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The Role of Education Law in Supporting Special Needs Students in Nigerian Tertiary Institutions

Esther Ayebatorudigimigha Yibakuro

Department of Agricultural Science Education, Niger Delta University, Bayelsa State, Nigeria.

Corresponding Authors' Email: estheriybakuro@ndu.edu.ng

Abstract

The role of education law in supporting special needs students in Nigerian tertiary institutions is pivotal to fostering an inclusive and equitable academic environment. Education law, comprising policies, regulations, and legal frameworks, is designed to protect the rights of students with disabilities, ensuring they have access to quality education without discrimination. In Nigerian tertiary institutions, the implementation of these laws has been inconsistent, leading to significant barriers for special needs students, such as inadequate accommodations, insufficient resources, and lack of institutional support. This paper examines the concept of education law, meaning of special needs, categorization of special needs and challenges faced by special needs students in Nigerian tertiary institutions, legal framework for special needs education in Nigeria, support systems mandated by education law for special needs students and gaps and barriers in education law enforcement. It was suggested that a system for continuous monitoring and evaluation of how institutions are supporting special needs students should be established. This system would help identify gaps in service delivery and ensure that legal requirements are being met.

Keywords: Role, Education, Law, Special Needs, Students, Tertiary Institutions

Introduction

Education is a powerful tool that drives individual empowerment, social development, and economic progress. It serves as the foundation for building knowledge, fostering critical thinking, and equipping individuals with the skills necessary to thrive in an increasingly complex world. Education not only prepares individuals for the workforce but also cultivates active citizenship and personal growth. Its impact extends beyond individual achievements, shaping communities and contributing to national development (Obasi & Agbaje 2023). It very often focuses on the development of one's skills to work effectively in various trades or professions. It also involves the development of one's mental capacity, moral development, and global understanding. It encompasses a broad spectrum of formal and informal processes aimed at facilitating learning, skill acquisition, and personal growth. As a concept, education is deeply

intertwined with legal frameworks, societal norms, and cultural practices, reflecting the values and aspirations of communities.

Education is a vital process that shapes individuals and societies by imparting knowledge, skills, and values. It serves as a foundation for personal development, social progress, and economic growth. However, the effectiveness of education as a tool for empowerment largely depends on the systems and structures that govern it. This is where education law plays a critical role. Education law provides the legal framework that regulates the operations of educational institutions, defines the rights and responsibilities of students and educators, and ensures equitable access to education for all members of society (Okafor and Ademola 2021). Adebayo and Eze (2023) referred education law as the body of laws, policies, and regulations that govern the functioning of educational institutions, including their administrative procedures, curriculum standards, and the rights and responsibilities of students and educators. This definition emphasizes education law as a framework for ensuring that educational systems operate efficiently, ethically, and in alignment with national standards.

Education law is integral to the functioning of educational systems as it provides the legal framework that ensures access to quality education, protects the rights of students and educators, and promotes equity and inclusion (Musa and Ibrahim 2023). The relevance of education law extends to multiple dimensions of education, including governance, curriculum standards, civil rights protections, and the provision of accommodations for students with special needs. It shapes how educational institutions operate and safeguard the fundamental right to education, as enshrined in national and international legal frameworks. Afolabi (2022) opined that education law plays a crucial role in ensuring that students with special needs receive equal access to education. It provides the legal framework that mandates educational institutions to accommodate these students, ensuring that they are not excluded or discriminated against based on their disabilities.

Special needs students are individuals who require additional support due to physical, sensory, cognitive, or developmental disabilities that affect their learning experiences (Afolabi 2022). These students often benefit from tailored educational services, assistive technologies, and modifications to the learning environment. Special needs students requiring additional educational assistance due to disabilities or other learning challenges, face numerous barriers in accessing quality education. These challenges range from physical accessibility issues to the lack of tailored educational resources and support services. Education law serves as a critical

framework for addressing these barriers, ensuring inclusivity, equity, and protection for all students.

