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Quality assurance in the Legislation of Education for Exceptional Children in Nigeria.

Ogbu, E. N.

Adult and Continuing Education, Faculty of Education Enugu University of Science and Technology

ABSTRACT

This study attempted to explain the Legislation of the education of exceptional Persons in Nigeria. It discussed the laudable policy statement which cannot be adequately implemented in the absence of lack of laws to back the implementation. Furthermore, it discussed that quality assurance is centered-approach and can be used to determine whether set objectives by the National Policy on Education on the Education of Exceptional Persons are met. The legislation of education of exceptional persons can be surmounted when the recommendations preferred are adhered to strictly.

Keywords: Education, Quality assurance, Exceptional children and Nigeria.

INTRODUCTION

Generally, human beings have legal rights which are within the contemplation of Laws and those rights are enshrined in the constitution of Nigeria and other legislation [1]. Besides the fundamental human rights which everybody in the society has, are the rights to education. Since everyone, whether fit or unfit has membership in the society, such should be given adequate education so as to become contributing members of the society to contribute to sustainable development. Of all these laws stipulated, the most vital legal framework for exceptional children in Nigeria is the 1979 Nigerian constitution which states that

There is no discrimination on the basis of colour, physical disposition or whatsoever.

Also, in the Nigerian National Policy on education [2], emphasizes the right to educa

tion to all and sundry- therefore every Nigerian child shall have a right to equal educational opportunities irrespective of any real or imagined disabilities each according to his or her ability. Also, the Nigerian with Disability Decree of 1993 in Jonathan (2010) stated that the general principles of this decree include

To provide a clear and comprehensive legal framework for protection and security for Nigerians with disability as well as establish standard for enforcement of the rights and privileges guaranteed under this decree

e and other laws applicable to the disabled in the Federal Republic of Nigeria.

In a similar development section 5 of this degree also deals with the provision of education for exceptional persons thus:

1. Disabled persons shall be provided in all public educational institutions free education at all levels.
2. Government organs and authorities shall ensure:
 - i. adequate training for personnel to cater for the educational development of the disabled in educational institutions
 - ii. vocational training to development skills
3. government organs and authorities shall;
 - i. Take into consideration the special needs and requirements for the disabled in the formation, design of educational policies and programmes.
 - ii. Ensure structural adaptation of all educational institutions to the needs of the disabled as much as possible.
 - iii. Promote specialized institutions that will facilitate research and development of education of the disabled.
4. Government shall promote:
 - i. The establishment of special schools with appropriate curriculum designed for different disability conditions.
 - ii. The training and in-service training of teachers suited for different disabilities.
 - iii. Improvement of facilities and equipment in educational institutions

that facilitate the education of the disabled.

- iv. The establishment of a National Institute of Special education to cope with the increasing research and development in the education of the disabled.
 - v. The strengthening of co-operation and collaboration among relevant authorities, organs, institutions to ensure early and coordinated education of the disabled.
 - vi. Interaction and exchange between disabled children in special schools and children in ordinary schools
 - vii. Improvement of university education facilities to ensure maximum benefit of university education for the disabled.
5. Government shall ensure that not less than 10% of all educational expenditures are committed to the education needs of the disabled at all levels.

By this criterion, our educational system has less than distinguished history. [3], [4] admit that exceptional person have often been deprived full and fair access to education because they were not considered “people” in the eyes of the law. [5], revealed that long before there was any legal requirements to do so, many exceptional persons were educated by devote teachers and parents. [6], remarked that before 1970s, many states had laws permitting public schools to deny enrolments to exceptional children. Local School officials had no legal obligation to grant students with disabilities the same educational access that non-disabled students enjoyed. United States of America (USA) state law for instance according to [7], allowed schools to refuse to serve children physically or mentally incapacitated for school work, another state had a law stipulating that children with bodily or mental conditions rendering attendance inadvisable would be turned away. When these laws are contested in the law courts, the nation’s courts generally supp

orted their exclusion [8]. The recent provision of educational opportunities to exceptional persons in public schools did not come about by chance. Many laws and court cases, reflecting the issues and conflicts of our times have had effects on the education of exceptional persons. There has been remarked increase in the number of countries around the world which have enacted positive legislation concerning rights and access to education for exceptional persons. This is because education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditure for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic responsibilities. Those countries include Japan, the United States of America, United Kingdom and others because they make the legal rights of exceptional persons a constitutional issue. Nigeria has now realized that education should be the rights of every Nigerian and not just privilege. This concept of universalization of education led to the launching of the universal primary education scheme in 1976 and followed soon, afterwards by the dedication of the National Policy on Education, 1977. The policy which was revised in 1981, 1989, 1998 and 2004 has the following goals and objectives for special education

