



## Ensuring educational rights for children with special needs

Dr. Rubeena

Assistant Professor, Department of Education and Training, Maulana Azad National Urdu University, Hyderabad, Telangana, India

### Abstract

Ensuring educational rights for children with special needs (CWSN) is crucial for inclusive education in India. This article investigates legislative frameworks, including the Right to Education (RTE) Act of 2009 and the Rights of Persons with Disabilities (RPwD) Act of 2016 that seek to provide fair educational opportunities for CWSN. The RTE Act requires free and compulsory education for all children aged 6 to 14, including CWSN, whereas the RPwD Act broadens the definition of disability and emphasises the importance of accessible infrastructure, teacher training, and curriculum changes. Despite these legal protections, issues such as inadequate infrastructure, a scarcity of skilled teachers, and societal shame continue. The study also discusses current developments, such as the National Education Policy (NEP) 2020 and initiatives like the DIKSHA platform, which seek to promote inclusive education. The participation of parents, educators, and the community is emphasised as critical to the successful implementation of inclusive education. The study also discusses current developments, such as the National Education Policy (NEP) 2020 and initiatives like the DIKSHA platform, which seek to promote inclusive education. The participation of parents, educators, and the community is emphasised as critical to the successful implementation of inclusive education. The article ends with suggestions for removing current obstacles and exhorts everyone to work together to establish an inclusive learning environment for all kids.

**Keywords:** Inclusive education, children with special needs (CWSN), right to education (RTE) act, rights of persons with disabilities (RPwD) act, national education policy (NEP) 2020, teacher training

### Introduction

Education, being a fundamental right of every child, it has been significantly challenging to provide quality education to Children with Special Needs (CWSN). These children are being differentiated from their fellows in educational settings since history. They are either completely isolated or placed in special schools designed for them, which separates them from their peers. This paradigm, nevertheless, started to shift by the aid of international movements and national legislative efforts towards inclusive education.

In India, two acts—the Right to Education (RTE) Act of 2009 and the Rights of Persons with Disabilities (RPwD) Act of 2016—are proven to make marked changes, assuring CWSNs get the equivalent quality of education as of the normal children. These acts set down the principles of legal provisions necessary to remove the obstacles, create inclusion, and nurture education for children without differentiating their abilities in general schooling. The RTE Act, concentrating on delivering free and compelled education for every child between the ages of 6 and 14 years, was their first stimulation towards inclusive education. It ensured that children from segregated groups, including CWSNs, are able to access regular schools. The RPwD Act of 2016 reinforced these rights by broadening the range of acknowledged disabilities and establishing a more detailed structure for accommodations, teacher preparation, and infrastructure improvements. Jointly, these regulations guarantee that CWSN are not only registered in educational institutions but also provided with the necessary tools and resources to excel.

Although these legislative acts have achieved significant progress, there is a lot to be done yet. Schools are frequently in a deficit of necessary resources, qualified staff, and infrastructure to completely adhere to legal requirements. In

the same way, societal beliefs and misunderstandings regarding disability still hinder the achievement of inclusive education.

### The Right to Education Act (RTE), 2009: A Milestone for Inclusivity

The RTE Act, which was put into practice in 2009, was a significant step towards guaranteeing free and compulsory education to all the children ages 6–14 years in India. The Act's inclusionary approach is one of its main characteristics. Although its primary concentration is on marginalised groups, such as children from Economically Weaker Sections (EWS) and disadvantaged groups, it also includes Children with Special Needs (CWSN) in its broad definition of "Disadvantaged groups."

The Act obligates both government and private schools to provide education without discrimination. Children are provided with the equal rights in regard to attending mainstream schools as the normal children of their age group. Furthermore, the Act requires that at least 25% of seats in private schools be designated for students from disadvantaged groups, particularly CWSNs, to ensure their integration into the broader educational system. This legislation additionally requires the government to furnish the essential infrastructure to support these children, ranging from accessible school buildings to specialised teaching approaches and assistance.

### The Rights of Persons with Disabilities (RPwD) Act, 2016: Enhancing legal assistance for CWSN

In 2016, the RPwD Act was enacted to enhance the educational entitlements of children with disabilities. Expanding on the RTE Act's provisions, the RPwD Act broadens the definition of disabilities and offers a more

detailed framework to assure that CWSN get the assistance required for success in school. The RPwD Act encompasses disabilities that involve not just physical impairments but also intellectual, developmental, sensory, and mental health issues.

