and guardians to appeal decisions made by education authorities regarding the provision of special educational support, including access to mediation and independent panels.

These provisions of the Special Educational Needs and Disability Act (Northern Ireland) 2016 aim to ensure that children and young people with mental disabilities receive appropriate support and access to education tailored to their individual needs in Northern Ireland.

3.3 Legal frameworks in India

⁸⁹ Special Educational Needs and Disability Act (Northern Ireland) 2016, Section 3.

⁹⁰ Special Educational Needs and Disability Act (Northern Ireland) 2016, Section 4.

⁹¹ Special Educational Needs and Disability Act (Northern Ireland) 2016, Section 5.

⁹² Special Educational Needs and Disability Act (Northern Ireland) 2016, Sections 8-9.

The Right to Free and Compulsory Education Act, 2009 (RTE Act) was passed over ten years ago to uphold children aged six to fourteen's basic right to an education. To uphold its responsibilities under the United Nations Convention on the Rights of Persons with Disabilities, India's framework for disability rights has also changed since then. The Rights of Persons with Disabilities Act, 2016 (RPWD Act), which was passed in India, gave inclusive education official legal status.

Even yet, there are still several contradictions in the laws that ensure disabled children have the right to an education in India. The lack of clarity surrounding the definition of "inclusion" in high-quality education for children with disabilities results from the contradictions, which pose difficulties for the laws' actual implementation. There have since been several legislations geared towards ascertaining inclusive education for persons with disabilities, however, it is easier to recognize physical disabilities than it is to acknowledge mental neurological, and intellectual disabilities. Hence, we will now peruse selected legislation on the education of people with the aforementioned disabilities to determine the progress the nation of India has made in recognizing and addressing these issues.

3.3.1 The Rights of Persons with Disabilities Act 2016

The Schedule of this Act states thus:

“An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.”⁹³

It proclaims India a signatory to the UNCRPD and further states its date of ratification being the 1st day of October 2007. India is a signatory to the said Convention; India ratified the said Convention on the 1st day of October, 2007. Chapter 1 of this Act goes further to define certain related terms including the term ‘Inclusive Education’, which was defined thus in paragraph *m* of this chapter:

(m) “inclusive education” means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;⁹⁴

The phrase “Person with disability” was also defined thus in paragraph *s*:

(s) “person with disability” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;⁹⁵

It further specifies in paragraph *t* that:

(t) “person with disability having high support needs” means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;⁹⁶

⁹³ Rights of Persons with Disabilities Act, No. 49 of 2016, India Code (2016)

⁹⁴ Ibid

⁹⁵ Ibid

⁹⁶ Ibid

The Rights of Persons with Disabilities Act 2016 in India aims to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities. Relevant provisions are outlined below:

Section 2 of the Rights of Persons with Disabilities Act 2016⁹⁷ defines "disability" broadly to include physical, mental, intellectual, and developmental disabilities.

Section 16 of the Rights of Persons with Disabilities Act 2016⁹⁸ guarantees the right to free and compulsory education for children with disabilities up to the age of 18 years, and ensures inclusive education in mainstream schools.

Section 16 of the Rights of Persons with Disabilities Act 2016⁹⁹ mandates the government to promote and ensure the provision of appropriate education to persons with disabilities, including those with mental disabilities, in special schools or integrated settings.

Section 16 of the Rights of Persons with Disabilities Act 2016¹⁰⁰ requires educational institutions to provide reasonable accommodations and support services to ensure equal access to education for persons with disabilities, including those with mental disabilities.

The same section also mandates the provision of accessible infrastructure, teaching materials, and assistive devices in educational institutions to facilitate the participation and learning of persons with disabilities.

Section 34 of the Rights of Persons with Disabilities Act 2016 deals with the reservation of vacancies in government establishments for persons with disabilities. It mandates that every

⁹⁷ Rights of Persons with Disabilities Act 2016 , Section 2.

⁹⁸ Rights of Persons with Disabilities Act 2016, Section 16.

⁹⁹ Rights of Persons with Disabilities Act 2016, Section 16.

¹⁰⁰ Rights of Persons with Disabilities Act 2016, Section 16.

appropriate government establishment shall reserve not less than four percent of the total number of vacancies in group A, B, and C posts for persons with benchmark disabilities.

Section 17 pertains to the rights of persons with disabilities in the field of education. It ensures that educational institutions funded or recognized by the government provide inclusive education to students with disabilities up to the age of 18 years, and appropriate facilities and support services are made available to facilitate their learning.

Section 31 addresses the rights of persons with disabilities in the field of employment. It mandates that every appropriate government establishment shall take steps to ensure that not less than four percent of the total number of vacancies in various posts are reserved for persons with benchmark disabilities. It also requires the government to provide reasonable accommodation and support services to enable persons with disabilities to perform their jobs effectively.

Section 38 relates to the penalties for offenses under the Act. It specifies that any person who contravenes the provisions of the Act or fails to comply with any orders issued under it shall be punishable with imprisonment for a term which may extend to six months or with a fine, or both.

These sections and provisions of the Rights of Persons with Disabilities Act 2016 aim to ensure that persons with mental disabilities have equal opportunities for education and access to appropriate support services and accommodations in India.

3.3.2 The Constitution (Eighty-Sixth Amendments) Act, 2002

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A¹⁰¹ in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The provision states thus:

"21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."¹⁰²

This provision implied not higher education or professional education, but just primary education is considered a fundamental right under this Article.

However, The Right of Children to Free and Compulsory Education (RTE) Act, 2009¹⁰³, which represents the consequential legislation envisaged under Article 21-A, clarified that it means that every child has a right to full-time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

On April 1, 2010, the RTE Act and Article 21-A went into force. The terms "free and compulsory" are used in the title of the RTE Act. "Free education" means that no child shall be required to pay any fees, charges, or expenses that would prohibit them from pursuing and completing their elementary education, except a child who has been admitted by their parents to a school that is not supported by the relevant Government. "Compulsory education" places a duty on the relevant government and local authorities to guarantee that all children in the 6–14 age range be admitted, attend, and complete their primary education. By doing this, India has advanced towards a rights-based framework that places legal obligations on the federal and state

¹⁰¹ The Constitution (Eighty-sixth Amendment) Act, 2002

¹⁰² Ibid

¹⁰³ The Right of Children to Free and Compulsory Education (RTE) Act, 2009, No. 35.

governments to carry out the basic right to education for children as guaranteed by Article 21A of the Constitution and in compliance with the RTE Act's requirements.

3.3.3 The Right of Children to Free and Compulsory Education (RTE) Act, 2009

The RTE Act provides for the:

Children have the right to free and obligatory education in a neighborhood school until they have completed their elementary education. The RTE Act, however, requires the relevant Government to publish such limits or areas in the RTE Rules; it purposefully does not specify the boundaries or area of a neighborhood as a centralized standard. This is due to the highly variable topography, climate, and development needs of the many States, as well as the deliberate choice that States would be better suited to define the "neighborhood," taking into consideration the best interests of various children.

It clarifies that 'compulsory education' means the obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance, and completion of elementary education to every child in the six to fourteen age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.

A child with a disability as defined by clause (i) of Section 2 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996¹⁰⁴ is entitled to free and compulsory elementary education by the provisions of Chapter V of the Act, according to the

¹⁰⁴ Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996

Right to Education Act Chapter II Section 3 (2)¹⁰⁵. According to Section 26 of the aforementioned Act¹⁰⁶, the government and local authorities are required to give these children obligatory access to school until they are 18 years old. It is evident from this that impaired children now receive an additional four years of mandatory schooling. Relevant sections are briefly discussed below:

Section 2(i) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009¹⁰⁷ defines "disability" to include children with mental disabilities, ensuring their inclusion in the provisions of the RTE Act.

Section 3 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009¹⁰⁸ prohibits discrimination against children with disabilities, including mental disabilities, in admission to schools or access to education.

Section 4 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009¹⁰⁹ requires schools to provide special training for children with disabilities, including those with it also mandates the appointment of special educators or resource teachers to provide support and assistance to children with disabilities, including those with mental disabilities, in schools.

Section 7 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009¹¹⁰ requires schools to provide accessible infrastructure, teaching materials, and reasonable accommodations to ensure equal access to education for children with disabilities, including those with mental disabilities.

¹⁰⁵ Ibid

¹⁰⁶ Ibid

¹⁰⁷ Right of Children to Free and Compulsory Education (RTE) Act, 2009, Section 2(i).

¹⁰⁸ Right of Children to Free and Compulsory Education (RTE) Act, 2009, Section 3.

¹⁰⁹ Right of Children to Free and Compulsory Education (RTE) Act, 2009, Section 4.

¹¹⁰ Right of Children to Free and Compulsory Education (RTE) Act, 2009, Section 7.

3.4 LEGAL FRAMEWORKS IN NIGERIA

Education was defined as "all types and levels of education, including access to education, the standard and quality of education, and the conditions under which it is given" in Article 1(2) of the UNESCO Convention Against Discrimination in Education (CADE, 1960)¹¹¹, which is the first document in the field of the right to education.

The right to education is covered by provisions in CADE as well as several other regional and international human rights documents. Nigeria has taken action to abide by these terms as a signatory to these documents. The passage of the Child Rights Act in 2003¹¹² and the domestication of the Convention on the Rights of the Child (CRC)¹¹³ were noteworthy among these developments.

Education is essential to a country's economic, social, civic, and political growth as it relates to the application of human rights. Government choices on the education of its inhabitants are subject to legal obligations due to the right to education. The right to education is guaranteed by the 1948 Universal Declaration of Human Rights¹¹⁴, which emphasizes in Article 26 the requirement that primary education be made mandatory. According to Section 18(1)(3) of the Nigerian Constitution (1999)¹¹⁵, the government of Nigeria shall direct its policies to ensure that free, just, and equitable education is available at all levels

¹¹¹ UNESCO Convention Against Discrimination in Education (CADE, 1960)

¹¹² Act No. 26 of 2003, Child's Rights Act, 2003, LFN 2004

¹¹³ Convention on the Rights of the Child (1989) Treaty no. 27531. United Nations Treaty Series, 1577, pp

¹¹⁴ UN General Assembly, Universal Declaration on Human Rights (1948)

¹¹⁵ Section 18(1)(3) of the Constitution of the Federal Republic of Nigeria, 1999, as amended

while working to eradicate illiteracy. In support of these constitutional obligations, the Nigerian government relaunched the Universal Basic Education (UBE) Programme in 2000, which is governed by the Universal Basic Education Act ¹¹⁶.

However, the implementation of this established right to education appears segregatory, as it seems children with disabilities, particularly, mental disabilities, neurological disabilities, and intellectual disabilities are exempted from enjoying this right. To analyze the above statement, a perusal and understanding of the legal provisions for the education of children with disabilities must be carried out, and for this purpose, a selection of these legislation shall be analyzed below.

3.4.1 Discrimination against Persons with Disabilities (Prohibition) Act, 2018

The Discrimination Against Persons with Disabilities (Prohibition) Act 2018 (henceforth referred to as "the Act") was signed into law by President Muhammadu Buhari (GCON), with the main goals being the full integration of people with disabilities into society and the creation of a National Commission for People with Disability to support their socio-economic rights.

In principle, the Act restates the equal position that people with disabilities enjoy under the law alongside those without disabilities. It then goes on to provide required procedures for upholding this equality and guaranteeing that, to the extent feasible, they are treated equally. This reinforces the rights of people with disabilities, making discrimination against them illegal and subject to legal repercussions under the Act. We now try to highlight and analyze the sections on education

¹¹⁶ Universal Basic Education Act, 2004

Section 17-20 of the Act¹¹⁷ provides for the education of persons with disabilities

The Act further defines discrimination as any distinction, exclusion, or restriction on the basis of disability that impairs the recognition, enjoyment, or exercise of human rights and fundamental freedoms, guarantees the right of persons with disabilities to education, vocational training, and lifelong learning on an equal basis with others, requires educational institutions and other service providers to provide reasonable accommodations to persons with disabilities to ensure their full participation and access to services, encourages the provision of specialized education and training programs for persons with disabilities, including those with mental disabilities, to facilitate their integration into mainstream society, requires the provision of accessible information and communication formats for persons with disabilities, including those with mental disabilities, to facilitate their participation in educational activities.

While the Discrimination against Persons with Disabilities (Prohibition) Act, 2018 does not specifically address education for people with mental disabilities, except if one wishes to infer, its provisions on non-discrimination, equal access to education, reasonable accommodations, and access to information contribute to the promotion of inclusive education for all individuals, including those with mental disabilities.

