

Specific Learning Disability and the Amended “Persons With Disability Act”

JEESON C UNNI

From Dr Kunhalu's Nursing Home, TD Road, Cochin, Kerala, India.

Correspondence to: Dr Jeesson C Unni, Consultant pediatrician, Dr Kunhalu's Nursing Home, TD Road, Cochin 682 011, Kerala, India. jeesson@asianetindia.com, jeesson1955@gmail.com

The core recommendation in the IAP Advocacy document on Specific Learning Disability (SLD), submitted to all stakeholders for disability initiatives in India, was that SLD be included as a disability in the Persons With Disability Act (PWD Act) that was to be amended last year. The advocacy was part of the IAP Poor Scholastic Performance Program – IAP Action Plan 2007 and 2011. Though the committee for the amendment of the Act did not have IAP representation, we were kept in the loop through e-mails and the proposed amendment - The Rights of Persons with Disabilities Bill, 2011 [1] – which is now being scrutinised by a parliamentary committee, includes SLD in the ‘List of disabilities’ as the 18th out of 20 disabilities proposed for inclusion. It is not the final list and we are yet uncertain if SLD will continue to be on this all important ‘list’ when the bill is passed.

ISSUES INVOLVED

Certification of SLD

Being an invisible handicap, there is no uniform national guideline in India, for diagnosis, assessment of severity, and certification of SLD. The recommendations differ from State to State and from one board of examination to another. One fact is certain – that till date, since SLD is not included in the PWD Act 1995, certification by the District Disability Board is not required or valid. An appraisal of the current scenario with regard to certification (**Box 1**) highlights the difficulty with proposing a standardised mechanism for the purpose.

There exists a lack of guidelines, and although some legislation exists, provisions are not yet accessible to students all over the country, especially in rural areas and urban slums. On the contrary, the systems are manipulated, by vested interests, so that some children who do not require the provisions are availing of the same.

Difficulties in creating uniform assessment tools for SLD in India

Nearly all definitions of SLD, whether exclusionary or inclusionary, refer to the terms such as adequate intelligence, appropriate instruction and socio-cultural factors which are difficult to standardize in a pluralistic society such as ours. Formulating clear cut indigenous assessment tools for processing deficits, intelligence testing and proficiency in reading, writing and mathematics; in the several hundred languages spoken in India (1961 census recognized 1,652; 2001 Census found that 30 languages are spoken by more than million native speakers, 122 by more than 10,000; and in addition, there are several hundreds of active dialects) would be a mammoth task. These complex issues are compounded by a near total lack of teacher awareness, differences in age of school enrollment, pre-school exposure to literacy, quality of teaching in schools, and learning environment and support at home.

Inability to grade SLD

It is not possible to grade SLD like other visible handicaps or mental retardation and therefore, a standardized method of grouping children according to severity of SLD giving adequate consideration to the co-morbid conditions present in a given child, needs to be devised.

Decision on facilities that may be provided

As of now, since SLD is not recognised as a disability in the PWD Act 1995, the only facility that these children can avail of is the provisions for examinations conducted by the various boards of examinations. There is no uniformity in these either.

Maharashtra Board of Secondary & Higher Secondary Education provides (i) extra time - 30 minutes for SSC and 1 hour for HSC students; (ii) exemption from third language (Hindi/Marathi) for SSC students. Students may take a vocational subject instead. HSC students may take a vocational subject instead of the

BOX 1 CURRENT PROVISION FOR SLD

Maharashtra [2] – The state board recognize certification only from 3 hospitals – Lokmanya Tilak Municipal Medical College, Sion, Mumbai (Sion Hospital) and Nair Hospital; KEM Hospital, Mumbai also certifies children having SLD or from the Government Surgeon General in Mumbai.

Karnataka - Candidates with SLD need to be certified as dyslexic from either the National Institute of Mental Health and Neuro Sciences (NIMHANS), Bangalore, St John's Hospital, Bangalore; All-India Institute of Speech and Hearing, Mysore; any psychiatrist working in a government hospital; any clinical psychologist with an M.Phil. qualification and attested by a government doctor (not below the rank of a district surgeon).

