

# RTE Act 2009 and Learning Disability in Higher Education

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## ABSTRACT

The Indian Higher Education system is said to be the world's third largest, preceded by the ones in China and United States. However higher education in India, in itself stands for a great contradiction. On one side, the Indian Institute of Technology ranks among the best universities in the entire world, and on the other there are numerous schools which lack proper infrastructure for basic student needs. In the midst of all these problems is a nation that is working towards ensuring equal access and education for all. Individuals with learning disabilities are attending institutions of higher education in greater numbers than ever before. In attempts to accommodate these students in the classroom, faculty often have the ethical concern of balancing the rights of students with learning disabilities not only in terms of gaining physical access to buildings, but also in relation to much wider access issues concerning the curriculum, teaching, learning and assessment. This paper articulates a brief description of learning disabilities and policies and provision of government about learning disabled. This paper also examines the challenges students with learning disabilities face in college, and provides suggestions to overcome these problems.

**Keywords:** Learning Disabilities, Policies, Challenges, Implementations, Higher Education, Right to Education.

## RTE Act 2009

The Right of children to Free and Compulsory Education Act came into force from April 1, 2010. This is a historic day for the people of India as from this day the right to education will be accorded the same legal status as the Right to Life as provided by Article 21A of the Indian Constitution. Every child in the age group of 6- 14 years will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighbourhood. Any cost that prevents a child from accessing school will be borne by the State which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling. No child shall be denied admission for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test. Children with disabilities will also be educated on the mainstream schools. The Prime Minister Shri Manmohan Singh has emphasized that it is important for the country that if we nurture our children and young people with the right of education, India's future as a strong and prosperous country is secure.

All private schools shall be required to enrol children from weaker section and disadvantaged communities in their incoming class to the extent of 25% of their enrolment, by simple random selection. No seats in this quota can be left vacant. These children will be treated in par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools.

All schools will have to prescribe to norms and standards laid out in the Act and no school that does not fulfil these standards within 3 years will have to be allowed to function. All private schools will have to apply for recognition, failing which they will be penalized to the tune of Rs 1 lakh and if they still continue to function will be liable to pay Rs. 10,000 per day as fine. Norms and standards of teacher qualification and

training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 years.

The National Commission for Protection of Child Rights have been mandated to monitor the implementation of this historic Right. A special Division within (NCPCR) will undertake this huge and important task in the coming months and years. A special toll free helpline to register complaints will be set up by NCPCR for this purpose. NCPCR welcomes the formal notification of this Act and looks forward to playing an active role in ensuring its successful implementation. NCPCR also invites all civil groups, students, teachers, administrator, artists, writers, government personnel, legislators, member of the judiciary and all other stakeholders to join hands and work together to build a movement to ensure that every child of this country is in school and enabled to get at least 8 years of quality education.

RTE has been a part of the Directive principle of the State Policy under Article 45 of the Constitution. And rights in Chapter IV are bit enforceable. For the first time in the history of India we have made this right enforceable by putting it in Chapter III of the Constitution as Article 21. This entitles children to have the right to education enforced as a fundamental right. The Act has been put in to implement with effect from 01.04.2010 and in order to find out the level of awareness among the teacher after more than two year of it being in operation. An attempt has been made through this research to find out the ground realities close to the national plan.

#### **Main Feature of (RTE) Act, 2009**

- Free and compulsory education to all children of India in the 6 to 14 age group.
- No child shall be held back, expelled or required to pass a board examination until the completion of elementary education.
- If a child above 6 years of age has not been admitted in any school or could not complete his or her elementary education, then he or she shall be admitted in a class appropriate to his or her age. Provided further that a child so admitted to elementary education shall to free education till the completion of elementary education even after 14 years.
- Proof of age for admission: For the purpose of admission to elementary, the age of a child shall be determined on the basis of the birth certificate is used in accordance with the Provision of Birth. Deaths and Marriages Registration Act 1856, or on the basis of such other document as may be prescribed. No child shall be denied admission in a school for lack of age proof.
- A child who completes elementary education shall be awarded certificate.
- Twenty-five per cent reservation for economically disadvantaged communities in admission to Class I in all private schools is to be done.
- Improvement in the quality of education is important.
- School teacher will need adequate professional degree within five years or else will lose job.
- School infrastructure need to be improved in every 3 years, else recognition will be cancelled.
- Financial burden will be shared between the state and the central government.