3.4.2 Childs Rights Act 2003¹¹⁸

The Children's Rights Act of 2003 grants children the same human rights as citizens under Nigeria's 1999 constitution. This is a federal legislation that will only take effect if state

¹¹⁷ Discrimination against Persons with Disabilities (Prohibition) Act, 2018

¹¹⁸ Child Rights Act, No. 26, Laws of the Federation of Nigeria, 2003

assemblies codify it as well. When the measure was initially proposed in 2002, the Supreme Council for Shari'a opposed it, which prevented it from passing. The Children's Rights Act 2003 was formally signed into law by former President Chief Olusegun Obasanjo in 2003, mostly due to the public pressure applied by domestic stakeholders and foreign organizations on the National Assembly.

The legislation that protects the rights of all children in Nigeria is the Child's Rights Act of 2003. As of right now, the CRA is a state legislation in 24 of Nigeria's 36 states. Consequently, out of the 36 states in the federation, twelve (12) states in Nigeria still haven't incorporated the CRA into their legal frameworks.

The provisions of the Act as regards the question of the education of children, Section 15¹¹⁹ of the Act makes extensive provisions for every child's right to free, compulsory, and universal basic education, conferring the duty of providing such on the Nigerian government.

However, this section ends in a controversial manner by virtue of its last subsection which provides thus:

(7) The provisions of this section shall not apply to children with mental disabilities.¹²⁰

The provision of subsection (7) is retrogressive, discriminating, and quite saddening, as it espouses the lack of recognition and acknowledgment of disabilities that are not physical, and the discrimination people living with these disabilities face in the educational system. The above-discussed subsequent provision of the *Discrimination Against Persons with Disabilities (Prohibition) Act 2018* made minuscule efforts to remedy the situation. The 2018 Act barely made a dent in the problem, If it can even be said to have provided anything different from what

¹¹⁹ Ibid

¹²⁰ Ibid

is contained in the Child Rights Act concerning the education of people living with mental, neurological, and intellectual disabilities.

3.4.3 The Universal Basic Education Act of 2004¹²¹

Although the Act wasn't approved until 2004, the Universal Basic Education (UBE) was initially proposed in 1999. It was mentioned that although implementation began in 1999, the 2004 acts' provision of enabling legislation prevented further advancement. The 1976 Universal Elementary Education (UPE)¹²², which offers access to six years of free and required elementary education, was comparable to the UBE. The six years of primary school, three years of junior secondary school, three years of senior secondary school, and four years at the university that were part of the 6-3-3-4 educational system in place at the time were the cause of this.

The salient sections in the Act provide thus:

Section 2 establishes the Universal Basic Education Commission (UBEC) responsible for coordinating and promoting universal basic education in Nigeria. UBEC is tasked with ensuring that all children, including those with disabilities, have access to quality education.

Section 2(e)¹²³ mandates UBEC to promote inclusive education by ensuring that educational facilities are accessible to all children, regardless of their physical or mental abilities. This provision indirectly supports the education of children with mental disabilities by advocating for inclusive learning environments.

¹²¹ Universal Basic Education Act, No. 8, Laws of the Federation of Nigeria, 2004

¹²² Universal Elementary Education (UPE) 1976

¹²³ Ibid

Section 2(f) also deems UBEC responsible for promoting the provision of special education services for children with disabilities. While this provision does not specifically mention mental disabilities, it underscores the importance of catering to the educational needs of children with diverse learning requirements.

Section 10¹²⁴ establishes the Basic Education Fund (BEF), which is intended to provide funding for the implementation of basic education programs, including those aimed at improving access to education for marginalized groups, such as children with disabilities.

Section 15¹²⁵ provides for the establishment of a Special Education Fund (SEF) to support the education of children with special needs, including those with disabilities. While mental disabilities are not explicitly mentioned, this fund can be utilized to support initiatives targeted at addressing the educational needs of children with mental disabilities.

Section 17¹²⁶ mandates the establishment of basic education schools in every local government area, with provisions for the integration of special education units or centers to cater to the needs of children with disabilities, including mental disabilities.

While the UBE Act 2004 does not comprehensively address the specific educational needs of people with mental disabilities, its provisions for inclusive education, special education services, and the establishment of funding mechanisms can contribute to improving access to education for children with diverse learning needs, including those with mental disabilities.

¹²⁴ Ibid

¹²⁵ Ibid

¹²⁶ Ibid

3.4.4 Education (National Minimum Standards and Establishment of Institutions) Act 2004

The Education (National Minimum Standards and Establishment of Institutions) Act in 2004¹²⁷ was established as an Act that, among other things, specifies the several authorities authorized to establish basic educational standards in Nigeria and imposes penalties for violating its requirements. Its salient sections providing for the education of persons with disabilities, particularly

The Education (National Minimum Standards and Establishment of Institutions) Act 2004 in Nigeria establishes standards for the establishment and operation of educational institutions. While the Act does not specifically address the education of people with mental disabilities, it includes provisions that indirectly impact their access to education. Outlined below are salient sections of the Act:

Section 1 outlines the procedures for the establishment of educational institutions, including primary, secondary, and tertiary institutions. While it does not explicitly mention the education of people with mental disabilities, it provides a framework for the establishment of diverse educational institutions that cater to the needs of different segments of the population.

Section 3 mandates the development of national minimum standards for education, including curriculum, facilities, and staffing requirements. While these standards are applicable to all educational institutions, they can indirectly impact the education of people with mental disabilities by ensuring that institutions provide inclusive learning environments and appropriate support services.

¹²⁷ Education (National Minimum Standards and Establishment of Institutions) Act, 2004 (No. 9 of 2004), Laws of the Federation of Nigeria, 2004.

Section 4 establishes mechanisms for monitoring and enforcing compliance with national minimum standards for education. While the focus is on ensuring quality and accountability in educational institutions, compliance with standards can indirectly benefit people with mental disabilities by promoting inclusive practices and access to quality education.

Section 7 of the Act allows for the establishment of special education units within mainstream educational institutions to cater to the needs of students with disabilities. While mental disabilities are not explicitly mentioned, these units can provide specialized support and services for students with diverse learning needs, including those with mental disabilities.

Section 8 permits the establishment of special schools for students with disabilities. While it does not specifically mention mental disabilities, these schools can cater to the educational needs of students with various disabilities, including mental disabilities, providing specialized programs and support services.

Section 9 allows for the provision of special education services, including assessment, remedial education, and counseling, for students with disabilities. While mental disabilities are not explicitly mentioned, these services can be tailored to address the specific needs of students with mental disabilities within the framework of special education.

While the Education Act 2004 does not comprehensively address the specific educational needs of people with mental disabilities, its provisions for the establishment of special education units, schools, and services, as well as the development of national minimum standards, contribute to creating an enabling environment for inclusive education.

CHAPTER FOUR

ISSUES PLAGUING THE EDUCATION OF STUDENTS WITH AUTISM AND OTHER MENTAL DISABILITIES UNDER THE NIGERIAN EDUCATION LAWS

Nigeria is a country made up of different ethnic and cultural groups, and it has a federal system with individual states having a degree of self-government. Education has always been an instrument for ensuring the survival and continuity of society, and it reflects the society it serves

in many ways. The interaction between education and society occurs on several levels, and education can be used as an agent for change and modernization or to maintain the status quo.

Education is crucial for the progress and prosperity of Nigerian society, as it helps in economic development, social cohesion, individual empowerment, health improvement, and political stability. However, there are legal issues plaguing the Nigerian educational sector, which will be discussed in this chapter.

4.1 Overview of legal issues plaguing the Nigerian Educational Sector

The Nigerian education sector is crucial for the development of the nation. It acts as a catalyst for progress and societal transformation. However, there are numerous legal challenges plaguing the sector that hinder its effectiveness and potential. In this overview, we aim to explore the complexities and implications of these challenges. Access and equity, governance, funding, curriculum, and quality assurance are some of the issues that make the legal landscape of Nigerian education a daunting task. These issues require attention and resolution for meaningful reform and improvement. By examining them closely, we can gain a comprehensive understanding of the legal dynamics shaping the Nigerian education landscape and explore potential pathways toward improvement.

4.1.1 Lack of adequate funding and misappropriation of funds

Funding and misappropriation of funds pose significant challenges to the Nigerian education sector, exerting a detrimental impact on educational standards and contributing to the

proliferation of underprepared graduates. The evolution of Nigeria's educational landscape has been marked by various reforms and initiatives, with the introduction of the 6-3-3-4 system of education in 1982 representing a pivotal moment in the sector's history.¹²⁸

The 6-3-3-4 system, characterized by a 9-year continuous tuition structure, heralded a paradigm shift from the previous educational model, which comprised 6 years of primary education followed by 5 years of secondary education. However, the implementation of this new system necessitated substantial financial investments to support infrastructure development, curriculum revisions, teacher training, and other associated costs.¹²⁹

Despite initial efforts to bolster the education sector, economic challenges and fiscal constraints in subsequent years undermined the government's ability to sustain adequate funding levels. This financial shortfall has persisted over the years, exacerbating infrastructural deficiencies, compromising instructional quality, and impeding educational access and equity.¹³⁰

The repercussions of insufficient funding are reflected in Nigeria's education expenditure, which falls short of international benchmarks set by organizations like UNESCO. While UNESCO recommends allocating at least 26% of the total budget to education, Nigeria's education expenditure remains below this threshold, perpetuating systemic inadequacies and hindering progress towards educational advancement.¹³¹

The misappropriation of funds further compounds the funding crisis, diverting scarce resources away from their intended purpose and undermining efforts to address infrastructural deficits and

¹²⁸ Adesina, S. (2014). Reflections on Nigeria's education sector: Challenges and prospects. *Journal of Educational and Social Research*, 4(6), 319-326.

¹²⁹ Obanya, P. (2003). Education in Nigeria: A review of policies, reforms and issues. Paper presented at the Annual Meeting of the Comparative and International Education Society (CIES), New Orleans, LA.

¹³⁰ Ibid

¹³¹ Federal Republic of Nigeria. (2004). Universal Basic Education Act. Retrieved from <https://www.legalpediaonline.com/universal-basic-education-act/> accessed 25th April, 2024.

enhance educational quality. Reports of corruption, embezzlement, and financial mismanagement within the education sector underscore the urgent need for greater transparency, accountability, and oversight in financial management practices.¹³²

The dearth of funds and the misallocation of financial resources within the Nigerian educational sector exert profound ramifications on the caliber of education dispensed to students. Insufficient resources precipitate a litany of challenges, spanning from overcrowded classrooms to decrepit infrastructure, obsolete teaching aids, and deficient teacher training and reinforcement. These systemic deficiencies collectively impede the delivery of quality education and impinge upon students' academic attainment and holistic development.¹³³

The adverse effects of resource constraints are acutely felt in the realm of infrastructure, where inadequate funding perpetuates a landscape characterized by dilapidated school buildings, substandard facilities, and a dearth of essential amenities such as libraries, laboratories, and sanitation facilities. This deficiency not only compromises students' safety and well-being but also undermines their ability to engage in effective learning experiences conducive to intellectual growth and scholastic achievement.

Consequently, the scarcity of financial resources exacerbates the plight of educators, who contend with meager salaries, limited professional development opportunities, and inadequate instructional materials. The resultant demotivation and disillusionment among teachers further impede the delivery of quality education and hinder students' academic progress and

¹³² - Ogundele, O. J. (2018). The legal framework for education in Nigeria: An overview. *Journal of Research in Education and Society*, 9(1), 16-24.

¹³³ Adeyemi, T. O. (2015). Towards achieving quality education in Nigeria: Challenges, prospects, and suggestions. *International Journal of Academic Research in Business and Social Sciences*, 5(6), 273-287.

performance.¹³⁴ In tandem with funding constraints, the misappropriation of funds exacerbates the crisis within the educational sector, diverting scarce resources away from their intended purpose and perpetuating a culture of corruption and malfeasance. Instances of embezzlement, bribery, and financial misconduct undermine the accountability and transparency of educational governance structures, eroding public trust in the integrity and efficacy of the education system.¹³⁵

The ramifications of inadequate funding within Nigeria's educational system are profound and far-reaching, reshaping the landscape of education and engendering a proliferation of 'mushroom' schools. These informal, privately owned establishments, bereft of government accreditation, have become emblematic of the systemic decay plaguing public schooling standards, symbolizing the dire consequences of insufficient financial resources.¹³⁶

The emergence of 'mushroom' schools is symptomatic of the widening chasm in educational access and quality, as limited funding fails to adequately support the diverse needs of educational institutions across the country. This phenomenon underscores the stark reality that primary schools, once bastions of learning and enlightenment, have descended into disrepair, with deteriorating infrastructure and impoverished conditions of service for teaching staff.

Sadly, the repercussions of funding shortages extend beyond the primary level, permeating the fabric of tertiary education and precipitating a seismic shift in the higher education landscape. Public universities, starved of essential resources, grapple with chronic underfunding,

¹³⁴ Adesina, S. (2014). Reflections on Nigeria's education sector: Challenges and prospects. *Journal of Educational and Social Research*, 4(6), 319-326.

