

A BILL

FOR

AN ACT TO REQUIRE SCHOOLS TO PROVIDE FACILITIES FOR THE EDUCATIONAL NEEDS OF STUDENTS WITH LEARNING DISABILITIES AND PHYSICAL CHALLENGES AND FOR RELATED MATTERS

Sponsored by Senator Fatimat Raji-Rasaki

[] Commencement

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

- 1 1. The objective of this Bill is to require schools to provide
2 facilities for the educational needs, training and any other services for
3 students with disabilities or learning difficulties. Objective of the
Bill
- 4 2.-(1) Children with special needs are those who require aids in
5 schools either owing to learning difficulties or disabilities as a result of
6 which they cannot benefit maximally from the regular classroom teaching
7 or learning experiences on account of physical, mental, emotional or other
8 sundry disabilities, which may or may not be easily identified. Special needs
- 9 (2) Students with special needs include those who suffer from:
- 10 (i) Mental retardation;
- 11 (ii) Learning difficulties;
- 12 (iii) Emotional or behavioral disorders;
- 13 (iv) Communications difficulties;
- 14 (v) Hearing loss or difficulties;
- 15 (vi) Blindness or low vision;
- 16 (vii) Physical disabilities;
- 17 (viii) Autism;
- 18 (ix) Deafness;
- 19 (x) Any other ailment that impairs learning.

Inclusive
environment

1 3. A child with special educational needs shall be educated in an
2 inclusive environment with children who do not have such needs unless the
3 nature or degree of those needs of the child is such that to do so would be
4 inconsistent with:

5 (a) the best interests of the child as determined in accordance with any
6 assessment carried out by a psychologist or a physiotherapist; or

7 (b) the effective provision of education for children with whom the
8 child is to be educated.

Regular education

9 4. Students with special needs shall be educated in regular schools
10 unless it is incompatible with:

11 (a) the wishes of the parent or guardian of the child with the need; or

12 (b) there are special circumstances or alternative arrangements made
13 by either the parent or the guardian.

Determination
of special needs
students

14 5. It shall be the duty of a school, institution or education authority to
15 introduce identification, curricular and intervention programmes to determine
16 children with learning difficulties or with disabilities and to provide special
17 requirements for their education.

Information on
special education

18 6.-(1) It shall be the duty of a school, institution or education authority
19 to inform and advise parents about their special needs education programs or
20 provisions.

21 (2) This section applies if:

22 (a) a child is a registered student at any school or institution owned by
23 the federal government;

24 (b) it is considered that the child has special educational needs, and

25 © his or her parents or guardians have not previously been informed
26 of special provisions made at the school for the education of children with
27 some challenges.

Other duties of
school

28 7.-(1) The board of management of school shall:

29 (a) ensure that parents of student with learning challenges are:

30 (i) promptly informed of their child's needs and how those needs are

1 being met; and

2 (ii) consulted with regard to, and invited to participate in, the
3 making of all decisions of a significant nature concerning their child's
4 education;

5 (b) ensure that all relevant teachers and other relevant staff and
6 other employees of the school are aware of the special educational needs of
7 the challenged students;

8 (c) ensure that teachers and other relevant staff and employees of
9 the school are aware of the importance of identifying children and students
10 who have special educational needs; and

11 (d) inculcate in students of the school an awareness of the needs of
12 persons with disabilities, and learning difficulties.

13 8.-(1) It is unlawful for a school authority to permit the
14 discrimination or to discriminate against a student who is challenged
15 physically or has learning difficulties:

Discrimination
by school
authorities

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

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

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

21 (2) It is unlawful for a school authority to discriminate against a
22 physically challenged student or one with learning difficulties in the
23 education or associated services provided for, or offered to students at the
24 school.

25 9. A school authority shall not be regarded as discriminating
26 against a student with learning difficulties if it shows:

Defense by
school authority

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

30 (b) that its failure to take the requisite steps was attributable to that

1 lack of knowledge.

Duty of educational
authority

2 **10.-(1)** The Federal Ministry of Education shall, in collaboration with
3 any other educational authority, prepare regulations for schools and
4 institutions:

5 (a) increasing the extent to which students with physical challenges
6 and learning difficulties can participate in schools' curriculums;

7 (b) providing for training of more teachers in special education or the
8 integration of specialist in the caring for students with learning difficulties so
9 as to be able to cater for their needs in the schools;

10 (c) diversifying schools curriculums to cater for the above category of
11 students;

12 (d) providing proper funding for special needs education;

13 (e) improving the physical environment of the schools for the purpose
14 of increasing the extent to which special needs students are able to take
15 advantage of education and associated services offered by the schools.

16 (2) These regulations shall be constantly evaluated, monitored,
17 reviewed and implemented to improve the education provided for those
18 students.

Remedies

19 **11.-(1)** A claim that a student with physical challenges or learning
20 difficulties has been discriminated against in a way which is unlawful under
21 this Bill may be made through a civil proceeding in any superior court of
22 record.

23 (2) The remedies available in such a proceeding are those which are
24 available in such superior court of record.

Penalty

25 **12.-(1)** Where a court makes a determination that a school authority is
26 in breach of section 9 of this Bill, it shall impose a fine of N250,000 on each of
27 the directors or principal officials of the school.

28 (2) If the breach is of a continuing form, the court may impose such
29 further fines as it may deem fit until the breach abates.

1	13. In this Bill:	Interpretation
2	"Special needs children" means children who have physical challenges,	
3	learning difficulties or profound cognitive impairment; food allergies or	
4	terminal illness; developmental delays that catch up quickly or remain	
5	entrenched; occasional panic attacks or serious psychiatric problems;	
6	"Special needs education" means, in relation to a person, restriction in the	
7	capacity of the person to participate in and benefit from education on	
8	account of an enduring physical, sensory, mental health or learning	
9	difficulties, or any other condition which results in a person learning	
10	differently from another person without that condition;	
11	"School authority" means the administrative body which runs a school.	
12	14. This Bill may be cited as the Special Requirements Education	Citation
13	Bill, 2018.	

EXPLANATORY NOTE:

This Bill seeks to require schools to provide special facilities for the education of students with physical challenges and learning difficulties.