The RPwD Act highlights the significance of inclusive education by making it obligatory on every school, whether public or private, to offer appropriate accommodations for students with disabilities. The accommodations are as follows:

- **Hindrance-free access:** Educational institutions need to be physically reachable for children with mobility issues, providing ramps, grab bars, accessible washrooms, and modified classrooms.
- **Supportive Tools and Educational Resources:** Educational institutions are instructed to supply suitable assistance tools like hearing devices, Braille literature, and various educational materials tailored to the particular requirements of CWSNs.
- **Teacher Training:** For schools to foster an inclusive atmosphere, it is essential that teachers receive training to effectively engage with children with disabilities, employing specific teaching methods and modifying curricula as needed.
- **Curriculum Adjustments:** Students with learning disabilities or cognitive challenges need curricula suitable to their learning capabilities. The RPwD Act obligates those adjustments be implemented to cater to the requirements of CWSN.

By means of these provisions, the RPwD Act addresses both the physical and educational obstacles encountered by CWSN while also fostering an inclusive culture in schools throughout India.

#### Types of disabilities included in the RTE Act

The main goal of the 2009 Right to Education (RTE) Act was to guarantee that all kids, no matter their economic status or physical and cognitive capacities, are able to receive free and mandatory education. For Children with Special Needs (CWSN), the legislation is in accordance with the Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995, and later with the more inclusive Rights of Persons with Disabilities (RPwD) Act, 2016, to widen the range of disabilities included and offer improved protection and assistance.

The Rights of Persons with Disabilities (RPwD) Act of 2016 supersedes the Person with Disability Act of 1995 and safeguards children with diverse disabilities by offering necessary support and accommodations in regular education settings. According to the RTE Act, individuals with disabilities are specifically included in the disadvantaged category, allowing them to receive unique benefits under the legislation.

The disabilities categorised under the RTE Act follow these important Central Acts that are as follows:

- The Rights of Persons with Disabilities Act of 2016
- The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999.

The disabilities applicable for the RTE Act, recognised by the RPwD Act 2016, are:

#### 1. Physical disabilities:

**Locomotor Disability:** The disabilities affecting the normal movements of the body, such as cerebral palsy or muscular dystrophy. The school is instructed to provide aids Crutches, wheelchairs and suitable infrastructure.

**Leprosy-cured Persons:** People recovered from leprosy but still having its impact on physical ability, especially locomotor disabilities

**Dwarfism:** A condition resulting from various factors like genetic abnormalities, growth hormone deficiency, etc. wherein such students need special sitting arrangement in the classroom and some special aid for their mobility

**Muscular dystrophy:** A genetic disorder that leads to degeneration of muscles resulting in overall physical weakness.

#### 2. Visual impairments:

**Blindness:** This condition encompasses the complete lack of vision or visual acuity that does not surpass 3/60 in the stronger eye, necessitating that schools supply materials in Braille and other supportive tools.

**Low Vision:** Although the student is not suffering from complete blindness, there are students who have low vision who need special aids like magnifying glasses and special reading materials.

#### 3. Hearing Impairments:

**Deafness:** The person is unable to perceive 70 dB or more in the better ear, having a great effect on communication. Sign language, interpreters, or hearing aids must be available in schools.

**Hard of Hearing:** Individuals who can't perceive between 60 and 70 decibels need some auditory aids in order to interact with teachers and peers

**Speech and language disabilities:** Students with speech disorders or linguistic perception and interpretation disabilities need special teaching-learning methods and also assistive communication devices.

#### 4. Intellectual Disabilities:

**Intellectual Disabilities:** Genetic/congenital/development defects such as Down syndrome which are associated with mental retardation or deterioration leading to undermined intellectual functioning and adaptive behaviour of an individual

**Autism Spectrum Disorder:** A developmental defect in the nervous system of an individual impairing him/her from proper or normal communication and behaviour, needing individualised education plans (IEPs) and specialised teaching methods.

**Specific Learning Disabilities:** Although the child has normal intellect, he/she juggles reading, writing, and calculations. Some such disorders are dyslexia, dyscalculia, and dysgraphia. It is mandatory for a school to implement special teaching methods and remedial education.

### 5. Mental Illness

Psychic disorders like depression and anxiety have notable effects on normal, regular human function. The act includes children suffering from such conditions, and schools are mandated to provide psychological support and counselling services.

### 6. Multiple Disabilities

The student would be suffering from more than one disorder simultaneously, such as visual and hearing defects, at the same time, also known as deaf blindness. It caused a significant hindrance for such children in communication and comprehension. Schools must provide necessary support teaching plans in order to cater their varied needs.

### 7. Chronic neurological conditions

The disorders, including CNS manifestations such as Multiple sclerosis, need special medical support along with special teaching techniques.

### 8. Blood Disorders

Blood disorders like Thalassaemia, Haemophilia and Sickle Cell Anaemia require very often blood transfusions and other medical assistance. Schools need to provide flexible schedules and health accommodations for such students.

### 9. Other recognised disabilities:

**Acid Attack Victims:** Acid attack victims are disfigured as well as mentally disturbed, needing psychological support and reconstructive surgeries needed for their rehabilitation. These children are also considered a disadvantaged group under RTE provision

**Parkinson's Disease:** A central nervous system manifestation due to dopamine deficiency causing tremors and balance problems. It is rare in children.