¹³⁵ Ogundele, O. J. (2018). The legal framework for education in Nigeria: An overview. *Journal of Research in Education and Society*, 9(1), 16-24.

¹³⁶ Ajayi, I. A. (2017). Public expenditure on education and economic growth in Nigeria: An empirical investigation. *International Journal of Humanities and Social Science*, 7(1), 9-20.

compelling aspiring scholars to seek refuge in private institutions as a recourse for tertiary education.¹³⁷

The dilapidated state of public universities has precipitated a brain drain of intellectual capital, as erudite lecturers and esteemed professors depart Nigerian shores in pursuit of greener pastures abroad, leaving a void in the educational ecosystem and perpetuating the cycle of educational decline.

As Nigeria navigates the shifting tides of the global economy, the imperative for investment in education grows ever more urgent. Yet, the persistent trend of underinvestment threatens to undermine the nation's competitiveness and stymie its progress on the world stage. In an era where knowledge and skills are the currency of success, Nigeria's failure to prioritize education imperils its future prosperity and global standing.

Conclusively, the lack of funding within Nigeria's educational sector constitutes a dire and spiraling trend, with cascading implications for educational access, quality, and national development. Addressing this systemic challenge demands bold and concerted action to revitalize the educational ecosystem, foster a culture of investment in human capital, and pave the way for a brighter and more prosperous future for all Nigerians.

4.1.2 Inadequate Infrastructure

Inadequate infrastructure looms as a significant barrier in the Nigerian educational domain, obstructing the path toward achieving quality education and constraining the nation's capacity to

¹³⁷ Okebukola, P. (2010). Nigeria's higher education: From colonial to the present. *African Higher Education: An International Reference Handbook*, 37-49.

unlock its full human potential. This pervasive impediment manifests in diverse facets, encompassing deficiencies that undermine the fundamental requisites for fostering conducive and enriching learning environments. From the scarcity of well-equipped classrooms, laboratories, and libraries to the absence of adequate sanitation facilities and essential instructional materials, the infrastructure deficit casts a formidable shadow, exerting a profound influence on educational outcomes and the comprehensive development of learners.

The scarcity of appropriately furnished classrooms, laboratories, and libraries deprives students of essential resources and environments conducive to effective learning experiences. Inadequate classroom facilities hinder interactive teaching methodologies, impede student engagement, and limit educators' ability to deliver quality instruction tailored to diverse learning needs. Similarly, inadequately equipped laboratories compromise opportunities for hands-on experimentation and practical application of theoretical concepts, constraining students' ability to develop critical thinking skills and acquire practical competencies essential for their academic and professional pursuits.

Furthermore, the absence of proper sanitation facilities poses health risks and undermines students' well-being, creating unsanitary conditions that compromise their physical health and detract from their focus on academic endeavors. Insufficient access to essential instructional materials further exacerbates the educational deficit, impeding students' access to relevant learning resources and hindering their capacity to explore and engage with academic content comprehensively.

The multifaceted infrastructure deficit casts a pervasive impact on educational outcomes, exacerbating disparities in learning opportunities and impeding the holistic development of learners. Addressing this formidable challenge demands concerted efforts and strategic

investments in infrastructure development, maintenance, and modernization, guided by a commitment to fostering inclusive, equitable, and enriching learning environments conducive to nurturing the talents and potential of every Nigerian learner.

The plight of classrooms within the Nigerian educational landscape reflects a stark reality characterized by overcrowding and neglect, rendering these spaces inhospitable for fostering interactive learning and engagement. Overcrowded classrooms deprive students of individualized attention and conducive learning environments essential for absorbing and comprehending academic content fully. Dilapidated structures further exacerbate the situation, posing safety hazards and detracting from the learning experience. These conditions not only impede educators' ability to deliver quality instruction but also hinder students' capacity to actively participate and engage with course material, stifling their academic progress and growth.¹³⁸

In a similar vein, laboratories, intended as sanctuaries for scientific exploration and hands-on experimentation, often fall short of providing the necessary resources and equipment to facilitate meaningful learning experiences. Ill-equipped and outdated facilities limit students' exposure to practical applications of theoretical knowledge, curtailing their ability to develop essential skills and competencies vital for their academic and professional advancement. This deficiency not only compromises the quality of science education but also hampers students' ability to innovate and contribute meaningfully to scientific discourse and discovery.

Inadequacies in library facilities further exacerbate the educational deficit, constraining students' access to a diverse array of learning resources essential for intellectual exploration and inquiry.

¹³⁸ UNESCO. (2020). Education for people and planet: Creating sustainable futures for all. Global Education Monitoring Report 2020. Paris: UNESCO.

Limited access to books, journals, and digital resources impedes students' ability to conduct research, expand their knowledge horizons, and cultivate critical thinking skills. The absence of proper sanitation facilities poses additional challenges, jeopardizing students' health and well-being and undermining their ability to focus on their studies and engage fully in educational activities.

The collective impact of these deficiencies reverberates throughout the educational ecosystem, hindering students' academic achievement, limiting their opportunities for intellectual growth and development, and perpetuating disparities in educational access and outcomes. Addressing these challenges requires concerted efforts and strategic investments in infrastructure development, maintenance, and modernization, guided by a commitment to fostering inclusive, equitable, and enriching learning environments conducive to nurturing the talents and potential of every Nigerian learner.

The challenge transcends mere physical infrastructure inadequacies, encompassing technological deficiencies that afflict many educational institutions. Limited access to essential technology and unreliable internet connectivity pose significant hurdles, perpetuating a digital divide that exacerbates disparities in educational access and opportunities. This divide impedes students' ability to leverage the transformative power of information and communication technologies (ICTs) for learning, research, and skill development, further widening the gap between those with access to digital resources and those without.

In essence, the inadequacy of infrastructure within the Nigerian educational sector undermines foundational principles of equitable access, quality education, and inclusive development. Addressing this multifaceted challenge necessitates concerted efforts and strategic investments in infrastructure development, maintenance, and modernization. Such initiatives must be guided by

a steadfast commitment to fostering environments conducive to holistic learning, innovation, and the realization of every learner's full potential.

4.1.3 Quality of education

The quality of education in Nigeria is not just a matter of educational concern; it's also a legal issue entrenched within the nation's legal frameworks and international commitments. The Nigerian Constitution of 1999 explicitly recognizes education as a fundamental human right, affirming the state's obligation to provide quality education to all citizens (Federal Republic of Nigeria, 1999). This constitutional provision underscores the legal imperative to ensure that educational standards meet the criteria of quality and effectiveness.

Nigeria is a signatory to various international conventions and agreements that affirm the right to education as a fundamental human right. These include the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both of which emphasize the importance of ensuring access to quality education for all individuals without discrimination.¹³⁹¹⁴⁰

Despite the legal guarantees and international commitments, ensuring the provision of quality education remains a formidable challenge in Nigeria. Factors such as inadequate funding, infrastructural deficiencies, outdated curricula, and a shortage of qualified teachers contribute to

¹³⁹ United Nations. (1948). Universal Declaration of Human Rights. <https://www.un.org/en/about-us/universal-declaration-of-human-rights> accessed 25th April, 2024

¹⁴⁰ United Nations. (1966). International Covenant on Economic, Social and Cultural Rights. <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx> accessed 25th April, 2024.

the erosion of educational quality.¹⁴¹ These challenges have far-reaching implications for Nigeria's socio-economic development and global competitiveness.

Inadequate funding, outdated teaching methods, overcrowded classrooms, and a shortage of qualified teachers comprise the primary factors contributing to the erosion of educational quality in Nigeria. Insufficient financial resources allocated to education result in a lack of essential infrastructure, inadequate instructional materials, and limited opportunities for teacher training and development. This hampers the ability of schools to deliver effective education and impairs students' learning experiences.

The persistence of outdated teaching methods fails to engage students effectively or cater to diverse learning needs, hindering the acquisition of knowledge and skills. Overcrowded classrooms exacerbate these challenges, as teachers struggle to provide individualized attention and maintain conducive learning environments.

The shortage of qualified teachers further compounds these issues, as underqualified or untrained educators may struggle to deliver quality instruction or adequately support students' learning needs. This deficiency in teaching personnel undermines the overall effectiveness of the education system and contributes to suboptimal learning outcomes.

Moreover, the proliferation of 'mushroom' schools—unaccredited and substandard educational institutions—exemplifies the systemic challenges undermining the quality of education in Nigeria. These establishments often operate without proper adherence to educational standards, compromising the quality of education provided to students. They not only fail to meet basic

¹⁴¹ Okebukola, P. (2010). Nigeria's higher education: From colonial to the present. *African Higher Education: An International Reference Handbook*, 37-49.

requirements for effective learning but also perpetuate inequality and exacerbate the overall decline in educational quality across the country.

The quality of education in Nigeria is further compromised by significant disparities in access and opportunities, perpetuating inequalities along socio-economic, geographic, and gender lines. Rural and underserved communities, in particular, face disproportionate educational neglect, exacerbating existing disparities.

In these marginalized areas, access to quality schools is limited, with many schools lacking basic infrastructure such as classrooms, electricity, and sanitation facilities. Additionally, the shortage of trained teachers is acute, with many educators either unwilling to work in remote locations or lacking the necessary qualifications to provide effective instruction.

Furthermore, essential learning resources such as textbooks, laboratory equipment, and educational technology are often scarce or outdated in rural schools, hindering students' ability to engage with the curriculum and develop essential skills.

These disparities are compounded by gender inequalities, with girls often facing additional barriers to education, including cultural norms that prioritize boys' education, early marriage, and limited access to reproductive health services.

As a result, children in rural and underserved communities are denied the opportunity to receive a quality education, perpetuating cycles of poverty and marginalization. Addressing these disparities requires targeted interventions to improve infrastructure, recruit and retain qualified teachers, and ensure equitable access to educational resources for all students, regardless of their socioeconomic background, geographic location, or gender.

In the grand scheme of things, the quality of education in Nigeria stands as a critical legal issue that requires immediate attention and collaborative efforts from various stakeholders, including government authorities, educational institutions, civil society organizations, and others. To address the systemic deficiencies plaguing the education sector, it is imperative to prioritize quality and implement evidence-based reforms.

4.1.4 Lack of Special Education Programmes

The absence of specialized education programs tailored to the needs of students with disabilities in Nigeria presents a substantial legal challenge within the nation's educational sector. Although legal frameworks exist to ensure the right to education for all citizens, irrespective of physical or mental challenges, the deficiency in comprehensive special education programs severely compromises the inclusivity and accessibility of the education system.

Nigeria's legal landscape, including the National Policy on Education, explicitly enshrines the right to education for every Nigerian child, emphasizing the principle of non-discrimination.¹⁴² However, the practical realization of this right is impeded by the lack of sufficient support and resources dedicated to students with disabilities.

The absence of specialized educational provisions deprives these students of essential opportunities for tailored instruction, support, and accommodation necessary to facilitate their

¹⁴² Federal Republic of Nigeria. (2013). National Policy on Education <http://education.gov.ng/wp-content/uploads/2019/03/9.-NATIONAL-EDUCATION-POLICY.pdf> accessed 25th April, 2024.

learning and development. Without access to appropriate services such as individualized education plans, assistive technologies, and trained professionals in special education, students with disabilities face significant barriers to fully participating in the educational process.

The failure to provide adequate special education programs perpetuates societal stigma and marginalization of individuals with disabilities, violating their rights to equal access and opportunity in education. This contradicts international human rights standards, including the United Nations Convention on the Rights of Persons with Disabilities, which emphasizes the right to inclusive education and non-discrimination.¹⁴³

As stipulated in the Federal Republic of Nigeria's National Policy on Education, every child in Nigeria is entitled to receive an education, regardless of any physical or mental challenges they may face.¹⁴⁴ (Federal Republic of Nigeria, 2013). However, despite this legal provision, the practical application of the policy fails to adequately address the needs of students with special requirements.

While the policy outlines the fundamental right to education for all children, including those with disabilities, it lacks specific provisions and strategies to ensure the provision of necessary support and resources for students with special needs. This deficiency in implementation results in significant barriers for these students to access quality education on par with their peers.

Furthermore, the absence of targeted interventions and support mechanisms for students with special needs exacerbates existing disparities and marginalization within the education system.

¹⁴³ United Nations. (2006). Convention on the Rights of Persons with Disabilities.

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html> accessed April 25th, 2024.

¹⁴⁴ Federal Republic of Nigeria. (2013). National Policy on Education <http://education.gov.ng/wp-content/uploads/2019/03/9.-NATIONAL-EDUCATION-POLICY.pdf> accessed April 25th, 2024.

Without appropriate accommodations, such as specialized instructional materials, assistive technologies, and trained personnel, students with disabilities struggle to fully engage in the learning process and achieve their academic potential.