Education law in Nigeria tertiary institutions ensures that these students have access to reasonable facilities such as adaptive learning materials, accessible infrastructure, and specialized support services to promote their academic success (Obi and Oladipo 2023). The relevance of education law in this context is paramount, as it ensures that special needs students are not marginalized within the academic system. By legally requiring tertiary institutions to provide inclusive education, laws such as the Disability Rights Act (2018) help foster a more equitable academic environment that benefits all learners. This legal framework is essential for protecting the rights of special needs students and promoting a culture of inclusion in higher education.

Special needs students have unique educational requirements of individuals with disabilities that impact their learning, such as physical impairments, cognitive disabilities, sensory disabilities (e.g., hearing or vision impairments), and developmental disorders. Education law in Nigeria aims to address these needs by creating an inclusive educational environment where all students can thrive regardless of their abilities. According to Umeh and Ibrahim (2023), despite the legal frameworks, there are many challenges facing the remain implementation of inclusive practices in Nigerian tertiary institutions. Limited resources, inadequate teacher training in special education, and inconsistent enforcement of the law often hinder the full realization of these legal protections. Strengthening the enforcement of education law and enhancing the capacity of tertiary institutions to support special needs students are essential steps in advancing educational equity.

Concept of Education Law

Education law refers to the body of legal rules and principles that govern the operation and management of educational institutions. It encompasses the statutes, regulations, and case law that outline the rights and responsibilities of students, teachers, and educational institutions. This legal framework ensures that educational practices are consistent with national and international standards, providing a structured approach to addressing issues such as curriculum standards, teacher qualifications, and student rights (Williams 2023). Smith and Jones (2023) considered education law as a tool for protecting the educational rights of individuals, ensuring equitable access to education and safeguarding against discrimination. This definition emphasizes the role of legal provisions in addressing issues related to special needs, gender

equality, and non-discrimination, promoting an inclusive educational environment where all individuals have the opportunity to succeed regardless of their background or abilities.

Education law governs the operation of educational institutions within a country, including both public and private entities. This area of law addresses all facets of the educational system, from the management of school resources and funding to the qualifications and job security of teachers and staff (Federal Ministry of Education, 2013). Education law establishes the standards that educational institutions must meet, including the criteria for hiring and terminating staff members. Education is primarily a governmental function managed through public school systems by the Ministry of Education. However, individual states also hold the main responsibility for operating and maintaining public schools in their states. According to the Universities Miscellaneous Provisions (Amendment) Act (2003), each state constitution mandates the establishment of a school system to ensure educational access for children. State legislatures hold authority over school systems, often delegating this power to state boards of education.

Education law is crucial for driving educational reform, influencing how schools operate, and enhancing the quality of educational services. These laws encourage institutions to become more accountable and responsible, pushing them to meet higher standards akin to those in other sectors. By doing so, education laws foster greater accountability and promote improvements in educational practices and administration.

Meaning of Special Needs

Special needs refer to a range of conditions that affect an individual's ability to participate fully in educational, social, and daily activities (Smith & Jones 2023). These needs can arise from physical, cognitive, sensory, emotional, or developmental challenges, each requiring specific types of support and accommodations. Special needs are defined as specific educational requirements that arise due to disabilities or impairments affecting a student's learning process. These needs necessitate specialized teaching strategies, accommodations, and support services to ensure that students can access and benefit from the educational curriculum. The focus is on adapting educational practices to address and support the diverse learning needs of students (Lewis and Walker 2023). This broad term encompasses various categories including physical, cognitive, sensory, emotional, and developmental challenges that necessitate specific support, accommodations, and tailored interventions to facilitate optimal participation and achievement.

Understanding special needs is essential for creating inclusive environments that ensure all individuals can access and benefit from opportunities without discrimination or barriers.