### Provisions for Persons with Disabilities in RTE

The combined impact of the legal provisions of the RTE Act and RPwD Act provides a strong skeletal work to offer inclusive education to disabled and disadvantaged students. These acts provide these children with equal access and resources to flourish:

1. **Indiscrimination:** Section 3(2) of the RTE Act proposes that no child can be prevented from getting admission in the school based on disabilities.
2. **Free and Compulsory Education:** CWSNs are mandated to be provided free and compulsory education till elementary levels
3. **Neighbourhood Schools:** CWSNs are rightful to gain education in schools present in neighbourhoods.
4. **Special Training:** Schools are mandated to provide CWSNs with special training in order to make their educational quality equal to their normal peers.
5. **Transportation:** It's the responsibility of local authorities to make sure that CWSNs have free access to transportation to attend school.
6. **Barrier-free Access:** Schools are instructed to adapt the toilets as per the need of CWSNs and provide them with barrier-free access.

7. **Resource Support:** The Act provides CWSNs with resource support, including aiding devices needed by them
8. **Individualised Support:** CWSNs have the right to access the individualised support according to their need.
9. **Home-Based Education:** The children with extreme impairments are provided with home-based education by the Act.
10. **Scholarships:** CWSNs are provided with scholarships as per the eligibility criteria provided by the government.
11. **25% Reservation for CWSNs:** The RTE Act assures that every school has 25% of their seats reserved for disadvantaged children, under which come the CWSNs. This encourages inclusive education.

### Understanding Specific Needs: Physical, Cognitive and Sensory disabilities

A refined understanding of specific needs respective to different disabilities is a demand of inclusive education. Each disability has some required aids unique to it, which must be taken care of by schools.

- **Physical disabilities:** Conditions where person is impaired of physical motility, requiring aids like special ramps, crutches wheelchairs and even assistance from a person
- **Cognitive Disabilities:** Congenital developmental genetic acquired diseases that lead to neurological defects impairing the child with comprehensive and intellectual ability. Some of such diseases are Down syndrome, autism, etc. Special teaching techniques are needed for these children, focusing mainly on basic and life skills development
- **Sensory disabilities:** These disabilities include hearing and visual impairments. Here, the teacher needs to know the sign language and tactile teaching methods. Also, classrooms must adapt infrastructure, which could enhance the sensory experiences.

By these efforts, inclusive education in schools is promoted

### Recent Developments

In the past few years, there have been some positive efforts made that brought ground to inclusive education in India. They are:

1. **National Education Policy (NEP) 2020:** The NEP 2020 signifies inclusive education and suggests various strategies to support disabled students. It suggests schools adapt appropriate aids and specialised teaching techniques promoting inclusive education.
2. **Diksha Platform:** The ministry of education launched the Digital Infrastructure for Knowledge Sharing (DIKSHA) platform, which provides resources for disadvantaged students and is made accessible to CWSNs.

3. **Samagra Shiksha Abhiyan:** As its name suggests, it is a scheme that strongly supports inclusive education. It supplements CWSNs with resources and support such as transportation, assistive devices/aids, and special teaching-learning strategies.
4. **Priya: The Accessibility Warrior:** It is a comic book launched by the Department of Empowerment of Persons with Disabilities in order to create awareness about inclusion and accessibility among children.
5. **Inclusive Education Index:** Progress of the efforts made to build-up The Inclusive Education and its improvement in schools across the country are checked by The Ministry of Education by developing an Inclusive Education Index.

### **Vitality of Parents, Educators, and the Community altogether**

The success of inclusive education also comes from active participation of parents and educators and the community, and not solely by legal provisions. Parental involvement is specifically important. Parents are encouraged by RTE Act to participate in School Management Committees (SMCs), predisposing them a role in shaping school policies and ensuring the fulfilment of their children's needs. One vital role is played by teachers in developing inclusion. After specialised training, they can learn to assist CWSN, allowing a more convenient classroom environment. A close contact between educators and parents/caregivers is beneficial in providing the required help by understanding the child's personal challenges.

The RTE Act, along with subsequent guidelines and the Rights of Persons with Disabilities Act, 2016, mentions particular duties for schools and teachers in affirming inclusive education. These are as follows:

1. **Indiscriminate admission:** Schools must look for admission without discrimination for children with disabilities and equal provision of education and opportunities for sports and recreation activities like others.
2. **Accessible Infrastructure:** Schools are obliged to:
  - Provide ramps, handrails, etc.
  - Availability of clean and accessible toilets.
  - Accessible classrooms, libraries, and laboratories.
3. **Facilitation of Assistance Devices:** Providing necessary assistive devices to children with disabilities in schools.
4. **Adaptation of new and innovative Curriculum and Teaching Methods:** Teachers are required to adapt the mentioned curriculum and teaching methods to fulfil the needs of disabled children.
5. **Repetitive and Comprehensive Evaluation:** Implementation of continuous and comprehensive evaluation by teachers, considering the individual necessities of children with disabilities.
6. **Individualized Education Program (IEP):** For children with benchmark disabilities, Teachers are required to organise an IEP following a consultation with parents and experts.