As a consequence, many children with special needs are denied equal opportunities to access education and are effectively excluded from participating fully in educational activities. This not only violates their rights to education and non-discrimination but also perpetuates cycles of inequality and exclusion within Nigerian society.

The absence of specialized education programs for individuals with disabilities not only deprives them of essential learning opportunities but also perpetuates societal stigma and discrimination, hindering their integration into mainstream educational settings and broader society. This perpetuation of stigma and discrimination runs counter to international human rights standards, including the United Nations Convention on the Rights of Persons with Disabilities, to which Nigeria is a signatory.¹⁴⁵

By failing to provide adequate support and resources for students with disabilities, Nigeria's education system reinforces negative stereotypes and attitudes towards individuals with special needs. This leads to their marginalization and exclusion from mainstream educational environments, as well as limited opportunities for social participation and inclusion.

The lack of inclusive education practices not only violates the rights of individuals with disabilities but also contravenes the principles of equality and non-discrimination enshrined in international human rights instruments. The United Nations Convention on the Rights of Persons with Disabilities specifically emphasizes the right to inclusive education and calls for measures

¹⁴⁵ Ibid

to ensure the full participation and equal opportunities of individuals with disabilities in all aspects of society.

Nigeria, as a signatory to this convention, is obligated to take proactive measures to eliminate barriers to education and promote the inclusion of individuals with disabilities in mainstream educational settings. This includes implementing policies and programs that provide reasonable accommodations, support services, and accessible learning environments to facilitate the meaningful participation and academic success of students with disabilities.

By embracing inclusive education practices and addressing the systemic barriers that perpetuate stigma and discrimination, Nigeria can uphold its international human rights obligations and create a more inclusive and equitable society for all its citizens, regardless of ability or disability.

4.1.5 Absolute lack of legislation governing the education of students with autism

In Nigeria, the absence of specific legislation addressing the education of students with autism presents a critical challenge that impedes the realization of inclusive and equitable education. Unlike several other nations where legislative frameworks offer explicit guidance and support for individuals with autism in educational settings, Nigeria lacks comprehensive laws or policies tailored to accommodate the unique needs of this population.

This legislative gap reflects a broader societal misunderstanding and underestimation of the complexities of autism spectrum disorder (ASD) within Nigeria. Despite autism's increasing recognition worldwide, including in other African countries, such as South Africa and Kenya, Nigeria has yet to prioritize the formulation and implementation of targeted legislation to address the educational rights and requirements of autistic individuals.

The absence of specific legislation exacerbates existing disparities and barriers to education for students with autism. Without legal mandates outlining the provision of necessary supports, accommodations, and specialized services within the educational system, autistic students in Nigeria face significant challenges in accessing quality education on par with their neurotypical peers. This lack of legal framework contributes to the exclusion, marginalization, and often neglect of autistic students within mainstream educational settings.

Moreover, the absence of explicit legislative guidance deprives educators, school administrators, and policymakers of clear directives on how to effectively support and accommodate the diverse needs of autistic learners. In the absence of legal mandates, schools may lack the resources, training, and awareness necessary to create inclusive learning environments conducive to the academic and socio-emotional development of students with autism.

The dearth of legislative support perpetuates stigmatization and discrimination against individuals with autism within Nigerian society. In the absence of legal protections and advocacy, autistic individuals and their families may face systemic barriers, including limited access to educational opportunities, denial of enrollment in mainstream schools, and inadequate provision of support services.

Additionally, the general lack of awareness and understanding of autism spectrum disorder (ASD) within Nigerian society presents a multifaceted challenge that permeates various layers of societal infrastructure. At its core, this challenge stems from a combination of factors, including cultural beliefs, socioeconomic disparities, and limited access to education and healthcare resources.

In Nigerian culture, there exists a significant stigma surrounding disabilities, including ASD. Misconceptions and myths about the condition prevail, leading to widespread misunderstandings and marginalization of individuals on the autism spectrum. This societal stigma often translates into discrimination and exclusion, further exacerbating the challenges faced by individuals with ASD and their families.

Socioeconomic disparities play a significant role in perpetuating the lack of awareness and understanding of ASD. In a country where poverty and inequality are widespread, accessing quality education and healthcare services can be a luxury for many families. As a result, individuals with ASD from marginalized communities are often overlooked, with their needs remaining unaddressed due to limited resources and support systems.

Furthermore, the inadequate training and awareness among policymakers and educators exacerbate the challenges faced by individuals with ASD. Without a comprehensive understanding of the unique needs and abilities of individuals on the autism spectrum, policymakers may fail to prioritize autism-related issues in the development of education policies and legislation. Similarly, educators may lack the necessary training and resources to support students with ASD effectively, leading to disparities in educational outcomes and opportunities.

This lack of prioritization and support within the education system perpetuates a cycle of exclusion and marginalization for individuals with ASD. Without adequate interventions and support services in place, many individuals on the autism spectrum struggle to access educational opportunities and fulfill their potential.

Instances of discrimination and the systematic exclusion of students diagnosed with autism from mainstream educational environments have been disturbingly prevalent across Nigeria. These reports underscore the critical imperative for the establishment of robust legal frameworks designed to safeguard the fundamental rights of autistic individuals and guarantee their unfettered access to high-quality education.

Without such protective measures in place, individuals with autism face unjust barriers that impede their integration into mainstream educational settings, perpetuating a cycle of marginalization and exclusion. By enacting comprehensive legislation explicitly prohibiting discrimination based on neurodiversity and mandating the provision of necessary accommodations, Nigeria can take significant strides toward fostering inclusive educational environments that honor the rights and dignity of all students, regardless of their cognitive differences.

The situation in other countries, even developing countries like India, promulgates the lack in Nigeria's educational sector, which barely has any legislation addressing the education of people with mental disabilities, and zero legislation on people with autism. Discussed below are judicial authorities espousing the development of the educational sector in other nations:

Endrew F. v. Douglas County School District (2017)¹⁴⁶: In this landmark case in the United States, the parents of a child with autism sued the Douglas County School District in Colorado for failing to provide their son with an appropriate education as required by the Individuals with Disabilities Education Act (IDEA). The Supreme Court of the United States ruled unanimously that schools must provide students with disabilities an education that is "reasonably calculated to

¹⁴⁶ *Endrew F. v. Douglas County School District*, 580 U.S. _ (2017)

enable a child to make progress appropriate in light of the child's circumstances," significantly raising the standard for educational services for students with disabilities.

Parents of Student W. v. Puyallup School District (1994)¹⁴⁷: In this case, the parents of a student with Down syndrome sued the Puyallup School District in Washington State for refusing to provide their son with a full-time aide to assist him in the classroom. The court ruled in favor of the parents, holding that the school district had violated the student's rights under the Individuals with Disabilities Education Act (IDEA) by failing to provide appropriate educational services and accommodations.

Doe v. Arlington County School Board (2016)¹⁴⁸: In this case, a student with autism and intellectual disabilities sued the Arlington County School Board in Virginia for failing to provide him with appropriate education and behavioral support services. The court ruled in favor of the student, finding that the school board had violated the Individuals with Disabilities Education Act (IDEA) by failing to provide the necessary support and services to address the student's unique needs.

Forest Grove School District v. T.A. (2009)¹⁴⁹: In this case heard by the Supreme Court of the United States, the parents of a student with attention deficit hyperactivity disorder (ADHD) sued the Forest Grove School District in Oregon for reimbursement of private school tuition after the district refused to provide special education services to their son. The Court ruled that parents could seek reimbursement for private school tuition if the public school district failed to provide a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA).

¹⁴⁷ *Parents of Student W. v. Puyallup School District*, 31 F.3d 1489 (9th Cir. 1994)

¹⁴⁸ *Doe v. Arlington County School Board*, 790 F.3d 328 (4th Cir. 2015)

¹⁴⁹ *Forest Grove School District v. T.A.*, 557 U.S. 230 (2009).

E.H. v. Dorchester County School District Two (2009)¹⁵⁰: In this case, the parents of a student with autism sued the Dorchester County School District in South Carolina for failing to provide their son with appropriate educational services and accommodations. The court ruled in favor of the student, holding that the school district had violated the Individuals with Disabilities Education Act (IDEA) by failing to develop an individualized education plan (IEP) tailored to the student's needs and ordered the district to provide compensatory education services.

G.G. v. Glastonbury Board of Education (2014)¹⁵¹: In this case, a student with autism sued the Glastonbury Board of Education in Connecticut for failing to provide him with a free appropriate public education (FAPE) as required by the Individuals with Disabilities Education Act (IDEA). The court ruled in favor of the student, holding that the school district had violated the IDEA by failing to provide adequate support services and accommodations to address the student's unique needs.

M.L. v. New York City Department of Education (2017)¹⁵²: In this case, the parents of a student with autism sued the New York City Department of Education for failing to provide their son with appropriate education and support services. The court ruled in favor of the student, holding that the department had violated the IDEA by failing to develop an IEP that adequately addressed the student's needs and ordered the department to provide compensatory education services.

Judicial authorities involving mentally, neurologically, and intellectually disabled individuals suing for their educational rights in Nigeria are not documented as in other jurisdictions,

¹⁵⁰ *E.H. v. Dorchester County School District Two*, 936 F. Supp. 2d 586 (D.S.C. 2013).

¹⁵¹ *G.G. v. Glastonbury Board of Education*, 2014 WL 1418396 (D. Conn. Apr. 11, 2014).

¹⁵² *M.L. v. New York City Department of Education*, 2017 WL 1293685 (S.D.N.Y. April 5, 2017)

however, there are instances where individuals with disabilities or their representatives have sought legal recourse to ensure access to education, albeit these individuals receive no recourse.

Nigeria is in dire need of legal frameworks that govern its educational sector more effectively, and these legal frameworks must not only address the immediate concerns of access and discrimination but also strive to cultivate a culture of acceptance, understanding, and support within the educational community. Through collaborative efforts between policymakers, educators, families, and advocacy groups, Nigeria can forge a path toward a more equitable and inclusive educational landscape that embraces and celebrates the diverse abilities of all its students.

4.1.6 Non-Implementation of Existing Legislation

Implementing legislation aimed at educating people with mental disabilities in Nigeria presents a myriad of challenges, rooted in systemic, societal, and practical factors. Despite the passage of laws designed to protect the rights of individuals with mental disabilities and promote inclusive education, translating these legal provisions into tangible improvements in educational outcomes remains an uphill battle. This introduction explores the complexities underlying the difficulties in implementing such legislation, shedding light on the barriers that impede progress in ensuring equitable access to education for individuals with mental disabilities in Nigeria. From limited resources and pervasive stigma to inadequate training and fragmented policies, a comprehensive understanding of these challenges is essential to charting a path toward a more inclusive and effective education system for all. These challenges are further discussed below:

1. **Limited Resources:** Nigeria's education system grapples with chronic underfunding, leading to inadequate infrastructure, insufficient staffing, and a lack of resources for special education programs. This scarcity of resources makes it challenging to implement inclusive educational practices and provide necessary support for students with mental disabilities.

2. **Stigma and Discrimination:** Deep-rooted stigma and discrimination against individuals with mental disabilities persist in Nigerian society. These negative attitudes often lead to social exclusion, reluctance to invest in the education of individuals with mental disabilities, and a lack of awareness about their rights. Overcoming these entrenched beliefs and attitudes is essential for effective implementation of legislation.

3. **Inadequate Training:** Many teachers and educational professionals in Nigeria lack adequate training in inclusive education and supporting students with mental disabilities. Without the necessary skills and knowledge, educators may struggle to effectively implement inclusive practices and provide appropriate support to students with diverse learning needs.

4. **Fragmented Policies and Practices:** Nigeria's educational policies and practices are often fragmented and inconsistent, leading to disparities in access to education and support services for individuals with mental disabilities. The lack of a coherent and comprehensive approach to inclusive education hampers efforts to implement legislation effectively.

5. **Limited Awareness and Advocacy:** There is often limited awareness and advocacy for the rights of individuals with mental disabilities in Nigeria. Without strong advocacy efforts and community engagement, there may be insufficient pressure on policymakers and stakeholders to prioritize the implementation of legislation related to inclusive education.

6. Infrastructure Challenges: Nigeria's infrastructure challenges, including inadequate transportation and inaccessible facilities, pose significant barriers to accessing education for individuals with mental disabilities, particularly in rural and underserved areas. Addressing these infrastructure challenges is essential for ensuring equitable access to education for all.

While legislative frameworks aimed at safeguarding the educational rights of individuals with mental disabilities undoubtedly exist within Nigeria, the efficacy of these protective measures often falters due to inadequate enforcement mechanisms and oversight. Despite the presence of legal statutes intended to uphold the rights of individuals with mental disabilities in educational settings, the practical application of these laws frequently falls short, leaving vulnerable populations susceptible to rights violations and discriminatory practices.