Categorization of Special Needs

Special needs encompass a diverse range of conditions that can be broadly categorized into five major areas: physical, cognitive, sensory, emotional and behavioral, and developmental. Each category represents different types of challenges that individuals face, often requiring specific educational and support strategies to ensure equitable access to opportunities and learning experiences. Adesina and Akinyemi (2022) categorized special needs students into:

1. **Physical disabilities:** Physical disabilities include conditions that impact an individual's mobility or physical function, such as paralysis, muscular dystrophy, cerebral palsy, or chronic illnesses. Examples include wheelchair dependency, limited motor skills, chronic pain.
2. **Cognitive disabilities:** Cognitive disabilities refer to impairments that affect intellectual functioning and learning processes. These include intellectual disabilities (e.g., Down syndrome) and learning disabilities (e.g., dyslexia, dyscalculia). Examples include difficulty with reading, writing, problem-solving, or understanding complex concepts.
3. **Sensory disabilities:** Sensory disabilities affect one or more of the senses, such as vision or hearing. Individuals with sensory disabilities may have difficulties processing sensory information, requiring specific accommodations to support their learning. Examples include blindness, low vision, deafness, partial hearing loss.
4. **Emotional and behavioral disorders:** Emotional and behavioral disorders include conditions that affect a person's emotional regulation and behavior, impacting their ability to engage in learning and maintain relationships within the educational setting. Examples include anxiety disorders, depression, conduct disorders, and mood swings.
5. **Developmental disorders:** Developmental disorders encompass conditions that affect the acquisition of developmental milestones. These disorders, such as autism spectrum disorders (ASD) and developmental delays, impact social, communication, and cognitive skills. Examples include delayed speech, difficulty in social interactions, repetitive behaviors.

Challenges faced by Special Needs Students in Nigerian Tertiary Institutions

Special needs students in Nigerian tertiary institutions face numerous challenges that impede their ability to fully participate in academic life. These challenges range from inadequate

infrastructure and limited access to learning materials to social stigma and insufficient support systems. Addressing these challenges is crucial for fostering an inclusive and equitable education system in Nigeria.

1. **Inadequate infrastructure and accessibility:** A major challenge faced by special needs students in Nigerian tertiary institutions is the lack of accessible infrastructure. Many campuses are not designed to accommodate students with physical disabilities, with the absence of ramps, elevators, and accessible restrooms. This lack of physical accessibility makes it difficult for students with mobility impairments to navigate campus facilities. Additionally, learning materials are often not available in formats accessible to students with sensory disabilities, such as braille for visually impaired students or captioning for hearing-impaired students. These barriers significantly hinder the academic success of students with special needs (Adesina & Akinyemi 2022).

2. **Insufficient specialized personnel:** Another critical challenge is the shortage of specialized personnel trained to work with students with special needs. Most Nigerian tertiary institutions lack adequately trained staff, such as special education teachers, counselors, or therapists, who can provide the necessary support to students with disabilities (Lewis & Walker 2023). This results in a situation where students are unable to receive individualized attention or the specialized interventions they require to succeed academically.

3. **Social stigma and discrimination:** Special needs students also face significant social challenges, including stigma and discrimination from both peers and faculty members. Negative attitudes towards disabilities often lead to exclusion from academic and social activities, making it harder for students to integrate into the campus community. This social isolation can exacerbate feelings of marginalization and reduce students' motivation to continue their education (Thompson & Murphy 2023).

4. **Lack of inclusive policies and legal frameworks:** Although Nigeria has made some progress in enacting laws to protect the rights of individuals with disabilities, many tertiary institutions have yet to fully implement these policies. The lack of enforcement of inclusive education policies, coupled with the absence of clear guidelines for accommodating special needs students, creates an environment where students do not receive the legal protections and support they are entitled to.

