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## Right to education and learning disabled children

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### ABSTRACT

*Every child has a different learning style and therefore it is important for teachers to think of new and interesting ways to educate them. While general students need equal attention from teachers. Students with special needs require extra attention. It is learning disabilities that are the most vague and mystifying when compared to other major handicapping or disabling conditions, with the possible exception of emotional disturbances. It is still a great deal of debate as to what is meant by the term Learning Disability. It is so because the field is quite new and the group of persons whom we now call Learning Disabled is unusually diverse.*

**Keywords**— Learning Disabilities, SEN, IEP, Instructional Method, Inclusive education

### 1. INTRODUCTION

We are born free and equal in dignity and rights.—this is how article 1 of the universal declaration of human rights begins. This means that we all possess certain rights that have been with us since our birth; these rights are called Human rights. Every child has the right to education.

### 2. RIGHTS OF DISABLED CHILDREN

The rights of individuals with disabilities are grounded in a human rights framework based on the United Nations charter, the Universal declaration of human rights, International covenants on human rights and related human rights instruments.

Persons with disabilities are entitled to exercise their civil, political, social, economic, and cultural rights on an equal basis with others under all the international treaties. The full participation of persons with disabilities benefits society as their individual contributions enrich all spheres of life and this is an integral part of individuals and society's well being and progress for a society for all – with or without disabilities.

Disabled children, like all children, have important rights under the UN convention on the rights of the child. These rights can be summarized as follows:

- Disabled children have the human right to be included in their local community and to do the kinds of things that non-disabled children do. They have the right to support to help them do this.
- Disabled children have the human right to take part in play and leisure activities and to freely express themselves in cultural and artistic ways. They have the right to equal access to cultural, artistic, recreational and leisure activities.
- Disabled children have the human rights to express their views and for these to be taken into account. They also have the right to freedom of expression.
- Disabled children have the human right to live with their parents unless this is not in their best interests. They have the right to services to make it possible for their families to look after them.
- Disabled children who spend time away from home because they need care or treatment have the human right to a review of the placement of regular intervals.
- Disabled children who do not live with their families, temporarily or permanently, have the human right to special protection and assistance which takes account of their ethnic religious, cultural and linguistic background.

### 3. RIGHT TO EDUCATION: PERSON WITH DISABILITY ACT, 1995

- In order to provide equal opportunities for the disabled in education, the appropriate government and local authorities have been entrusted with
- Ensuring that every child with disabilities has access to free education in an appropriate environment till 18 years of age.
- Promoting the integration of students with disabilities in normal schools

- Promoting setting up of special schools in government and the private sector in such a manner that children with disabilities living in any part of the country have access to such schools to and equip these schools with vocational training facilities.
- Conducting part-time classes in respect of children with disabilities who have completed education up to class fifth and could not continue their studies on a whole- time basis.
- Conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above
- Imparting a non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation.
- Imparting education through open schools or open universities
- Conducting the class discussions through interactive electronic or other media
- Providing every child with a disability free of cost special books and equipment needed for this education
- Ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of 18 years
- Endeavor to promote the integration of students within normal schools
- Promote setting up of special schools in government and private sector for those in need of special education in such a manner that children with disabilities living in any part of the country have accesses to such schools
- Special education in such a manner that children with disabilities living in any part of the country have accesses to such schools
- Endeavor to equip special schools for children with disabilities through vocational training facilities
- The person who disabilities ( equal opportunities, protection of rights and full participation)

#### **4. RIGHT TO EDUCATION ACT, 2009**

Education has been regarded as a fundamental right by the constitution of India. The right of children to free and compulsory Education Act, 2009, guarantees that every child in the age group 6-14 years is entitled to free and compulsory education. By the right to Education Act (RTE), 2009, no child shall be held back, expelled or required to pass a board examination until the completion of elementary education. This means that no child shall be failed or expelled from school up to class 8. It is a well-known fact that class detention can lead to severe emotional stress in children, loss of self-esteem and behavioral problems such as withdrawn behavior or even aggression.