## Introduction

Due to increased awareness of learning disabilities and the educational assistance being provided to children in elementary and secondary schools, increasing numbers of individuals with learning disabilities are enrolling in and pursuing degrees at colleges and universities. A person with a disability studying in mainstream educational institutions in India experiences many difficulties in navigating through the obstacle course of the Indian educational system. Problems exist in many areas— course content, staff, facilities, resources as well as the educational and examination process. The relative physical inaccessibility of educational institutions, unavailability of accessible content in different languages, lack of trained and sensitive teachers, and the lack of awareness about developments in enabling technologies have hitherto rendered the educational environment itself rather difficult to access. In addition to the long waiting periods in getting the course materials digitized into accessible formats, as well as the assignment of scribes unfamiliar with subject topics for students to write the examinations put students with print disabilities at additional disadvantage – as if there weren't enough problems already! Thus the educational experience often becomes a nightmare for a student who is disabled. However, compared with the situation from a decade earlier, the education scenario for persons with disabilities has, thanks to the sustained advocacy and interventions of disability organizations, gradually improved and promises to get better in the years to come.

## Learning Disabilities and Functional Limitations

A learning disability is a generic term for a heterogeneous group of disorders that affect how individuals receive, encode, store, and retrieve information. Generally speaking, students may be diagnosed with learning disabilities if they are of average or above average intelligence and there is a significant discrepancy between their academic achievement and their intellectual ability. The diagnosis of a learning disability is often made by a psychologist trained in administering and interpreting psycho-educational assessments. Psychologists use the results of their assessments to understand how individuals receive, process, integrate, retain, and communicate information. Since these functions cannot always be directly observed it is often difficult to diagnose specific learning disabilities, determine their impact, and recommend appropriate accommodations.<sup>1</sup> There are many types of learning disabilities; they often impact student abilities in one or more of the following categories:

- Spoken language—listening and speaking.
- Written language—reading, writing, and spelling.
- Arithmetic—calculation and mathematical concepts.
- Reasoning—organization and integration of ideas and thoughts.

Learning disabilities may also be present along with other disabilities such as mobility and sensory impairments, brain injuries, Attention Deficit Disorder/Attention-Deficit Hyperactivity Disorder (ADD/ADHD), and psychiatric disabilities. Here are some of the functional limitations that may require accommodations. A student with a learning disability may have one or more of these limitations.

- Auditory perception and processing—the student may have difficulty processing information communicated through lectures or class discussions. He or she may have difficulty distinguishing subtle differences in sound or knowing which sounds to attend to.
- Visual perception and processing—the student may have difficulty distinguishing subtle differences in shape (e.g., the letters b and d), deciding what images to focus on when multiple images are present, skip words or repeat sections when reading, or misjudge depth or distance.
- Information processing speed—the student may process auditory and visual information more slowly than the average person. He or she may be a slow reader because of the need for additional time to decode and comprehend written material.
- Abstract reasoning—the student may have difficulty understanding the context of subjects such as philosophy and logic, which require high level reasoning skills.
- Memory (long-term, short-term)—the student may have difficulty with the storing or recalling of information during short or long time periods.
- Spoken and written language—the student may have difficulty with spelling (e.g., mixing up letters) or with speaking (e.g., reversing words or phrases).
- Mathematical calculation—the student may have difficulty manipulating numbers, may sometimes invert numbers, and may have difficulty converting problems described in words to mathematical expressions.
- Executive functioning (planning and time management)—the student may have difficulty breaking larger projects into smaller sub-projects, creating and following a timeline, and meeting deadlines.

### **Signs of progress: Policies and provision of government for disabled students**

It is evidence that the physical handicapped Disability people in higher education have lowered than from school education. In the recent years, there have been vast and positive changes in the perception of the society towards persons with disabilities. It has been realized that a majority of persons with disabilities can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures. It is essential to have written policies that ensure that students with learning disabilities receive the same high-quality education as their peers. These policies should address the issues of admission, documentation of a learning disability, accommodations, and curriculum modifications. It is important that students be made aware of the existence of an appeal process that is set forth in writing. Students should have easy access to all written policies and procedures including the appeal process. Such documents should be available in a variety of formats, in all appropriate campus literature, and through available technology, such as a web site, which all students can access.<sup>2</sup> The Persons with Disabilities Act of 1995 emphasized equal access for disabled people to all levels of education including higher and vocational education, and reservation of a minimum of 3% in admissions to all levels of public educational institutions of India. There are many policies for disabled such as following:

### **National Policy for Persons with Disabilities, 2006**

The National Policy recognizes that Persons with Disabilities are valuable human resources for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in society. The National Policy recognizes the fact that a majority of persons with disabilities can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures. The salient features of the National Policy are:

- Physical Rehabilitation, which includes early detection and intervention, counseling and medical interventions and provision of aids and appliances. It also includes the development of rehabilitation professionals;
- Educational Rehabilitation which includes vocational training
- Economic Rehabilitation, for a dignified life in society.

### **Rehabilitation of Persons with Disabilities**

Some of the main components of rehabilitation of persons with disabilities are:

- (i) Provision of assistive aids and appliance
- (ii) Education
- (ii) Vocational training
- (iv) Assistance in employment
- (v) Training in or assistance for independent living

### **National Institutes working in the field of disability**

There are seven National Institutes under MSJE working in the field of disability. These institutes are engaged in Human Resources Development in the field of disability, providing rehabilitation services to the persons with disabilities, research and development. These National Institutes including their regional centres and composite regional centres run 80 courses of one year or more duration.<sup>3</sup> The seven National Institutes are:

- Institute for the Physically Handicapped, New Delhi.
- National Institute of Visually Handicapped, Dehradun.
- National Institute for Orthopedically Handicapped, Kolkata.
- National Institute for Mentally Handicapped, Secunderabad.
- National Institute for Hearing Handicapped, Mumbai.
- National Institute of Rehabilitation Training & Research, Cuttack.
- National Institute for Empowerment of Persons with Multiple Disabilities, Chennai.

### **Economic Empowerment**

National Handicapped Finance and Development Corporation is an apex institution for channelizing the funds to persons with disabilities through the State Channelizing Agencies with the following purposes:

- a) To promote economic development activities and self-employment ventures for the benefit of persons with disability.

- b) To extend loan to the persons with disability for up gradation of their entrepreneurial skill for proper and efficient management of self-employment ventures.
- c) To extend loans to persons with disability for pursuing professional/technical education, leading to vocational rehabilitation/self-employment.
- d) To assist self-employed persons with disability in marketing their produce.

### **EDUSAT Channel**

NAVSHIKHAR has been set up at RCI Office in collaboration with Indian Space & Research Organization (ISRO) and Media Lab Asia (MLA) for the benefits of the students, trainees and parents of the persons with disabilities.

### **Problems faced by disabled students in higher education**

Disability in higher education has different implications from that of school Education. Higher education increases the chance of employability, thus, affirming dignified life for the persons with disabilities. While going through the policies and programmes in India it is found that not much has been done in the field of disability and higher education. There are number of groups working on the school education of children with disabilities. This has not translated in the entry of students to higher education because of various reasons. Infrastructural facilities within institutions, attitudes towards persons with disabilities, transportation facilities, and lack of support services are a few areas, which hinder the entry of students with disabilities into higher education. The accessibility of higher education is limited due to some reasons:

- Higher bureaucratized system with multiple controls and regulations by Central and State Government and statutory bodies.<sup>4</sup>
- Most Institutions offer outdated programmes with inflexible structure.
- Infrastructure facilities are not adequate.
- Lack of trained manpower, funds, training facilities, techniques and research for the disabled.
- Access is the key of inclusion. For example a ramp at the ground floor entrance, classes at the ground floor and availability of an accessible toilet can make a college accessible to the prospective disabled student, the absence of which denies them that education and their later employment opportunities.
- The unit cost of higher education particularly of professional education is high.
- In a survey, 50% of students with disabilities indicated that faculty members understood their needs, but only 25% of faculty members were willing to change the material covered in their courses to suit these students' learning needs. Most (82%) of the students indicated that faculty members needed to learn more about disabilities.<sup>5</sup>
- People with disabilities face barriers because they have to negotiate an environment which was not designed for them, and if they are to enjoy equality of access it is this deficit in environment which must be overcome. Attitudinal barriers are found to be the major obstacle when it comes to inclusion of students with disability in educational institutions.<sup>6</sup>