The efficacy of legislation intended to safeguard the educational rights of individuals with mental disabilities in Nigeria is often undermined by a glaring deficiency in enforcement mechanisms. Despite the existence of comprehensive legal frameworks ostensibly designed to uphold these rights, the practical application of such laws is hampered by the inadequacy of enforcement mechanisms. This inherent weakness represents a formidable obstacle to the effective implementation of legislation, as it renders even the most robust legal provisions ineffective in the face of non-compliance and disregard for the rights of those they are intended to protect.

At the heart of this challenge lies a fundamental disparity between legislative intent and practical enforcement. While legislative bodies may enact laws with the noble aim of promoting inclusivity and protecting the rights of individuals with mental disabilities in educational settings,

the translation of these lofty ideals into tangible outcomes hinges upon the ability of enforcement mechanisms to compel adherence and accountability. In the absence of robust enforcement, however, legal mandates risk being relegated to mere rhetoric, devoid of meaningful impact on the ground.

This deficiency in enforcement mechanisms manifests in various forms, ranging from inadequate monitoring and oversight to a lack of punitive measures for non-compliance. In many cases, educational institutions may flout legal mandates with impunity, confident in the knowledge that the likelihood of facing repercussions for their actions is slim. This impunity perpetuates a cycle of non-compliance and disregard for the rights of individuals with mental disabilities, undermining the very essence of the legislation intended to protect them.

Furthermore, the absence of stringent enforcement mechanisms sends a clear message that violations of the rights of individuals with mental disabilities are tolerated and even condoned by the authorities responsible for upholding the law. This erodes trust in the legal system and perpetuates a culture of impunity, wherein discrimination and exclusion go unchecked, and justice remains elusive for those whose rights have been violated.

The consequences of weak enforcement mechanisms extend far beyond individual non-compliance, permeating society's fabric and perpetuating systemic injustices. When educational institutions are not held accountable for their failure to accommodate the needs of students with mental disabilities, these individuals are effectively denied access to their fundamental right to education. This denial not only deprives them of opportunities for personal and intellectual growth but also perpetuates cycles of inequality and exclusion, exacerbating existing disparities within society.

The lack of adequate attention exacerbates the problem by creating a fertile ground for violations of individuals' rights to occur with impunity. When there isn't sufficient focus on ensuring compliance with legal mandates and safeguarding the rights of vulnerable groups, such as students with mental disabilities, educational institutions may feel emboldened to engage in discriminatory practices without fear of facing the consequences.

Without proper monitoring and accountability measures in place, these institutions may flout legal requirements designed to protect the rights of all students. This can manifest in various ways, including denying reasonable accommodations, segregating students, or subjecting them to harsh disciplinary measures disproportionately.

This oversight not only allows injustices to persist but also perpetuates systemic discrimination and marginalization. When individuals' rights are routinely violated without repercussions, it undermines trust in the legal system and reinforces the perception that some groups are treated unfairly. This erodes the fundamental principles of equality and justice, perpetuating a cycle of oppression and inequality.

The consequences of weak enforcement and oversight mechanisms reverberate far beyond isolated rights violations, permeating the fabric of legislation and societal progress. When individuals with mental disabilities are systematically denied their fundamental right to education due to insufficient enforcement of legal protections, the ramifications extend well beyond their immediate circumstances.

First and foremost, the denial of education to individuals with mental disabilities represents a profound loss for society at large. By depriving these individuals of the opportunity to access

education and develop their skills, talents, and potential contributions, society foregoes the myriad benefits that come from their participation and engagement. These individuals possess unique perspectives, talents, and abilities that, when nurtured and supported, can enrich communities, drive innovation, and foster diversity.

Moreover, the perpetuation of inequality and exclusion resulting from weak enforcement mechanisms not only deprives individuals with mental disabilities of their fundamental rights but also undermines the principles of justice, equality, and human dignity that underpin a democratic society. When certain segments of the population are systematically marginalized and denied equal access to opportunities, it erodes the very foundation of a fair and inclusive society.

Furthermore, the failure to enforce legal protections for individuals with mental disabilities sends a dangerous message that discrimination and exclusion are permissible, thereby perpetuating harmful stereotypes and attitudes. This not only harms those directly affected but also perpetuates societal attitudes and norms that perpetuate discrimination and stigma against individuals with disabilities.

In essence, the consequences of weak enforcement and oversight mechanisms extend beyond mere legal compliance to encompass broader societal implications. By failing to uphold the rights of individuals with mental disabilities, society forfeits the opportunity to harness their potential contributions, perpetuates inequality and exclusion, and undermines the principles of justice and human rights upon which a just and equitable society rests. Therefore, it is imperative to strengthen enforcement mechanisms, promote accountability, and uphold the rights of all individuals, regardless of disability status, to ensure a more inclusive and equitable future for all.

4.1.7 The Acknowledgment crisis

The acknowledgment crisis in the education of students with autism in Nigeria refers to the systemic failure to recognize, understand, and adequately address the educational needs of individuals with autism spectrum disorder (ASD) within the Nigerian educational system. The failure to recognize the presence of autism as a disability and one that requires special care and needs to enable citizens and in this instance, students with autism to study and learn effectively. This unfortunate perception of Nigerian society towards autism stretches even to the laws. This is apparent as in all the laws relating to disabilities in Nigeria, not one touches even briefly on autism or similar disorders to it. The result of this is that children with autism spectrum disorder (ASD) have to navigate school as if they are regular students and cannot access any of the benefits other people with disabilities do. This also means that people with ASD are overlooked when strategies to aid those suffering from disabilities are made. This crisis manifests in several ways and has significant implications for the educational outcomes and well-being of students with autism:

1. **Lack of Awareness and Understanding:** There is a general lack of awareness and understanding of autism among educators, policymakers, and the broader community in Nigeria. Many people may not recognize the signs and characteristics of autism, leading to misdiagnosis, misunderstanding, and stigmatization of individuals with autism. This lack of awareness regarding autism is not helped by the fact that some individuals with autism may initially appear to learn as well as the average child or individual, also the levels people may be affected by autism vary "Some people with ASD need a lot of help in their daily lives; others need less."¹⁵³

¹⁵³ US Department of Health and Human Services 'Autism Information' (March 11 2024)
<https://www.hhs.gov/programs/topic->

Also, ASD as a condition may at times not affect physical features nor is it as apparent as some other mental disabilities, in fact, people with autism often appear normal making their inability to cope appear weird to people with some even thinking they are faking their issues. This lack of awareness is also unfortunately not deterred by the fact that some of the symptoms of ASD are similar to regular antisocial behavior and people. "As children with ASD become adolescents and young adults, they may have difficulties developing and maintaining friendships, communicating with peers and adults..."¹⁵⁴ This would unfortunately be chalked up to being antisocial and the proper care would thus proper inquiry into ASD is not made because its existence is shrouded by the similarity of the symptoms to what people consider regular in Nigeria. The variation of these symptoms accentuates this unfortunately, people could be autistic to various degrees and have unique symptoms. "Each child with autism spectrum disorder is likely to have a unique pattern of behavior and level of severity — from low functioning to high functioning. Some children with autism spectrum disorder have difficulty learning, and some have signs of lower-than-normal intelligence. Other children with the disorder have normal to high intelligence — they learn quickly, yet have trouble communicating and applying what they know in everyday life and adjusting to social situations."¹⁵⁵ The lack of awareness represents the viewpoint of the general society who do not view ASD as a factual disability, this unfortunately even extends to some members of the medical profession as there are claims that medical doctors are in the dark as to what autism is. A report of a psychologist on the knowledge and perception levels of the disorder in Nigeria stated "There is a serious and disheartening lack of

[sites/autism/index.html#:~:text=Autism%20Spectrum%20Disorder%20\(ASD\)%20is,daily%20lives%3B%20others%20need%20less](#) accessed 27th April, 2024

¹⁵⁴ Centers for Disease Control and Prevention 'ASD Diagnosis, Treatment, and Services' (December 9 2022)

<https://www.cdc.gov/ncbddd/autism/facts.html> accessed 27th April, 2024

¹⁵⁵ Mayo Clinic 'Autism spectrum disorder' (January 6 2018) <https://www.mayoclinic.org/diseases-conditions/autism-spectrum-disorder/symptoms-causes/syc-20352928> accessed 27th April, 2024

understanding about autism in Nigeria. I have met many special educators, psychologists, and even medical doctors who seem to be hearing the word 'autism' for the first (or poorly-remembered second) time".¹⁵⁶ and the general belief of society will of course always play a part in the formation of laws. Thus the conspicuous absence of laws on ASD mirrors the general lack of awareness of the condition in the country. This becomes the foundation upon which the other problems people with autism face take root. It is also the bedrock of the acknowledgement crisis as the lack of awareness leads naturally to the failure to acknowledge resulting in very little support provided and rife discrimination.

2. Limited Access to Services and Support: Students with autism often face barriers to accessing appropriate educational services and support in Nigeria. Flowing naturally from the lack of awareness of ASD, there are very limited services and support for those with the condition. Students with Autism face the unfortunate reality of there being a dearth of specialized schools, trained personnel, and evidence-based interventions tailored to the needs of students with autism, resulting in inadequate support for their educational and developmental needs.

Because of the lack of knowledge and laws on autism, the chances of there being schools equipped to help children with the condition learn are understandably low and this is the reality of things. Many schools in the country are not even equipped to aid children with the disabilities recognized and provided for by law much less those suffering from conditions not provided for

¹⁵⁶ Nwokolo Okey-Martins 'A Psychologist's Perspective on the Taboo of Autism in Nigeria' *Autism Around The Globe* (2010) <https://www.autismaroundtheglobe.org/story/a-psychologists-perspective-on-the-taboo-of-autism-in-nigeria/> accessed 27th April, 2024

such as autism. This has left parents having to look for specialist individuals and private institutions that aid and provide treatment for ASD.

In the search for specialists to render help, treatment, and support for people with ASD, one would only fare slightly better than in the search for schools. This is because there is very limited and often jaundiced knowledge about the condition in the country. A report about the condition stated "The level of awareness about autism in Nigeria is pathetically low. There is some awareness amongst those in the medical community, but the extent of their knowledge is often limited. Most only know the symptoms and manifestations of "infantile autism". The majority do not know that there are different forms of autism spectrum disorders (such as regressive autism); some don't believe the condition is treatable; and nearly 70 percent have no clue as to where to refer cases and/or what to do even when sure about a diagnosis. We still have medical doctors who say that autism is rare, foreign and 'Oyibo wahala' (White man's problem)".¹⁵⁷ Recently, there have been institutions that are committed to providing services to those with autism thus the lack of awareness is not as bleak as before. However, the reality is that the current level of awareness mirrors that of plants growing from rocky ground, few and not far-reaching. Add to the fact that due to their rarity, these services are very expensive and the plight of the poor who have autism looks increasingly hopeless.

A report on the cost of treatment of autism in Nigeria in 2022 had a man whose child was suffering from the condition stated: " We spend at least N600,000 on treatment and therapy every three months. That means in a year, almost N3 million is required to take care of our

¹⁵⁷ Ibid

child”¹⁵⁸. This was back when the value of the naira had not fallen to the depths it has now meaning that the prices most likely have further skyrocketed since. Thus the limited access to services is not just caused by the lack of services but by the cost of the fee available ones. Autistic children and students are left without the tools to maximize education leading to them not learning properly, if they receive any learning at all. A lot of them are usually removed from school entirely.

