

A BILL

FOR

AN ACT MANDATING SCHOOLS TO PROVIDE FOR ADEQUATE SPECIAL NEEDS EDUCATION TO STUDENTS WITH LEARNING DISABILITIES AND FOR OTHER RELATED MATTERS

Sponsored by Hon. Ezenwa Francis Onyewuchi

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 1. Notwithstanding the provision of any other enactment, the
2 objects of this bill is to mandate schools and institutions to make adequate
3 provisions for special needs education, training and any other services for
4 students with learning disabilities. Objects

5 2.-(1) Special needs children are those children who cannot benefit Special needs
6 maximally from the regular classroom teaching or learning experiences on
7 account of physical, mental, emotional and other sundry disabilities, which
8 may or may not be easily identified.

9 (2) Students with special needs include those who suffer from-

- 10 (i) Mental retardation;
- 11 (ii) Learning disabilities;
- 12 (iii) Emotional and behaviour disorders;
- 13 (iv) Communication disorders;
- 14 (v) Hearing loss;
- 15 (vi) Blindness and low vision;
- 16 (vii) Physical disabilities;
- 17 (viii) Autism;
- 18 (ix) Severe disabilities;
- 19 (x) Multiple disabilities;
- 20 (xi) Deaf/blindness;

	1	(xii) Gifted and talented.
Inclusive environment	2	3. A child with special educational needs shall be educated in an
	3	inclusive environment with children who do not have such needs unless the
	4	nature or degree of those needs of the child is such that to do so would be
	5	inconsistent with-
	6	(a) the best interests of the child as determined in accordance with any
	7	assessment carried out under this Act, or
	8	(b) the effective provision of education for children with whom the
	9	child is to be educated.
Mainstream education	10	4. Students with special educational needs should be educate in
	11	Mainstream schools unless it is incompatible with-
	12	(a) the wishes of the parent or guardian or,
	13	(b) there are special circumstances or alternative arrangements made
	14	by either parent or guardian.
Other education	15	5. Students with special educational need not be educated in
	16	mainstream Schools, if they are already admitted to a special school by either
	17	parent or guardian.
Identification of special needs students	18	6. It shall be the duty of a school, institution, education authority to
	19	introduce identification, curricular and intervention programmes for special
	20	needs children.
Information on special needs education	21	7.-(1) It shall be the duty of a school, institution or education authority
	22	to advise and inform parents about their special needs education programs or
	23	provisions.
	24	(2) This section applies if-
	25	(a) a child is a registered student at a school, institution, community,
	26	local government area or state
	27	(b) it is considered that the child has special educational needs, and
	28	(c) his or her parent or guardians have not previously been informed
	29	of special needs educational provision made at the school.

1 8.-(1) The board of management of a school shall-

Other duties of
the School

2 (a) ensure that parents of a student with special educational needs

3 are-

4 (i) informed of their child's needs and how those needs are being
5 met, and

6 (ii) consulted with regard to, and invited to participate in, the
7 making of all decisions of a significant nature concerning their child's
8 education,

9 (b) ensure that all relevant teachers and other relevant employees
10 of the school are aware of the special educational needs of students,

11 (c) ensure that teachers and other relevant employees of the school
12 are aware of the importance of identifying children and students who have
13 special educational needs, and

14 (d) inculcate in students of the school an awareness of the needs of
15 persons with disabilities.

16 9.-(1) It is unlawful for a school authority to permit the
17 discrimination or to discriminate against a special needs person or person
18 with learning disabilities-

Discrimination
by school
authorities

19 (a) in determining his or her admission to the school as a student;

20 (b) in the terms on which it offers to admit him or her to the school
21 as a student; or

22 (c) by refusing or deliberately omitting to accept an application for
23 his or her admission to the school as a student.

24 (2) It is unlawful for the school authority to discriminate against a
25 special needs student in the education or associated services provided for, or
26 offered to, students at the school by that authority.

27 10. A school authority does not discriminate against a person if it
28 shows-

Defense by school
authority

29 (a) that, at the time in question, it did not know and could not
30 reasonably have been expected to know, that he or she had a learning

1 disability; and

2 (b) that its failure to take the step was attributable to that lack of
3 knowledge.

Duty of
educational
authority

4 **11.-(1)** The Minister of Education, Federal and State Ministries of
5 Education and any other educational authority must prepare regulations for
6 schools and institutions -

7 (a) Increasing the extent to which special needs students can
8 participate in the schools' curriculums;

9 (b) Training more teachers in special education or the integration of
10 specialists in special needs education so as to be able to cater for the needs of
11 the special child in the school.

12 (c) Diversifying school curriculum to cater for special needs students

13 (d) Providing proper funding for special needs education

14 (e) Improving the physical environment of the schools for the purpose
15 of increasing the extent to which special needs students are able to take
16 advantage of education and associated services provided or offered by the
17 schools; and

18 (2) These regulations should be constantly evaluated, monitored,
19 reviewed and implemented to improve the education provided to such special
20 needs students.

Remedies

21 **12.-(1)** A claim that a special needs student has been discriminated
22 against in a way which is unlawful under this Act may be made the subject of
23 civil proceedings in any superior courts of record.

24 (2) The remedies available in such proceedings are those which are
25 available in such superior courts of record.

Interpretation

26 **13. In this Bill:**
27 "Mainstream school" means any school that principally meets the needs of
28 students who do not have special educational need;
29 "Special needs children" means children who have learning disabilities or
30 profound cognitive impairment; food allergies or terminal illness;

1 developmental delays that catch up quickly or remain entrenched;
2 occasional panic attacks or serious psychiatric problems;
3 "special needs education" means, in relation to a person, a restriction in the
4 capacity of the person to participate in and benefit from education on
5 account of an enduring physical, sensory, mental health or learning
6 disability, or any other condition which results in a person learning
7 differently from a person without that condition;
8 "School authority" means the administrative body which runs the school.

9 14. This Bill may be cited as the Special Needs Education Bill, Citation.
10 2015.

EXPLANATORY NOTE

This bill is an act mandating schools to provide for adequate special needs education to students with learning disabilities and for other related matters