Tamil Nadu - Psychiatrists from Government Hospitals can certify based on the assessment by Clinical Psychologist as per The Tamil Nadu Government Order No. 47 SI No. 1, issued on February 18, 1999.

Kerala - Till last year SLD certificate with a LD assessment and IQ assessment report from a psychiatrist – above rank of Asst. surgeon in any Govt. Hospital – was valid. The report needed to specify the deficit – dysgraphia/dyscalculia/dyslexia – and be countersigned by the DEO [3]. The request for assessment and later submission for provisions must be made by the school Principal. Due to some discrepancies, this system is being reviewed this year.

Delhi - Till some time ago pediatricians, psychiatrists, clinical psychologists, special educators were all certifying SLD. Special educators and clinical psychiatrists have stopped certifying - they only assess and provide their assessment report to patients. The children are referred to the Institute of Human Behavioral and Allied Sciences (IHBAS). The Education department NCT of Delhi have appointed special educators, who call themselves special teachers and there are a lot of confusing messages circulating regarding whose certification the various school boards would recognize for granting provisions.

ICSE - Exemption from the requirement of the study of a second language: The Council may grant exemption from the study of a second language, to a candidate with special difficulty, provided the case warrants such an exemption, because of the severe nature of the learning disability of the candidate. Such an exemption will be granted only on a recommendation sent by the head of the school and on provision of the necessary documents certified by a competent authority approved by the State/Central Government and acceptable to the Council [4]. The regulations do not specify regarding other forms of SLD.

CBSE - Head of the Institution needs to issue a certificate of school based evaluation covering the past 10 years' academic record. But the circular on inclusive education, which refers to provisions for SLD, to all heads of institutions affiliated to CBSE does not give in writing the procedure for availing of these provisions.

second language; (iii) exemption from paper II in Mathematics (Algebra and Geometry) for SSC students; (iv) students may take a vocational subject of 75 marks in lieu of Mathematics Paper II; and (v) a writer may be provided as per the rules of the board. For students of standard I to IX, the school may apply to the Deputy Director of Education through the Divisional Inspector for similar provisions. Maharashtra remains the only state where children with SLD are trained to take examinations, incorporating the provisions, from primary classes onwards. A recent circular from the Higher and Technical Education Board extends these provisions to technical Institutions, non-agricultural and agricultural universities, effectively covering students in undergraduate and postgraduate courses. The modalities still need to be clarified.

Tamil Nadu – (i) Extra time to answer examination paper; (ii) use of calculator; (iii) using Clarke's table; (iv) appointment of scribe to read the question paper or answer the paper

ICSE – (i) Extra time - 15 minute/per hour or 25% of total time extra; (ii) exemption from second language: student need not take another subject in lieu; (iii) use of calculator in some cases for mathematics; (iv) question paper will be read out to the student; and (v) use of a writer, if required, as per the rules.

CBSE – (i) Use of a writer as per the rules of the board; (ii) additional 1 hour for each paper; and (iii) one compulsory language as against 2 in addition to any 4 of the following subjects: mathematics, science, social science, another language, music, painting and home science.

The IAP Advocacy on SLD recommends that, by inclusion of SLD as a disability, there be uniformity in provisions all over the country and eligibility for facilities like (i) reservations for children with SLD in colleges and jobs, especially in professions where a given child with SLD could excel, depending on the child's strengths; (ii) resources (financial and legislation) for ensuring that

every school in the country has a well staffed resource room; every district has sufficient centres for dealing with remediation of children with moderate to severe SLD; and a bachelor of education program at the National and State level compulsorily include a SLD module. Regular teachers should be required to do the 6 months foundation course in education of children with disabilities in distance mode. Teachers of children with special needs and regular teachers may also be trained in SLD under the Sarva Shiksha Abhyan. Also, there is a need to spread SLD awareness and information dissemination across India by trainers, teachers, parents and medical fraternity.

LEGISLATION IN OTHER COUNTRIES

Legislation in the UK, USA and other developed countries recognize children with learning disorders as having special educational needs (SEN) [6,7]. The laws in those countries entitle these children to avail special teaching and provisions in the examination in the mainstream inclusive schools and provide vocational training and placement. India needs to follow in true letter and spirit.

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