Legal Framework for Special Needs Education in Nigeria

The legal framework for special needs education in Nigeria is designed to protect the rights of individuals with disabilities and ensure their access to education in an inclusive environment. Over the years, Nigeria has enacted various laws and policies aimed at promoting the inclusion of special need students in educational institutions. Despite these efforts, challenges persist in implementing these frameworks effectively, particularly in tertiary institutions. The following legal frameworks are operational in Nigeria;

Discrimination Against Persons with Disabilities (Prohibition) Act, 2018

One of the primary legal instruments governing special needs education in Nigeria is the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018. This act prohibits discrimination against individuals with disabilities in both public and private sectors, including education. The law mandates that educational institutions make provisions for the accessibility of students with disabilities, such as creating inclusive environments and providing necessary accommodations like assistive devices and tailored learning materials (Federal Republic of Nigeria. (2018).

National Policy on Education (2013)

The National Policy on Education (2013) include provisions for special needs education, emphasizing the right to equal educational opportunities for all Nigerian children, irrespective of their physical or mental condition. It mandates that schools, including tertiary institutions, implement policies and programs that cater to the educational needs of students with disabilities. The policy also advocates for the training of special education teachers and the development of specialized learning materials (Federal Ministry of Education. (2013).

Child Rights Act, 2003

The Child Rights Act, 2003 provided a legal basis for the protection of children's rights, including the right to education. For children with special needs, the act emphasizes their entitlement to specialized services and support to facilitate their educational development. This includes the provision of inclusive educational settings where students with disabilities can learn alongside their peers without disabilities (National Assembly of Nigeria. (2003).

The Universal Basic Education (UBE) Act, 2004

The Universal Basic Education (UBE) Act, 2004 mandated free and compulsory education for all children in Nigeria, including those with special needs. Although this law primarily focuses

on basic education, it has laid the groundwork for inclusive educational practices that can be extended into tertiary education. The act also highlights the need for educational institutions to provide the necessary infrastructure and resources for students with disabilities (Federal Republic of Nigeria. (2004).

The legal framework for special needs education in Nigeria is robust with several laws and policies aimed at promoting the inclusion and protection of students with disabilities. Ensuring that these legal provisions translate into tangible benefits for special needs students requires concerted efforts from the government, educational institutions, and civil society. Key legal frameworks like the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 and the National Policy on Education (2013) mandated institutions to provide accessible facilities and specialized learning materials for students with disabilities. However, many institutions struggle to fully adhere to these requirements, citing financial and logistical barriers. For instance, the majority of Nigerian universities and colleges are not fully equipped with ramps, elevators, or specialized classrooms that are necessary to accommodate students with physical disabilities. Additionally, the provision of learning aids such as braille materials and assistive technologies is often inadequate, leaving students with special needs at a significant disadvantage.

The Role of Education Laws on Special Needs Students

Education law mandates various support systems to ensure that students with special needs receive equitable access to education and are provided with the necessary accommodations to thrive academically and socially. In Nigeria, laws such as the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 and policies like the National Policy on Education (2013) emphasize the importance of creating an inclusive educational environment for special needs students. These laws and policies outline specific support systems that institutions must implement to guarantee accessibility and inclusivity among which are:

i. Inclusive Infrastructure

One of the primary support systems mandated by education law is the development of inclusive infrastructure. This includes physical adjustments such as ramps, elevators, and accessible classrooms that enable students with physical disabilities to navigate the campus safely and efficiently. The Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 explicitly mandates that all public buildings, including educational institutions, must be accessible to persons with disabilities. As reported in Federal Republic of Nigeria (2018) these

infrastructural modifications are essential to ensuring that students with mobility challenges can attend classes, access facilities such as libraries and laboratories, and participate in extracurricular activities without barriers.