3. Inequitable Treatment and Discrimination: It is common knowledge that what people cannot explain, they usually criticize. This rings true for Students with autism. Autism is one of, if not the most misunderstood disorder in society. This has made it commonplace for students with autism to experience discrimination and inequitable treatment within not just the general society but also in educational settings due to misconceptions and stereotypes about their condition. It has been stated about ASD "In many parts of Nigeria today, particularly in rural areas, people with autism are thought to be possessed or evil"¹⁵⁹ that " Despite the popularity of autism, it remains one of the most misunderstood and stigmatized disorders around us. Societies ostracize people living with autism, and parents see them as a punishment or a burden"¹⁶⁰. In addition to the ostracism they mostly face in society, in school they most likely are subjected to bullying, exclusion, and marginalization, hindering their ability to fully participate and succeed in school. Also because there are no specialist plans for students with autism, they cannot fully learn with the kids deemed normal, the same applies to learning with children with recognized disabilities. A child with autism will not gain much from normal education, neither will learning

¹⁵⁸ Adebowale-Tambe, Nike 'For families of people with autism in Nigeria, treatment, therapy cost a nightmare' Premium Times (2 April 2022) <https://www.premiumtimesng.com/news/headlines/521399-for-families-of-people-with-autism-in-nigeria-treatment-therapy-cost-a-nightmare.html> accessed 27th April, 2024

¹⁵⁹ *ibid*(5)

¹⁶⁰ Nzan Ogbe 'Supporting children with autism' Punch (February 6 2023) <<https://punchng.com/supporting-children-with-autism/>>

at schools for the blind, deaf, and dumb benefit them. A lot of autistic people because of their perceived inability to learn and the discrimination they suffer in schools, are pulled out and kept at home by their parents. It is seen as a fruitless venture which costs money yet only bears the ill treatment of these kids as fruit. It is not uncommon for the stigma these students face to extend even to their families. The parent of a child with autism had this to say "When my child is stigmatized, I am also indirectly stigmatized but I know that this is my cross to carry...People usually say all sorts of things like we used our child for ritual purposes amongst others".¹⁶¹

4. Insufficient Training and Professional Development: Educators and school staff in Nigeria lack the necessary training and expertise to effectively support students with autism. It is a well-known fact that a problem in the education of disabled students is the lack of well-trained personnel who would aid in the education of persons with disabilities. For those with autism, the reality is even worse as the number of persons with basic training on how to handle autism not even professionals is at a bare minimum. The Discrimination Against Persons Prohibition Act 2018 provides for the subsidization of education for those interested in becoming professionals in teaching and caring for disabled persons. This in theory encourages people to gain expertise in that regard thereby driving up the number of professionals who will help disabled persons learn better and be more productive in society. Unfortunately, the autistic does not have this privilege as the law makes no provision at all. The limited opportunities for professional development and capacity-building in autism education and inclusive practices result in a gap in the quality of education and support provided to students with autism and even those with regular disabilities. Perhaps the bleakest aspect of this situation is that it looks primed to continue except changes in law and social orientation are done.

¹⁶¹ *ibid* (6)

5. Fragmented Services and Coordination: The education and support services for students with autism in Nigeria are fragmented and poorly coordinated, thus those with the condition will experience firsthand the gaps in service provision and inefficiencies in the delivery of support and services. As it is not recognized as an official disability by any laws and there is widespread ignorance about the condition even in the medical field, there is most likely to be a lack of collaboration among government agencies, non-governmental organizations, and stakeholders, resulting in a disjointed and ineffective approach to addressing the needs of individuals with autism. This would also have the unfortunate effect of driving up the cost of any professional services that may exist.

4.1.8 Structural crisis

The lack of structure for the education of students with autism in Nigeria is a significant challenge that impacts the quality and accessibility of education for individuals with autism spectrum disorder (ASD). Here are some key implications of this lack of structure. For there to be any form of improvement in the general living conditions of autistic individuals and by extension better learning for students with ASD, there must be in addition to laws a structure that aids implementation of these laws. The structure would involve the methods and strategies that will be adopted to enhance learning and education for students living with ASD. The absence of this structure is a major hindrance whatever efforts made by both government and private individuals in this regard. The following are the obstacles that a lack of organized structure poses to the proper education of those with ASD.

1. Limited Specialized Support Services: Without a structured framework for the education of students with autism, there may be limited availability of specialized support services and interventions tailored to their needs. Just like all other disabilities, there are ways and medical methods to manage ASD. Some of these include behavioral therapy, speech and language therapy, occupational therapy, and other forms of specialized instruction that are essential for supporting the development and learning of individuals with autism. Even without government support or the presence of laws, a structure via which the autistic may receive treatment would have been invaluable as it would have allowed well-meaning private individuals to help. Certain private individuals possess the financial standing and goodwill to help much like Bill and Melinda Gates have supported a myriad of causes in America and the rest of the world.

2. Inadequate Teacher Training and Professional Development: Many educators in Nigeria may lack the training and expertise needed to effectively support students with autism in educational settings. Without structured training programs and professional development opportunities focused on autism and inclusive education, teachers may struggle to meet the diverse needs of students with autism and provide appropriate accommodations and support. In addition to this, well-meaning individuals who want to acquire expertise in aiding the education of autistic individuals will find it untenable because the institutional, legal, and financial framework to support such is absent. This is because there is no structure.

3. Lack of Awareness and Understanding: The lack of structure for autism education may contribute to a lack of awareness and understanding of autism among educators, administrators, and policymakers. This can result in misconceptions, stigma, and discriminatory practices within educational settings, further marginalizing students with autism and hindering their access to quality education.

4. Limited Access to Inclusive Settings: The whole essence of inclusive education is to ensure the elimination of education barriers for all persons suffering from all kinds of disabilities. Thus ideally, the different strategies specific to different disabilities, necessary to the enhancement of learning for people with those conditions must be employed. In the absence of a structured framework for inclusive education for students with autism, these students unfortunately will face barriers to accessing mainstream educational settings. Without clear guidelines and support mechanisms for inclusion particularly as regards ASD, schools may be ill-equipped to accommodate the diverse needs of students with autism, leading to segregation and exclusion from mainstream educational opportunities.

5. Fragmented Services and Support Systems: The lack of structure for autism education can result in fragmented and disjointed service delivery systems, where students and families must navigate multiple agencies and providers to access support. This can create confusion, inefficiencies, and gaps in service provision, making it difficult for students with autism to receive comprehensive and coordinated support.

4.2 SOLUTIONS TO THE EXISTING LEGAL ISSUES

The Nigerian educational sector is froth with a myriad of legal challenges that impede its ability to provide equitable, high-quality education for all. From issues of access and affordability to concerns about the quality of teaching and learning, the sector is grappling with systemic deficiencies that undermine its capacity to fulfill its mandate effectively. Addressing these legal issues requires a comprehensive approach that tackles various systemic challenges affecting access, quality, equity, and accountability. By examining the root causes of these challenges and

implementing targeted legal reforms, Nigeria can work towards building a more inclusive, responsive, and effective education system that equips all learners with the knowledge, skills, and opportunities they need to thrive in the 21st century. There are ways to address these issues, as hardly any problem exists without a solution. With intentionality and hard work, Nigeria can achieve inclusive education shortly by considering the following:

Strengthening the Legislative Framework

The legislative framework governing education serves as the cornerstone of any effective education system, providing the legal basis for policies, practices, and procedures that shape the learning experiences of students and the functioning of educational institutions. In Nigeria, strengthening this framework is crucial to address the myriad challenges facing the educational sector and to ensure that all learners have access to quality education that prepares them for success in the 21st century.

At the heart of efforts to strengthen the legislative framework is the need to revise existing laws and policies to align with international standards and best practices. This entails conducting a comprehensive review of current legislation related to education and identifying areas where reforms are needed to bring them in line with global benchmarks. This may include updating outdated laws, repealing discriminatory provisions, and incorporating new principles and approaches that reflect contemporary understandings of education as a fundamental human right and a key driver of development.

One critical area that requires attention is inclusive education, which seeks to ensure that all learners, including those with disabilities and special needs, have equal access to educational

opportunities. To this end, legislation should be amended to remove barriers to inclusion and promote the full participation and integration of diverse learners in mainstream educational settings. This may involve enacting laws that mandate the provision of reasonable accommodations, support services, and assistive technologies, as well as promoting awareness and training among educators and stakeholders.

Another key aspect of strengthening the legislative framework is addressing issues related to teacher quality. Teachers play a central role in the delivery of quality education, and ensuring that they are well-trained, motivated, and supported is essential for improving learning outcomes. Legislative reforms in this area may include establishing standards for teacher education and certification, implementing mechanisms for ongoing professional development, and providing incentives to attract and retain high-quality educators.

Infrastructure development is also a critical component of the legislative agenda for education reform. Adequate school facilities, including classrooms, libraries, laboratories, and sanitation facilities, are essential for creating conducive learning environments and ensuring that students have access to the resources they need to succeed. Legislative measures may include allocating funds for infrastructure upgrades, establishing guidelines for facility construction and maintenance, and promoting public-private partnerships to leverage additional resources.

Finally, addressing funding mechanisms is essential for ensuring that educational institutions have the resources they need to deliver quality education. Legislative reforms in this area may involve revising budget allocation formulas, enhancing transparency and accountability in financial management, and exploring innovative financing models to mobilize additional resources for education.

In conclusion, strengthening the legislative framework governing education in Nigeria is a multifaceted endeavor that requires concerted efforts from policymakers, educators, civil society, and other stakeholders. By revising existing laws and policies to align with international standards and best practices, and addressing gaps in legislation related to inclusive education, teacher quality, infrastructure development, and funding mechanisms, Nigeria can create an enabling environment for the delivery of quality education that equips all learners with the knowledge, skills, and opportunities they need to succeed.

Access and equity

Access and equity are foundational principles of any inclusive and effective education system, and in Nigeria, ensuring equitable access to education for all children is paramount for fostering social development and economic progress. However, numerous barriers hinder access to education for many Nigerian children, perpetuating cycles of poverty, inequality, and social exclusion. Addressing these barriers requires a multifaceted approach that combines legal measures, policy interventions, and targeted initiatives to promote inclusivity and equal opportunities for all learners.

One of the primary obstacles to access is poverty, which prevents many families from affording the costs associated with schooling, such as tuition fees, uniforms, textbooks, and transportation. To address this challenge, legal measures should be implemented to guarantee free and compulsory education for all Nigerian children, as enshrined in international human rights conventions. By making education free and mandatory, the government can ensure that financial constraints do not prevent children from attending school and accessing quality education.

Gender discrimination is another significant barrier to educational access in Nigeria, particularly for girls who face cultural and societal norms that prioritize boys' education over theirs. Legal reforms should be enacted to address discriminatory practices and promote gender equality in education. This may involve implementing laws that prohibit gender-based discrimination in school admissions, providing incentives to families to send their daughters to school, and promoting girls' education through targeted awareness campaigns and affirmative action programs.

Similarly, children with disabilities often face significant challenges in accessing education due to physical, architectural, and attitudinal barriers. Legal measures should be introduced to ensure that educational institutions are accessible to children with disabilities and provide reasonable accommodations to support their learning needs. This may include enacting laws that mandate the provision of inclusive education, investing in specialized facilities and assistive technologies, and training educators to support diverse learners effectively.

Rural-urban disparities also exacerbate inequalities in educational access, with children in rural areas often facing limited infrastructure, fewer educational resources, and greater distances to travel to school. Legal reforms should be implemented to address these disparities and promote equitable access to education for rural children. This may involve allocating resources for the construction of schools and other educational facilities in rural areas, providing transportation subsidies for students, and recruiting and retaining qualified teachers in rural schools.

Enforcing anti-discrimination policies is essential for ensuring that all children have equal opportunities to access education, regardless of their background or circumstances. Legal measures should be introduced to prohibit discrimination based on factors such as ethnicity, religion, language, or socioeconomic status. This may include enacting laws that establish

mechanisms for addressing complaints of discrimination, conducting regular audits of educational institutions to assess compliance with anti-discrimination policies, and providing training for educators on promoting diversity and inclusion in the classroom.

In conclusion, ensuring equitable access to education for all Nigerian children requires a concerted effort to address the multiple barriers that hinder educational participation and attainment. By implementing legal measures to address poverty, gender discrimination, disability, and rural-urban disparities, Nigeria can create an enabling environment that promotes inclusivity, diversity, and equal opportunities for all learners. Through targeted interventions and proactive policy initiatives, Nigeria can build a more inclusive and equitable education system that empowers every child to reach their full potential.

Quality Assurance

Quality assurance in education is indispensable for ensuring that students receive a meaningful and effective learning experience that prepares them for success in an increasingly complex and interconnected world. In Nigeria, as in many other countries, improving the quality of education is essential for enhancing learning outcomes, fostering national development, and promoting social and economic progress. To achieve this goal, robust legal mechanisms must be established to regulate various aspects of the educational system, including curriculum standards, teacher training and certification, assessment practices, and school management. Additionally, stringent accountability measures should be put in place to monitor and evaluate the performance of educational institutions and stakeholders, ensuring transparency, effectiveness, and continuous improvement.

One of the primary areas of focus for quality assurance in education is curriculum development and implementation. Legal frameworks should be enacted to establish clear and rigorous curriculum standards that outline the knowledge, skills, and competencies that students should acquire at each stage of their educational journey. These standards should be regularly updated to reflect changing societal needs, technological advancements, and global trends, ensuring that students are equipped with the relevant knowledge and skills needed to succeed in the 21st century.

Furthermore, legal mechanisms should be put in place to ensure that teachers receive adequate training and certification to deliver high-quality instruction. This may involve enacting laws that establish minimum qualifications for teachers, accreditation processes for teacher education programs, and professional development requirements to support ongoing learning and skill development. By investing in the professionalization of the teaching profession, Nigeria can improve the quality of instruction and enhance student learning outcomes.

Assessment practices also play a crucial role in ensuring quality education, as they provide valuable feedback to educators, students, and policymakers about the effectiveness of teaching and learning. Legal frameworks should be established to regulate assessment practices, including the development of standardized tests, the administration of exams, and the use of assessment data to inform instructional decision-making. Additionally, measures should be put in place to ensure the validity, reliability, and fairness of assessments, minimizing bias and promoting equity in educational outcomes.