- Women with disability not only have to settle themselves with social and cultural concerns but also have to deal with social structural inequalities at the practical level.<sup>7</sup> They also have to take up the challenging job of theorization and representation, including how disabled people have been looked at within the mainstream of socio economic and cultural systems. The inclusion of women with disabilities into mainstream services, along with specialized interventions where necessary, would constitute a Rights Based approach to disability in all development activities. The census 2001 data shows that the literacy rates of females are comparatively low in all types of disabilities as compared to the males. In the Co-Educational colleges the number of male students with disabilities are more in number than female students with disabilities.
- Physical access is considered as one of the major obstacles, Borland and James (1999) in their case study of a UK university write that “Access to facilities is often regarded as one of the most straightforward areas to deal with, but access issues for students with a range of disabilities are extremely complex. Access issues need to be more frequently related to campus-wide issues and to settings outside of the university, such as student’s pubs and cafes.”<sup>8</sup>
- Peer insensitivity towards disabled students is another crucial problem.

### **Suggestions for the accessibility of higher education to the disabled**

For the accessibility of higher education to the disabled students some steps should be taken immediately:

1. Provide them proper medical attention, special education and rehabilitation facilities in a greater extent.
2. Adopt some policies to remove malnutrition, hunger and diseases which are the major cause of disability.
3. Access to higher education should be broad-based so that open universities, distance educations and vocational training institutions can grow.
4. Good quality, market based, e-learning courses and Internet schools need to set up.
5. The potential of ICT should be fully utilized.
6. Scholarship should be provided to meritorious students.
7. Use of multimedia and technology can ensure a quality higher education.
8. Create awareness among people about the conditions of disabled students.

### **Conclusion**

The purpose of this paper is to discuss recommendations related to institutional mission, policies, and problems of students with learning disabilities in higher education. Building an academic community responsive to diverse student populations, including students with learning disabilities, benefits the college community as well as society. Students with learning disabilities have individual strengths, weaknesses, and academic needs—as do all students. While it is important to consider individually the status of students with learning disabilities, it is critical that academic institutions plan for the admission and consequent education of these students. When colleges and universities examine their mission, develop policy, and work together as a campus community, education of individuals with learning disabilities can be greatly enhanced. Policies should

address the issues of admissions, documentation of a learning disability, accommodations, and curriculum modifications. Most important of all, providing a flexible, supportive learning environment can enhance the learning of all students.

## References

1. *Academic Accommodations for Students with Learning Disabilities*. (2012). University of Washington [www.washington.edu/.../academicaccommodations-students-learning-di](http://www.washington.edu/.../academicaccommodations-students-learning-di).
2. Hasan, M.U. (2011). *Disability and access to higher education in India*. International Journal of Commerce & Management. on 21/07/2015 from [www.ijrcm.org.in](http://www.ijrcm.org.in)
3. National policy for persons with disability on 07/09/2015 from [www.svayam.com/pdf/English-national\\_disability\\_policy.pdf](http://www.svayam.com/pdf/English-national_disability_policy.pdf)
4. Agarwal, A. Enabling. *Access for Persons with Disabilities to Higher Education and Workplace*. [www.g3ict.org/download/p/fileId\\_883/productId](http://www.g3ict.org/download/p/fileId_883/productId).
5. Barzandeh, G. (2005). *Attitudes toward disabilities and reasonable accommodation at the university*. The Undergraduate Research Journal, 7, 1-12.
6. Tinklin, T. and Hall, J. (1999). *Getting Round Obstacles: disabled students experiences in higher education in Scotland*. Studies in Higher Education. 24(2) pp.183-194.
7. Jameel, S. S. (2011). *Disability in the Context of Higher Education: Issues and Concerns in India*, Electronic Journal for Inclusive Education, 2 (7) retrieved on 17/07/15 from [corescholar.Librarires.wright.edu/cgi/viewcontent.cgi?article=1125](http://corescholar.Librarires.wright.edu/cgi/viewcontent.cgi?article=1125).
8. Borland, J. and James S. (1999). *The Learning Experience of Students with Disabilities in Higher Education*. A case study of a U K university, Disability and Society, 14(1), pp. 85-101.
9. Ministry of Human Resource Development: The Right of Children to Free and Children Act 2009 (MHRD, New Delhi).
10. Malik, B.K. and Mohanty, S.K. (2009). *Rural Poverty and Child Schooling: A Case Study of Balasore District, Orissa*. Journal of Educational Planning and Administration. Vol. XXIII, No. 3-257-281.