ii. Assistive Technology and Learning Materials

The provision of assistive technologies and specialized learning materials is another critical support system mandated by education law. These resources include screen readers, braille machines, hearing aids, and software that facilitate communication and learning for students with visual, auditory, or cognitive disabilities. The National Policy on Education (2013) encourages institutions to provide these technologies to enhance the learning experiences of students with special needs. The use of assistive technologies is particularly vital in enabling students with disabilities to engage fully with the curriculum and perform at par with their peers. Without these accommodations, students with special needs may be unable to participate effectively in academic activities, leading to inequitable educational outcomes (Lewis and Walker 2023)

iii. Specialized Personnel

The law also mandates the recruitment and training of specialized personnel, such as special education teachers, counselors, and therapists, who are essential for supporting students with disabilities. These professionals are trained to address the unique needs of special needs students, providing individualized instruction, emotional support, and therapy where necessary. The National Policy on Education (2013) emphasized the importance of having trained professionals who can deliver inclusive education and facilitate the integration of students with disabilities into mainstream academic settings. For effective implementation, institutions must invest in the recruitment of qualified special education staff and provide continuous professional development to ensure they are updated on best practices for inclusive education (Evans and Carter 2022).

iv. Individualized Education Programs

Another key support system is the development and implementation of individualized education programs. An individualized education program is a personalized plan tailored to the specific educational needs of a student with disabilities. It outlines the accommodations, modifications, and specialized services that the student requires to succeed in an academic environment. Though not yet widely implemented in Nigeria, the adoption of individualized education programs has been encouraged by the Discrimination Against Persons with

Disabilities (Prohibition) Act, 2018 and other related policies. Individualized education programs are critical for ensuring that the unique challenges faced by students with disabilities are addressed systematically, allowing them to achieve their full academic potential.

v. Counseling and Psychological Services

Tertiary institutions are also required to provide counseling and psychological services to support the emotional and mental well-being of students with special needs. These services are essential, as students with disabilities often face challenges such as discrimination, social isolation, and academic pressure, which can negatively impact their mental health. Counseling services are designed to help students cope with these challenges and provide a safe space where they can seek advice and support. Educational institutions must ensure that these services are accessible and tailored to meet the specific needs of students with disabilities, thereby promoting their holistic development (Evans and Carter 2022).

vi. Accessible Examination and Assessment Procedures

Education law also mandates the adaptation of examination and assessment procedures to accommodate students with special needs. This includes offering alternative assessment formats, such as oral exams or extended time for written exams, to ensure that students with disabilities are not disadvantaged (Federal Republic of Nigeria 2018). The goal is to provide an equitable evaluation process that considers the unique challenges faced by special needs students. Institutions must develop and implement policies that make examination and assessment procedures accessible, ensuring that all students have a fair chance to demonstrate their knowledge and skills.

Despite the legal frameworks in place, the successful implementation of these support systems requires ongoing investment, awareness, and a commitment from all stakeholders within the education sector. By adhering to these mandates, Nigerian tertiary institutions can better serve students with disabilities and uphold their legal and moral obligations to provide an inclusive educational environment.

Gaps and Barriers in Education Law Enforcement

The fact that education law plays a vital role in ensuring equitable access to education, particularly for special needs students, significant gaps and barriers in its enforcement persist, especially in Nigerian tertiary institutions. These challenges can undermine the effectiveness of the laws intended to create inclusive educational environments, leaving many students underserved. The following highlights the primary gaps and barriers in the enforcement of education law, drawing on recent research and case studies.

1. Lack of Adequate Funding

One of the most critical gaps in education law enforcement is the insufficient allocation of resources. Many tertiary institutions in Nigeria struggle with funding constraints that limit their ability to implement inclusive education policies effectively. Despite legal mandates such as the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, financial shortfalls hinder the development of necessary infrastructure, the purchase of assistive technologies, and the hiring of specialized personnel. The lack of financial support from the government and limited budgetary allocations within institutions themselves create a significant barrier to fulfilling legal obligations. For example, while the law mandates accessible infrastructure, many institutions still have poorly designed buildings that do not accommodate students with physical disabilities (Adesina and Akinyemi 2022).