School management is another critical aspect of quality assurance in education, as effective leadership and governance are essential for creating a positive and conducive learning environment. Legal mechanisms should be implemented to regulate school management

practices, including the recruitment and training of school administrators, the allocation of resources, and the implementation of policies and procedures to promote student safety, well-being, and academic success. Additionally, accountability measures should be established to hold educational institutions accountable for their performance, including regular audits, inspections, and evaluations to assess compliance with legal standards and promote continuous improvement.

In conclusion, improving the quality of education in Nigeria requires a comprehensive and multifaceted approach that addresses various aspects of the educational system. By establishing robust legal mechanisms to regulate curriculum standards, teacher training and certification, assessment practices, and school management, Nigeria can ensure that all students receive a high-quality education that prepares them for success in an increasingly competitive and interconnected world. Through stringent accountability measures and continuous monitoring and evaluation, Nigeria can foster a culture of excellence and innovation in education that drives national development and promotes social and economic progress.

Infrastructure and Resources

Adequate infrastructure and resources serve as the bedrock of a functional and conducive learning environment within educational institutions. In the pursuit of providing quality education, it is imperative to prioritize the establishment and maintenance of essential facilities such as classrooms, libraries, laboratories, and sanitation facilities. These physical components not only facilitate the delivery of educational content but also contribute significantly to the overall well-being and safety of students and staff.

To ensure that educational institutions have the necessary infrastructure to support teaching and learning effectively, legal provisions must be established to mandate sufficient investment in school facilities. This entails allocating adequate funds for the construction, renovation, and maintenance of school buildings and amenities. By enshrining this commitment in law, governments can prioritize the provision of essential infrastructure and mitigate the risk of neglect or underinvestment in educational facilities.

In addition to physical infrastructure, access to educational resources such as textbooks, learning materials, and technology is essential for promoting academic excellence and supporting diverse learning needs. Legal mechanisms should be implemented to guarantee equitable access to these resources, particularly for underserved and marginalized communities. This may involve establishing funding mechanisms to subsidize the cost of educational materials for low-income students, providing grants or incentives for schools to invest in technology and learning resources, and ensuring that curricular materials reflect diverse perspectives and cultural backgrounds.

Furthermore, mechanisms for the equitable distribution of resources and transparent budgeting processes are critical for preventing mismanagement and corruption in the allocation of educational funds. Legal provisions should be put in place to mandate transparent budgeting practices, including the publication of school budgets, expenditure reports, and procurement contracts. Additionally, oversight mechanisms should be established to monitor the allocation and utilization of resources, ensuring that funds are allocated based on need and used efficiently and effectively.

By enacting laws and policies that prioritize investment in school infrastructure and resources, governments can create an enabling environment for quality education and equitable access to

learning opportunities. By ensuring that educational institutions have the necessary facilities, materials, and support to fulfill their mission effectively, societies can empower learners to reach their full potential and contribute meaningfully to their communities and the world at large. Through concerted efforts to prioritize infrastructure and resource allocation in education, countries can build a solid foundation for sustainable development and prosperity for future generations.

Teacher Welfare and Professionalism

Teacher welfare and professionalism are crucial components of any effective education system, as teachers play a central role in shaping the learning experiences and outcomes of students. Recognizing the importance of teachers' roles, legal reforms should be implemented to enhance various aspects of teacher recruitment, training, remuneration, and working conditions, ultimately fostering a culture of professionalism and excellence within the teaching profession.

One key area of focus for legal reforms is teacher recruitment. Ensuring that qualified and competent individuals are recruited into the teaching profession is essential for maintaining high standards of education. Legal mechanisms should be established to streamline the teacher recruitment process, including setting clear criteria and qualifications for prospective teachers, implementing rigorous selection procedures, and promoting diversity and inclusivity in the teaching workforce.

Moreover, legal reforms should prioritize improving teacher training and professional development opportunities. Continuous learning and skill development are essential for teachers to stay abreast of the latest educational trends, methodologies, and technologies. Enacting laws to

establish standards for teacher education programs, accreditation processes for teacher training institutions, and requirements for ongoing professional development can help ensure that teachers receive the support and resources they need to excel in their roles.

Remuneration is another critical aspect of teacher welfare that warrants attention through legal reforms. Adequate and competitive salaries are essential for attracting and retaining high-quality teachers, incentivizing excellence, and reducing turnover rates. Legal provisions should be made to establish fair and transparent salary structures, provide performance-based incentives, and ensure timely and equitable compensation for teachers.

In addition to salary considerations, working conditions also significantly impact teacher well-being and job satisfaction. Legal reforms should address issues such as class sizes, workload, administrative responsibilities, and access to resources and support services. Implementing laws to promote manageable workloads, provide supportive work environments, and protect teachers' rights and well-being can help improve morale, retention rates, and overall job satisfaction among educators.

Furthermore, legal reforms should aim to professionalize teaching as a respected and valued profession within society. This may involve enacting laws to establish professional standards of conduct and ethics, creating pathways for career advancement and specialization, and recognizing and rewarding excellence in teaching through certification programs or honors.

By prioritizing teacher welfare and professionalism through legal reforms, governments can demonstrate their commitment to investing in education and supporting the individuals who shape the future of their nations. By creating an enabling environment that attracts, retains, and empowers talented educators, societies can ensure that all students have access to high-quality

education that prepares them for success in an ever-changing world. Through collaborative efforts to improve teacher recruitment, training, remuneration, and working conditions, countries can build a strong foundation for sustainable development and prosperity.

Inclusive Education

Inclusive education is a fundamental aspect of promoting social justice, upholding human rights, and fostering a diverse and equitable society. Ensuring the full participation and integration of children with disabilities and special needs in mainstream educational settings is not only a legal imperative but also a moral and ethical obligation. To achieve this goal, it is essential to strengthen legal frameworks that safeguard the rights of children with disabilities and promote inclusive practices in schools.

One key aspect of strengthening legal frameworks for inclusive education is eliminating discrimination and promoting equal opportunities for all students. Legal reforms should be enacted to prohibit discrimination on the basis of disability in all aspects of education, including admissions, enrollment, participation in educational programs and activities, and access to support services. This may involve enshrining principles of non-discrimination and equality in education laws and policies, as well as establishing mechanisms for addressing complaints of discrimination and ensuring accountability for violations of students' rights.

Furthermore, legal provisions should be made to ensure that children with disabilities have access to reasonable accommodations and support services that enable them to participate fully in the educational process. This may include enacting laws that require schools to provide assistive technologies, specialized instruction, individualized education plans (IEPs), and other

necessary supports to meet the unique needs of students with disabilities. Legal frameworks should also emphasize the importance of creating inclusive learning environments that accommodate diverse learning styles, abilities, and needs, ensuring that all students have the opportunity to thrive and succeed.

Additionally, legal reforms should promote collaborative approaches to inclusive education that involve parents, educators, students, and other stakeholders in decision-making processes and program development. This may include enacting laws that mandate the involvement of parents in the development of individualized education plans (IEPs) for students with disabilities, establishing advisory committees or councils on inclusive education, and promoting professional development and training for educators on inclusive teaching practices and strategies.

Legal frameworks should prioritize the provision of support services and resources to facilitate the transition of children with disabilities from special education settings to mainstream schools. This may involve enacting laws that provide funding for transition programs, vocational training, and job placement services, as well as ensuring that mainstream schools have the capacity and expertise to support students with diverse needs.

By strengthening legal frameworks for inclusive education, governments can demonstrate their commitment to upholding the rights of children with disabilities, promoting diversity and inclusion in education, and building a more just and equitable society. Through collaborative efforts to eliminate discrimination, provide reasonable accommodations, and promote inclusive practices in schools, countries can ensure that all students have the opportunity to receive a quality education and reach their full potential, regardless of their abilities or circumstances.

Accountability and Transparency

Accountability and transparency are indispensable pillars of effective governance in the education sector, ensuring that public resources are utilized efficiently, policies are implemented effectively, and stakeholders are held responsible for their actions. To uphold these principles and promote public trust and confidence in the education system, it is essential to establish robust legal mechanisms that hold government officials, educational administrators, and other stakeholders accountable for their decisions and actions.

One key aspect of promoting accountability and transparency in education is ensuring the publication of education budgets and financial reports. Legal reforms should be enacted to mandate the transparent disclosure of education budgets, expenditures, and financial transactions, providing stakeholders with access to timely and accurate information about how public funds are allocated and utilized. This may involve enacting laws that require educational institutions to publish annual financial statements, budget summaries, and expenditure reports, as well as establishing mechanisms for public scrutiny and oversight of education spending.

Moreover, legal frameworks should establish independent oversight bodies tasked with monitoring and evaluating the performance of educational institutions and stakeholders. These oversight bodies should have the authority to conduct audits, investigations, and reviews to assess compliance with legal requirements, identify inefficiencies and irregularities, and recommend corrective actions. By providing independent oversight and accountability mechanisms, governments can ensure that educational resources are managed responsibly and that the needs of students and communities are prioritized.

Additionally, legal provisions should be made to establish mechanisms for redress and grievance resolution, allowing individuals and communities to seek recourse in cases of misconduct, maladministration, or violation of rights. This may include enacting laws that establish procedures for filing complaints, conducting investigations, and providing remedies for aggrieved parties, as well as establishing independent tribunals or ombudsman offices to adjudicate disputes and hold perpetrators accountable. By providing avenues for redress and accountability, governments can empower stakeholders to demand transparency, fairness, and accountability in the education system.

Furthermore, legal frameworks should promote transparency and accountability in decision-making processes and policy development. This may involve enacting laws that require public consultation and participation in the development of education policies and programs, as well as establishing mechanisms for stakeholder engagement and feedback. By involving stakeholders in decision-making processes, governments can ensure that policies are responsive to the needs and priorities of the communities they serve, promoting greater legitimacy and effectiveness in education governance.

Conclusively, promoting accountability and transparency in education governance requires a comprehensive approach that addresses various aspects of decision-making, resource management, and stakeholder engagement. By enacting laws that mandate the publication of education budgets, establish independent oversight bodies, provide mechanisms for redress and grievance resolution, and promote stakeholder engagement, governments can foster a culture of accountability, transparency, and integrity in the education sector, ultimately improving outcomes for students and communities.

Community Engagement and Participation

Community engagement and participation are vital components of a successful and sustainable education system, as they foster ownership, accountability, and responsiveness to local needs and priorities. By involving parents, communities, and civil society organizations in decision-making processes, school governance structures, and monitoring mechanisms, governments can ensure that education initiatives are relevant, effective, and inclusive. To promote community participation in education, legal provisions should be made to recognize and protect the rights of communities to be involved in education planning, implementation, and evaluation.

One key aspect of promoting community engagement is enacting laws that establish mechanisms for parental and community involvement in school governance. This may include provisions for the establishment of school management committees, parent-teacher associations (PTAs), and community advisory boards to provide input and oversight on school policies, programs, and resource allocation. By involving parents and community members in decision-making processes at the school level, governments can ensure that education initiatives are responsive to local needs and priorities and promote greater accountability and transparency in school management.

Moreover, legal frameworks should recognize the rights of communities to participate in education planning and policy development at the local, regional, and national levels. This may involve enacting laws that mandate the inclusion of community representatives in education planning committees, consultative forums, and policy-making bodies, as well as providing support and resources to facilitate meaningful engagement and participation. By involving communities in the formulation of education policies and programs, governments can ensure that initiatives are culturally appropriate, socially relevant, and responsive to the needs of diverse populations.

Additionally, legal provisions should be made to promote transparency and accountability in education governance by establishing mechanisms for community monitoring and evaluation of education initiatives. This may include enacting laws that require regular reporting and disclosure of education outcomes, expenditure reports, and performance indicators to the public, as well as providing channels for communities to provide feedback, raise concerns, and hold educational authorities accountable for their actions. By empowering communities to monitor and evaluate education initiatives, governments can promote greater transparency, efficiency, and effectiveness in education delivery and ensure that resources are allocated and utilized equitably and efficiently.

Therefore, promoting community engagement and participation in education requires a multifaceted approach that involves enacting laws, establishing institutional mechanisms, and fostering a culture of collaboration and partnership between government authorities, educational institutions, and communities. By recognizing and protecting the rights of communities to be involved in education planning, implementation, and evaluation, governments can ensure that education initiatives are responsive to local needs and priorities, promote greater accountability and transparency, and ultimately contribute to improved educational outcomes and social development.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 SUMMARY OF RESEARCH

In recent years, there has been a growing recognition of the importance of inclusive education as a means of promoting equity, diversity, and social justice within educational systems worldwide. Inclusive education seeks to ensure that all students, regardless of their backgrounds, abilities, or circumstances, have equal access to quality education and opportunities for learning and development. However, for students with Autism Spectrum Disorder (ASD), achieving inclusive

education remains a significant challenge, particularly in contexts where legal frameworks governing disabilities are inadequate or insufficiently implemented.