1. To Concretize the meaning of equal educational opportunities for all exceptional children and adults, their physical, mental and emotional disabilities notwithstanding
2. The provision of education for all handicapped children and adults so that they can fully play their roles in the development of the nation
3. The gifted children in the society will be granted the opportunities to develop at their paces in the interest of the nation's economy and technological development.

The policy spelt out clearly the need for the education of handicapped, gifted and normal persons.

The awareness of the effect of legislation in the development of programmes for exceptional persons is still at a very low level. Concern has been expressed that where such legislation exists, it is not always enforced [8]. Also, [9] confirm that these pronouncements are laudable, however, they were not vigorously pursued in terms of implementation of these legal and policy pronouncements that compounded the problems of challenged children. It is sad that in this stage of development in Nigeria that not much has been achieved in the education of exceptional persons. This has been attributed to the absence of legislation to back many laudable ideas and policy statements proffered by the government and others. [10] in [11] opined that the policies which would have moved the education of exceptional persons forward could not, because of lack of legislation. These policies have therefore remained pious statement of intent without practical effect. Legislation for the education of exceptional persons has helped developed countries move ahead. The absence of favourable legislation in Nigeria is an obstacle to progress in the education of exceptional persons. The problem of ineffective legislation is a direct negation of section 8 (55a) of the National Policy on Education which states that:

the purpose and objective of special education should be to give concrete meaning to the idea of equalizing educational opportunities for all persons, their physical, mental, emotional disabilities notwithstanding

Different associations and different professions like the Nigerian medical Associations, Nigerian Bar Association, Nigeria Union of Journalist and a host of others, agencies and spirited persons have advocated educational opportunities for exceptional persons. In Nigeria, it has even assumed the status of Policy statement; it is therefore in existence. The bane of these laudable objectives is the absence of law. The Fe

deral and State governments and well meaning Nigerians should consider the issue of enacting laws for the education rights, employment rights and access to public and private transportation rights among others [12]. To protect and enhance these rights of exceptional persons, it is of paramount importance to enact positive laws realizing also that people who are exceptional are well served. The laudable policy statements cannot be adequately implemented in the absence of laws to back the implementation. [7] observed that such legislation should be patterned along the famous *Education for all handicapped persons*. Act of 1975 otherwise known as Public Laws 94-142 of the United States of America. This was the first law to clearly define the rights of exceptional persons to free appropriate Public education.

the public law states that:

all handicapped children between the ages of 3 and 21, regardless of the type of severity of their disability, shall receive a free, appropriate public education which emphasizes special education and related services designed to meet their unique needs.

[6], added that this education must be provided at public expense- that is, without cost to the child's parents. PL 94-142 also mandated an Individualized Education Programme (IEP) which must include- short and long term goals for the education and ensure that the necessary services and products are available for the person. The law also requires that the child is placed in a Least Restrictive Environment. Least Restrictive Environment (LRE) means placing the child in the most normal setting that is possible. The Public Law 94-142 also ensures that students with disabilities are given non-discriminatory tests. The discriminatory test means test which takes into consideration the nature language of the challenged person and the effects of the disability and that due process procedure are

in place to protect parents and the children. Education of challenged persons is expensive [13]. The law was designed to back up its mandate for free, appropriate public education by providing Federal funds to help state education departments to meet their education by providing federal funds to help state education department meet the additional costs of educating them. It is very petrified to know that only a few countries in Africa have laws which uphold the rights of challenged persons.

Education of challenged persons occupies a prominent position in the National Policy on Education (2004), [14] in [9], remarked that the aim of education generally is to provide the child the opportunity to fully develop his abilities- mentally, physically, socially and morally in order for him to make worthy contributions to the society in which he lives. In section 8 of the National Policy on Education (2004), government directed that all persons including the gifted as well as those with physical, mental and learning difficulties must be provided for under the educational system.