2. Inadequate Awareness and Training

A lack of awareness and insufficient training among educators and administrative staff is another significant barrier to effective law enforcement. Many faculty members are unaware of the legal rights of special needs students, while others lack the skills to accommodate these students in their teaching and assessment practices. This gap in knowledge often results in the inadequate implementation of education law and neglect of the specific needs of students with disabilities. According to Evans and Carter (2022) to bridge this gap, institutions must invest in training programs that equip educators with the necessary skills to support special needs students and comply with education laws. However, due to budget constraints and institutional inertia, such training programs are often underdeveloped or absent in many Nigerian tertiary institutions.

3. Weak Enforcement Mechanisms

Weak enforcement mechanisms contribute significantly to the gaps in education law compliance. Even though laws like the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 and the National Policy on Education (2013) provide a framework for

inclusive education, there is often little to no follow-through in monitoring and ensuring that institutions comply with these mandates. The absence of robust accountability measures allows institutions to bypass legal requirements without facing consequences. Regulatory bodies such as the National Universities Commission (NUC) and other government agencies are tasked with overseeing the implementation of education law. However, these agencies are often under-resourced and unable to effectively monitor all tertiary institutions across the country. This lack of consistent oversight allows institutions to delay or neglect the adoption of necessary policies and accommodations for special needs students.

4. Cultural and Societal Attitudes

Cultural and societal attitudes toward disability can also act as barriers to the enforcement of education law. In many communities, there is a lack of understanding or acceptance of disabilities, which can lead to discrimination and stigmatization of students with special needs. This societal mindset often infiltrates the educational system, affecting how institutions prioritize or neglect inclusive education. Even with legal protections in place, the absence of a widespread cultural shift toward inclusivity and understanding limits the effectiveness of education law. Changing these attitudes requires more than legal mandates; it demands concerted efforts to raise awareness and promote inclusivity within society at large, which has been slow to materialize in many parts of Nigeria (Ojo and Ibrahim 2021).

5. Ineffective Grievance Redress Systems

Another gap in the enforcement of education law is the ineffectiveness of grievance redress systems for students with disabilities. Many institutions lack clear channels through which special needs students can report violations of their rights or seek redress for discriminatory practices (Lewis and Walker 2023). This absence of a functional grievance mechanism disempowers students and allows institutions to avoid accountability. While laws may mandate the creation of grievance procedures, in practice, many students with disabilities are unaware of their rights or face obstacles when attempting to access support. Without effective grievance systems, students are left vulnerable to neglect, discrimination, and violations of their legal rights.

Conclusion

The role of education law in supporting special needs students in Nigerian tertiary institutions is crucial for ensuring an inclusive educational environment. While existing laws provide a foundation for the protection of these students' rights, their inconsistent implementation limits

their effectiveness. Through targeted reforms, including enhanced law enforcement, dedicated support services, staff training, and collaboration with stakeholders, Nigerian tertiary institutions can create an academic space that caters to the diverse needs of all students. This will not only improve educational outcomes for special needs students but also align Nigeria's education system with international standards of inclusivity and equity.

Suggestions

The following suggestions were made:

1. Nigerian tertiary institutions should prioritize the full implementation of the Nigerian Disability Act and other relevant legislation. Clear guidelines for enforcement should be developed, with penalties for non-compliance to ensure accountability at institutional levels.
2. Institutions should create dedicated units responsible for providing comprehensive support to special needs students. These units should offer tailored services such as assistive technology, counseling, and academic accommodations to enhance student success.
3. The Nigerian government and educational institutions should allocate sufficient resources to ensure that special needs students have access to appropriate learning materials, assistive devices, and infrastructural modifications necessary for equal participation in academic activities.
4. A system for continuous monitoring and evaluation of how institutions are supporting special needs students should be established. This system would help identify gaps in service delivery and ensure that legal requirements are being met.
5. Periodic reviews and updates of education laws are necessary to address the evolving challenges faced by special needs students. This includes incorporating provisions for emerging issues such as digital accessibility and remote learning.

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