7. **Specialized Training:** Teachers must be trained in inclusive education and individual disability areas to teach children with disabilities efficiently.
8. **Collaboration with Specialized Educators:** Common teachers are expected to show alliance with experienced educators to provide adequate help to children with disabilities.
9. **Awareness and Sensitization:** Imposing an ambience of inclusion in the school community to create awareness about disability issues, under the responsibility of teachers and school management.
10. **Uniform Monitoring and Reporting:** Schools must regularly check the progressive status of children with disabilities and reflect on their interactions and achievements.
11. **Engagement in Co-curricular chores:** Schools and teachers must make sure that such children are exposed to opportunities to participate in sports, recreation, and cultural activities.
12. **Transportation Facilities:** Schools, in association with local authorities, must ensure appropriate pick and drop facilities for children with disabilities.
13. **Collaboration with Health Department:** Regular health check-ups and necessary interventions for these children must be put forth by schools in coordination with healthcare centres.
14. **Addressing grievances and issues:** Establishment of setups by schools to discuss the problems related to the education of children with disabilities.

These initiatives overall propagate to create a favourable environment that allows children with disabilities to fully participate in and benefit from the education system. Involvement of the broader community, like school administrators and local governments, will also aid in this. Creating awareness about the significance of inclusive education and fighting stigmas Targeting disabilities is vital for developing a more inclusive society.

### **Hindrance to Implementation: Drawbacks and Propositions**

Implementation of inclusive Education is subjected to various setbacks even in the presence of a legal framework. They are:

1. **Infrastructural voids:** A basic infrastructure to accommodate children with various disabilities is still a deficit in many schools. Research by the National Council of Educational Research and Training (NCERT) states that only 22.44% of schools had ramps with handrails, and only 17.95% had disabled-friendly toilets.
2. **Scarcity of Trained Teachers:** There is an ample unavailability of teachers trained in special education and inclusive teaching methods. A shortage of over 1.2 million trained educators in the country has been reported by the Rehabilitation Council of India (RCI).

3. **Lesser prevalence of Assistive technology:** Numerous institutions are unable to provide necessary assistive devices due to financial reasons or no knowledge about their significance
4. **Inadequacy in adapting curriculum:** The utilization of curriculum and teaching methods to Meeting the needs of children with different disabilities is yet a dispute in many schools.
5. **Social dishonour and Discrimination:** Consistent community stigma and discrimination against persons with disabilities often dampen their full potential in mainstream education.
6. **Less Registrations and elevated Dropout Rates:** Enrolment rates for children with disabilities remain low, and dropout rates are high even in the vicinity of the RTE Act. According to a 2011 census report, about 27% of handicapped children belong to 5-19 years of age group had never been to school.
7. **Unawareness about the topic:** Many caregivers are unknown to the legal rights of CWSN under the RTE and RPwD Acts because of which children with disabilities are often deprived of mainstream education and separately placed in specialized schools, restricting them opportunities for inclusion.
8. **Subthreshold funds:** Inadequate funds for special education influences quality of services provided to children with disabilities.
9. **Poor motivation and encouragement:** The facilitation of individualized support, as obligated by law, is usually neglected on account of lack of trained personnel and resources insufficiency.
10. **Lack of Early detection and Improvement:** There is irresponsibility shown in systematic identification and intervention programs, which is essential for the educational propagation of children with disabilities.
11. **Indefinite Access in villages and Rural Areas:** Absence of specialized services and assistive technologies in rural areas make it a more difficult task for disabled children residing therein.
12. **Improper check-ups and Assessments:** There is inadequate monitoring and evaluation method to notice the degree of implementation of inclusive education ideologies.

Combined efforts from the government and civil bodies are needed for highlighting these challenges. Organizing awareness camps also helps to inform parents and educators about the rights of CWSN. Schools must be given the proper financial aid to renovate them infrastructure, and specialized training programs must be enhanced to encapsulate more standardised training on inclusive education.

### Conclusion

The involvement of children with additional support in mainstream education is not only a legal requirement but a

moral milestone. By completely abiding with the provisions of the RTE and RPwD Acts, our country can ensure that every child, regardless of their abilities, has the opportunity to learn, progress, and survive in an inclusive and supportive environment. Summative efforts from the government, schools, families, and communities are required to redeem this aim of creating an educational environment that actually serves to all by violating all the opposals.

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