The right to education of persons with disabilities until 18 years of age is laid down under a separate legislation-the persons with Disabilities Act the persons with Disabilities Act, 1995 came into force to ensure equal opportunities for people with disabilities and their full participation in the nation building. It has got certain good educational provisions for children suffering from disabilities. But the list of disabilities coming under the Act does not include Learning Disability, which is very unfortunate.

#### **5. LEARNING DISABILITY AND RIGHT TO EDUCATION**

The RTE Act overall is indeed a great step forward as it will ensure that all children in the 6-14 years age group in our country, irrespective of their economic background, will now be able to attend school. On the other hand, there is a concern that it might inadvertently cause a great disservice to the educational needs of children with Learning Disability. By mandating that no child gets detained up to class standard 8, it is likely that children with Learning Disability will get diagnosed fairly late. It is very likely that the school authorities will refer these children for assessment of their poor school performance to a Learning Disability centers late or will not refer them at all. This would mean that the crucial time period for “remedial education” will be lost and that these children will have lost the opportunity to largely overcome their disability.

The RTE Act in its current form thus, is not likely to serve the cause of children with Learning Disability unless it is backed up by an amendment that mandates that children who are getting poor marks/ grades irrespective of their class standing are referred to a Learning Disability centre to undergo an assessment of their academic difficulties. This amendment is necessary as it would ensure that children with Learning Disability are diagnosed in time. It will also ensure that other causes of poor school performance, such as attention deficit hyperactivity disorder, slow learners, and autism, are detected and addressed early. Developed countries such as the United States ,which has previously implemented the philosophy of compulsory education, have mandated that every child who is getting poor marks or grades should be assessed so that the cause is diagnosed in time and an Individualized Educational Program is created to ensure that the child is able to achieve his/her full academic potential. Our country could emulate the same and the current RTE Act could be amended to ensure that every child who gets poor marks or grades or who are experiencing academic difficulties is evaluated, the cause of poor school performance is diagnosed and the same is addressed on time. Because the RTE Act mandates free and compulsory education to all children of India in the 6-14 years age group, the unique learning needs of children with Learning Disability, can no longer be ignored. Also, children with Learning Disability should receive a quality education and complete it in regular mainstream schools (“inclusive education”) As stated earlier, the list of disabilities coming under the persons with Disabilities Act, 1995 does not include Learning Disability, which is unfortunate.

A promising step in the direction of protection of the interests of these children is the inclusion of Learning Disability in the list of disabilities in the new “The Rights of Persons with Disabilities Bill, 2011.” Some of the highlights of this bill relating to education are:

- All persons with disabilities have a right to education to enable the full development of their human potential, sense of dignity and self-worth; to develop their personality, talents, and creativity, mental and physical abilities to their fullest potential; and to enable their effective participation in an inclusive society.
- No persons with disabilities shall be excluded from the education system on the basis of disability and the appropriate government shall ensure that all persons with disabilities, especially girls and women with disabilities, have access to education, without discrimination and on an equal basis with others, at all levels.

- Every child shall have a right to free and compulsory education in an appropriate neighborhood school or special school as chosen by the parents or guardian, between the age of 6 and 18 years or until the completion of secondary education whichever is later;
- Subsequent to the enactment of this Act and before its enforcement the appropriate government shall conduct local level surveys throughout the country in order to determine the physical presence of children with disabilities and to devise educational plans for the establishment of suitable neighborhood schools, resource centers or special schools as the case may be;
- The appropriate governments shall conduct surveys every five years once. The Rights of Persons with Disabilities Bill, 2011 comes into force as an Act child with Learning Disability would be able to benefit much from it along with the backing of the RTE.

## **6. CONCLUSION**

We have to become more aware of the situations that require behavioral adjustment. Lastly depending on the child's need parents should consult specialists and assess their children to narrow down on a school that will best suit their child's learning needs. Teachers should make an effort to use mediums that will leave the child with a positive learning experience that in turn will help build his/her self-esteem and self-worth.

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