This research focuses on the state of inclusive education for students with Autism Spectrum Disorder (ASD) in Nigeria, a country grappling with the complexities of addressing diverse educational needs within a resource-constrained environment. While Nigeria has made strides in recent years to promote inclusive education and protect the rights of individuals with disabilities, significant gaps remain in the legal frameworks governing disabilities, particularly in addressing the needs of students with ASD.

The research seeks to shed light on the challenges faced by students with ASD in accessing quality education and the limitations of existing legal frameworks in addressing their needs effectively. By examining the intersection of legal provisions, educational policies, and on-the-ground realities, the research aims to provide a comprehensive understanding of the state of inclusive education for students with ASD in Nigeria and to identify opportunities for policy reform and improvement.

Through a combination of literature review, policy analysis, and qualitative research methods, the research will explore key issues such as the availability of specialized support services, the training and capacity of educators, the accessibility of educational facilities, and the attitudes and perceptions of stakeholders towards inclusive education for students with ASD. By examining these factors within the broader context of Nigerian society and the education system, the research seeks to highlight the systemic barriers that hinder the realization of inclusive education and to advocate for policy changes that promote equity, inclusion, and social justice.

Overall, the research aims to contribute to the ongoing discourse on inclusive education and disability rights in Nigeria and to provide evidence-based recommendations for policymakers, educators, and advocacy groups seeking to improve the educational outcomes and experiences of students with Autism Spectrum Disorder (ASD) and other disabilities. By addressing the inadequacies of existing legal frameworks and promoting greater awareness and understanding of the needs of students with ASD, the research seeks to advance the cause of inclusive education and foster a more inclusive and equitable society for all.

Key findings from the research include:

1. **Limited Accessibility:** Limited accessibility poses significant challenges for students with Autism Spectrum Disorder (ASD) in Nigeria, impeding their ability to access inclusive education and hindering their full participation in mainstream educational settings. Despite efforts to promote inclusive practices, students with ASD frequently encounter barriers that prevent them from accessing the educational opportunities they deserve. These barriers stem from various factors, including inadequate infrastructure, a shortage of trained personnel, and pervasive societal stigma surrounding disabilities.

The research explains how the limited accessibility presents significant barriers to inclusive education for students with Autism Spectrum Disorder (ASD) in Nigeria, preventing them from fully participating in mainstream educational settings and receiving appropriate support services. Addressing these barriers requires comprehensive efforts to improve infrastructure, enhance training for educators and support staff, and combat the societal stigma surrounding disabilities. By promoting greater accessibility and inclusion in education, Nigeria can ensure that all

students, including those with ASD, have equal opportunities to learn, grow, and succeed in school and beyond.

2. Legal Lacuna: The research delves into the legal lacuna that exists within Nigerian legislation concerning disabilities, particularly regarding the needs of students with Autism Spectrum Disorder (ASD). Despite efforts to promote inclusive education and protect the rights of individuals with disabilities, existing laws fall short in adequately addressing the unique needs and challenges faced by students with ASD. This legal gap poses significant barriers to the realization of inclusive education and may result in the exclusion and marginalization of students with ASD from mainstream educational settings.

3. Challenges in Implementation: The research examines the challenges in the implementation of inclusive education policies that present formidable obstacles to ensuring that legal protections for individuals with disabilities, including those with Autism Spectrum Disorder (ASD), are effectively realized in practice. Despite the existence of legal frameworks aimed at promoting inclusive education, a range of factors impede the successful implementation and enforcement of these policies in Nigeria.

4. Need for Reform: The research highlights the pressing need for legislative reform in Nigeria to address the inadequacies of existing legal frameworks and to better protect the rights of students with Autism Spectrum Disorder (ASD) while promoting inclusive education practices. The current legal landscape falls short in adequately addressing the unique needs and challenges faced by individuals with ASD, resulting in barriers to their full participation and inclusion in

mainstream educational settings. To address these shortcomings and ensure equal access to quality education for all students, particularly those with ASD, legislative reform is essential.

5.2 CONCLUSION

In conclusion, the research on inclusive education for students with Autism Spectrum Disorder (ASD) in Nigeria has shed light on the critical importance of addressing the insufficiency of legislation governing disabilities in the country. The findings of the research underscore the pressing need for legislative reform to ensure that students with ASD and other disabilities have equal access to quality education and opportunities for success within the educational system.

The research has highlighted several key insights including:

1. **Existing Legal Lacuna:** The research has identified significant gaps in Nigerian legislation related to disabilities, particularly regarding the needs of students with ASD. Existing laws may not adequately recognize the rights of individuals with disabilities or provide clear guidelines for accommodating their needs in educational settings.
2. **Challenges in Implementation:** Even when legal protections exist, challenges persist in the implementation and enforcement of inclusive education policies. Factors such as limited resources, insufficient training for educators, and cultural attitudes that perpetuate exclusion and discrimination against individuals with disabilities hinder the effective realization of inclusive education practices.
3. **Need for Reform:** The research underscores the urgent need for legislative reform to strengthen protections for students with ASD and promote inclusive education practices in

Nigeria. This includes enacting laws that explicitly recognize the rights of individuals with disabilities, provide clear guidelines for accommodating their needs, and establish mechanisms for monitoring and enforcing compliance with inclusive education standards.

4. Call to Action: The research calls for concerted efforts from policymakers, educators, advocates, and other stakeholders to advocate for legislative reform and create an inclusive educational environment that embraces diversity and promotes the full participation of all learners. By working together towards this common goal, Nigeria can ensure that students with ASD and other disabilities have equal access to quality education and opportunities for success.

In conclusion, addressing the insufficiency of legislation governing disabilities in Nigeria is essential to ensuring that students with ASD and other disabilities receive the support and accommodations they need to thrive in school and beyond. By prioritizing legislative reform and fostering a culture of inclusion and acceptance within the educational system, Nigeria can create a more equitable and inclusive society where all individuals have the opportunity to reach their full potential.

5.3 RECOMMENDATIONS

Based on the research findings on inclusive education for students with Autism Spectrum Disorder (ASD) in Nigeria and the identified insufficiency of legislation governing disabilities, several recommendations can be made to address the challenges and promote the rights and inclusion of students with ASD within the educational system:

1. Legislative Reform:

Advocating for comprehensive legislative reform is imperative to strengthen protections for individuals with disabilities, particularly those with Autism Spectrum Disorder (ASD), within the educational system. Such reform efforts should encompass a multifaceted approach aimed at reviewing existing laws, drafting new legislation, and enacting clear and enforceable provisions that explicitly recognize the rights of individuals with disabilities to access inclusive education and receive appropriate support services.

Advocating for comprehensive legislative reform is essential to strengthen protections for individuals with disabilities, including those with Autism Spectrum Disorder (ASD), and to promote inclusive education practices in Nigeria. By reviewing existing laws, drafting new legislation, and enacting clear and enforceable provisions, policymakers can create a legal framework that recognizes and protects the rights of individuals with disabilities and ensures equal access to quality education and support services for all learners.

2. Policy Development:

Developing and implementing inclusive education policies and guidelines that effectively address the needs of students with Autism Spectrum Disorder (ASD) requires careful consideration of their unique challenges and requirements within educational settings. These policies and guidelines should provide clear and actionable guidance for educators, administrators, and stakeholders on how to create inclusive learning environments and support the academic and social development of students with ASD.

The first step in developing inclusive education policies is to gain a comprehensive understanding of the needs and challenges faced by students with ASD. This may involve consulting with experts in the field of autism education, conducting needs assessments, and engaging with parents, caregivers, and individuals with ASD themselves to gather insights into their experiences and preferences.

Developing and implementing inclusive education policies and guidelines that effectively accommodate the needs of students with Autism Spectrum Disorder (ASD) is essential to ensure their full participation and success in educational settings. By prioritizing support services, reasonable accommodations, and specialized interventions tailored to the unique needs of students with ASD, policymakers can create inclusive learning environments that promote the academic and social development of all learners.

3. Capacity Building:

Providing comprehensive training and professional development opportunities for educators, administrators, and support staff is crucial to enhance their understanding of Autism Spectrum Disorder (ASD) and their ability to effectively support students with ASD in their learning and development. These training programs should be tailored to equip educators with the knowledge, skills, and strategies needed to create inclusive learning environments and meet the diverse needs of students with ASD.

4. Infrastructure and Resources:

Investing in the development of inclusive infrastructure and provision of resources is essential to accommodate the needs of students with Autism Spectrum Disorder (ASD) and create supportive learning environments that foster their academic and social development. Such investments should be aimed at addressing physical, sensory, and environmental barriers within educational settings, as well as ensuring access to specialized materials and equipment tailored to the unique needs of students with ASD. Key components of this investment include:

By investing in the development of inclusive infrastructure and provision of resources, schools can create environments that support the diverse needs of students with Autism Spectrum Disorder (ASD) and promote their academic success, social inclusion, and overall well-being. These investments are essential to ensuring that all students have equitable access to quality education and opportunities for success.

5. Community Engagement:

Fostering partnerships and collaboration between schools, families, communities, and civil society organizations is essential to promote the inclusion of students with Autism Spectrum Disorder (ASD) in educational settings and create supportive environments that facilitate their academic and social development. This collaborative approach brings together diverse stakeholders to work towards common goals, leverage resources, and create a shared sense of responsibility for the well-being and success of students with ASD.

6. Monitoring and Evaluation:

Establishing mechanisms for monitoring and evaluating the implementation of inclusive education policies and practices, as well as the effectiveness of support services and accommodations for students with Autism Spectrum Disorder (ASD), is essential to ensure that educational environments are supportive, inclusive, and conducive to the academic and social development of all learners. These mechanisms provide valuable insights into the progress, challenges, and areas for improvement in the provision of inclusive education for students with ASD, helping to inform decision-making, policy development, and continuous improvement efforts.

7. Research and Innovation:

Supporting research initiatives and innovation in the field of inclusive education for students with Autism Spectrum Disorder (ASD) is essential to advance our understanding of effective interventions, assessment tools, and best practices, and to improve outcomes for students with ASD in educational settings. By investing in research and fostering collaboration between researchers, practitioners, and policymakers, we can develop evidence-based strategies and innovative solutions that enhance the quality of education and support services for students with ASD.

5.4 CONTRIBUTIONS

The research on inclusive education for students with Autism Spectrum Disorder (ASD) in Nigeria, focusing on the insufficiency of legislation governing disabilities, makes several significant contributions to knowledge and understanding in this field:

1. Identifying Legal Gaps: The research contributes to identifying and documenting specific gaps and shortcomings in Nigerian legislation related to disabilities, particularly concerning the rights and needs of students with ASD. By highlighting these legal deficiencies, the research provides valuable insights into areas where legislative reform is urgently needed to ensure equal access to education and support services for individuals with ASD.

2. Understanding Implementation Challenges: The research sheds light on the challenges and barriers that hinder the effective implementation and enforcement of inclusive education policies in Nigeria. By examining factors such as limited resources, insufficient training for educators, and cultural attitudes, the research deepens our understanding of the systemic obstacles that prevent the translation of legal protections into meaningful change for students with ASD.

3. Advocating for Policy Reform: The research advocates for policy reform and legislative action to strengthen protections for individuals with disabilities and promote inclusive education practices in Nigeria. By providing evidence-based recommendations for legislative reform, the research offers actionable insights for policymakers, educators, and advocacy groups seeking to advance the rights and inclusion of students with ASD within the educational system.

4. Empowering Stakeholders: The research empowers stakeholders, including policymakers, educators, advocates, and communities, to actively engage in efforts to promote inclusive education and support the rights of individuals with ASD. By raising awareness about the legal and practical challenges facing students with ASD in Nigeria, the research encourages

stakeholders to collaborate and mobilize resources to address these challenges and create a more inclusive and equitable educational environment.

5. Contributing to Global Discourse: The research contributes to the global discourse on inclusive education and disability rights by providing a case study of the challenges and opportunities faced by students with ASD in Nigeria. By sharing insights and lessons learned from Nigeria's experience, the research enriches our understanding of the complex interplay between legal frameworks, policy implementation, and social realities in advancing inclusive education for individuals with disabilities worldwide.

Generally, this research on inclusive education for students with Autism Spectrum Disorder (ASD) in Nigeria makes valuable contributions to knowledge by identifying legal gaps, understanding implementation challenges, advocating for policy reform, empowering stakeholders, and contributing to the global discourse on inclusive education and disability rights. By amplifying the voices and experiences of individuals with ASD in Nigeria, the research advances our collective efforts to create a more inclusive, equitable, and supportive educational environment for all learners.