CONCEPTUAL CLARIFICATIONS

Definition and Meaning of Exceptional Children and legislation

Exceptional is an inclusive term that refers to any child whose performance deviates from the norm, either below or above, to such an extent that special education programme is indicated [9]. Thus, the term exceptional children would include both intellectually gifted and severely retarded children. [15] in [12] sees exceptional persons as those who in one way or another differ from those considered to be normal by a greater segment of our population. [14] in [11] posited that exceptional children for a variety of reasons are not able to function at the level of the majority of people in our society. [8] defined exceptional person as one who deviates from the average or normal person in mental characteristics, sensory abilities, neuromuscular or physical characteristics, social or emotional behaviour, communication abilities, or multiple handicaps to such an extent that he requires a modification of social practices

or special education practices in order to develop his maximum capacity.

[15] in [9] saw exceptionality as generally used to describe the significant departure from the normal trend in human development and to imply the associated needs of the individual that make special education imperative for a person if he/she must live a useful life in society. United Nations Convention on the Rights of Persons with Disabilities (2004) saw exceptional as those whose educational requirements are so different from the average or normal child that he cannot be efficiently educated without the provision of special education programmes, services and facilities. Exceptional children can be loosely classified as falling into one or more of the following categories:

1. mentally retardation
2. learning disabilities
3. Behaviour disorders (emotional disturbed)
4. Communication disorders
5. Hearing impairments
6. Visual impairments
7. Physical and other health impairment
8. Sever handicaps
9. Gifted and talented.

Legislation is law which has been promulgated by legislation or other governing body, or the process of making it. According to [13], before an item of legislation becomes law, it may be known as a bill, and may be broadly referred to as legislation while it remains under consideration to distinguish it from other business. Legislation can have many purposes: to regulate, to authorize, to prescribe, to provide (funds) to sanction, to grant, to declare or to restrict. Legislation is regarded as one of the three main functions of government which are often distinguished under the doctrine of the separation of powers.

In addition to assurances of civil rights of students with disabilities, other legislation exists that address their educational rights. The first major that guaranteed the rights to a public education for all children ages 5 to 21, was the Education for all han-

dicapped children, Act Of 1975 which more commonly known as EHA. Thus [5] as cited by [7] in a letter to the defunct National Assembly during the Second Republic called for enactment of Federal and State laws to guarantee the rights of education to exceptional children. According to [3], such laws are long overdue if we are to ensure education to all exceptional children. Many authors [7], [4],[12] reveal that many exceptional children do not attend school. [2], reveal that most exceptional children are concentrated in developing countries and that there has not been efforts by government or concerned people to address such concerns that range from accessibility and education to self-empowerment and self-supporting employment and beyond. [14] thus explains the imperativeness of aggressive and effective implementation of special education programme in Nigeria.

DEFINITION OF SPECIAL EDUCATION

Special education which is a young exciting and rapidly changing field is a profession that has its own tools, techniques and research efforts, all focused on improving instructional arrangements and procedures for evaluating and meeting the learning needs of exceptional children and adults. Excitingly, it is a story of people and the participants in this story include: the disabled child, who is attending a regular public school or special school, the young adult who has recently moved from a large institution into a group home in her community, the parents who seek educational services for their child, and the teacher who works with other professionals with parents and the child himself in planning and developing an appropriate programme of education. Special education is the story of all of them [12]

Pragmatically, special education is the individual planned and systematically monitored arrangement of physical settings, special equipment and materials, teaching procedures and the other intervention designed to help exceptional children achieve the greatest possible self-sufficiently and academic success.

The National Policy on Education [16], defined special education as a formal educational training given to people (children and adults) with special needs. Apart from:

- a. Giving concert meaning to the idea of equalizing educational opportunities for all children their physical sensory, mental, psychological or emotional disabilities notwithstanding. The policy document further stressed that it will
- b. Provide adequate education for all people with social needs in order that they may fully contribute their own quota to the development of the nation.
- c. Provide opportunities for exceptionally gifted and talented children to develop their talents, natural endowments/traits at their own pace in the interest of nation's economic and technological development and
- d. Design a diversified and appropriate curriculum for all the beneficiaries (FRN. 2004 47-48)

[8] as cited in [16] remain the most cited definition even though it is not comprehensive enough as it omitted the gifted category: According to Rogers definition describes special education as an area within the framework of general education that provides (1) appropriate facilities (2) specialized materials and (3) teaches with specialized training for children considered handicapped. The Federal Republic of Nigeria in its National Policy on education document [2] defines special education as:

The education of children and adults who have learning difficulty because of different sorts of handicap; blindness, partial sightedness, deafness, hardness of hearing, mental retardation, social maladjustment, physical handicap, e.t.c, due to circumstances of birth, inheritance, social position, mental and physical health patterns, or accident in later life. As a result

It, a few children and adults are unable to cope with the normal school class organization and methods.

The policy document also added that

"there are also the especially gifted children who are intellectually precocious and find themselves insufficiently challenged by the programmes of the normal school and who may take to stubbornness and apathy in resistance to it"

[6], lamented that the definition of special education above seen to leave gifted children in a class by themselves. It is important to stress that the gifted/talented are part and parcel of special education. Special education within the framework of general education which is designed not only to prevent, reduce or eliminate all the conditions that produce significant defects in all round functioning of exceptional persons but also designed to render specialized services directed towards meeting the individual needs of exceptional children.

Quality Assurance

Quality is a concept often used in the context of standard which implies accepted principles, rules and guidelines. Equally, quality assurance can also be seen as a concept of total quality management so that every progress and activity is implemented right in time and appropriately, [17]. Quality assurance refers to the engineering activities implemented in a quality system so that requirements for a product or services will be fulfilled. It is the systematic measurement companion with a standard monitoring of process and an associated feedback loop that confers error prevention [8]. This can be contrasted with quality control and standard. It is a process centered approach to ensure that an organization is providing the best possible product and services and in the process demands a degree of details in order to be fully implemented at every step and to determine whether the goals are met.

The National Policy on Education developed in 1977, revised in 1981, 1989, 1998 and 2004 has the following goals and objectives for exceptional persons.

Provision of education for all exceptional children and adults so that they can fully play their roles in the development of the nations. The gifted children in the society will be granted the opportunity to develop at their pace in the interest of the nation's economy and technological advancement.

[11] as cited in [16] refers that section 39 of the constitution of 1975 and even the amendment by the constitutional Assembly all of which enshrined the Rights of freedom from discrimination on grounds of ethnic groupings, community belonging, circumstances of birth, place of origin, sex, religious affiliations and political opinions do not provide for freedom from discriminations on grounds of disability. [18], also observed that African governments rather tender to use policies, bills and Act which by themselves have no binding force of law. Documentary review of the situation

in various countries show that most countries are rendering educational services to exceptional persons, but such services are not yet obligatory as force of law and policies are non-existent in Nigeria.

Quality assurance is therefore meant to monitor introduced Legislation education of exceptional persons, aimed at protecting the rights of disabled people especially in countries where disabled persons did not have equal rights with the rest of the population. For instance UNSECO (2004) recorded that around 90 percent of children with disabilities in developing countries do not attend school and the global literacy rate for adults with disabilities is as low as 3 percent.

In the light of the above, quality assurance in the legislation of exceptional persons aim to assess and contribute towards a global 'paradigm shift' in attitudes towards disabled persons and compel if possible countries like Nigeria to employ extensive provision according to international guideline for exceptional persons and guarantee equal rights in education and employment.

Quality assurance could commit National government to develop and carry out policies, laws and administrative measures for securing the rights recognized and to abolish laws, regulations, customs and practice that constitute discrimination in education. It would also guarantee that disabled persons can enjoy a right to life on an equal basis with others and ensure the rights and advancement of women and girls with disabilities. Quality assurance sets out global policy agenda to promote legal rights for disabled persons.

RECOMMENDATIONS

1. Further legislation should be introduced for legal protection from discrimination of disabled persons in several areas including employment and access to goods and services.
2. Laws, regulations, customs and practices that constitute discrimination for disabled

- persons should be abolished.
3. Government should give special attention to the educational needs of disabled persons.
 4. An appropriate legislation for education of exceptional children should take the shape of the world programme of the Action concerning exceptional children.

CONCLUSION

Quality assurance is imperative in the legislation of education of exceptional persons and will help to determine whether steps taken to give concrete meaning to the idea of equalizing educational opportunities for all exceptional persons are implemented. Quality assurance would also emphasize that Nigeria join other countries of the world to enact positive legislation concerning rights access to education of exceptional persons.

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