

# Essay on attitude legislation and litigation for disabled students

[Experience](#), [Belief](#)



## **Attitude, Legislation and Litigation for Disabled Students**

In the past few decades, America has seen a dramatic improvement in its attitudes, legislation and litigation for disabled students. In short, these students are now able to gain access to and support via the same avenues as their non-disabled peers. The legislative act of Congress Americans with Disabilities Act of 1990 states that discrimination on the grounds of disability and, on September 25, 2008, former President George W. Bush signed the ADA Amendments Act of 2008 which gave further protection for disabled workers (BLR). Attitudes have changed significantly too - within the last century, children who were born with Downs Syndrome or other genetic disabilities were frequently sent to live in specialist 'homes' where they were cared for by nurses - these were more like asylums and these children were usually treated with little regard for their humanity or dignity. This has changed dramatically now and Downs Syndrome children are often given the same opportunities as healthier children do. Equally, our understanding of learning difficulties such as Dyslexia, ADHD and the Autistic Spectrum has improved too and these types of disabled children are nearly always taught in mainstream schools. In short, legislation has force the hands of employers and schools to induct disabled students into their numbers. Attitudes are changing slowly and it is shown through an increase in disabled students seen around mainstream schools in the last ten years.

In recent months, America has seen litigation concerned with the access to mainstream schooling for disabled students. In July 2011, a federal judge "slammed Chicago public schools for needlessly delaying a settlement that

mandates proper education for children with disabilities” (Bouboushian) implying that the federal courts are in favour of upholding the Americans with Disabilities Act (ADA) and are keen to encourage a change in attitudes too. Also in July 2011, the ADA turned twenty-one years old and invoked a lot of reflection on the changes that have happened since its inception. The discussion focused on key elements that include how the ADA impacted upon the design of schools – the inclusion of wheelchair ramps and access, for instance; stronger support networks for disabled students including great numbers of learning assistants and disability training to help to specialise the support that students receive (Feingold). However, the same report indicates that there is still plenty to achieve: the U. S. Department of Labour stated that as of June 2011, the rate of unemployment for disabled people is 16. 9% (Feingold) and this indicates that there is still a large section of society whose attitudes still need altering and the implication is that this is the case in schools too.

In schools, the world of disabilities still faces an ever-increasing list of issues that could be seen to be hampering the improvement of education for disabled students. Most notably is the ever-increasing demand for student performance and the pressures placed on teachers to be accountable for their student’s results. If a class has a particularly high number of students with disabilities or learning difficulties, the implication is that their results will be lower and therefore will come under greater scrutiny. The fine line which schools must tread is between achieving the greatest level of support for disabled students as individuals whilst still providing an excellent education

for non-disabled students and still enabling every student to reach their full potential, regardless of circumstance.

There still specialist schools who deal with severely disabled students and despite the ADA, these students are still denied access to mainstream schooling on the basis that their needs can be better met in specialist surroundings (and the implication is also that non-disabled students' performance will be 'unaffected' too) but in recent years, there has been an increase in the number of disabled students entering into mainstream schooling. The challenges that teachers face is that their training does not directly show them how to meet the needs of every, individual disability that they will encounter and frequently, if the child's disability is sever enough, this can cause major problems with regard to their ability to teach a subject in a particular way. For instance, with the increase in demand for cross-curricular learning, subjects such as Maths and English are encouraged to include kinaesthetic learning in their lessons - if a child had a disability which affects their ability to react quickly in a physical sense, for instance, these types of activities can cause significant problems and as such, teachers face a challenge of making their lessons meet the learning styles of all their students whilst also meeting the needs of all individuals students - disabled or otherwise. It is a difficult task which can mean altering their entire method of teaching and pedagogy. The main challenge which teachers everywhere are facing is the ability to incorporate the learning needs of classes which are ever-increasing in size meaning that more and more children are demanding more from their teachers.

However, as displayed here, often attitudes are wrong with regard to people with disabilities and arguably, this inherent ignorance needs to be altered before truly effective disability-enabling legislation can be passed. In schools, teachers are held to account for so much and already shoulder a massive amount of responsibility and this raises questions as to whether the U. S. government need to start introducing training for teachers in how to best meet the needs of disabled students whilst still managing for their class. Inclusion is only effective when everything is included and currently, teachers are being stretched too thinly to be able to give an effective job performance in any direction.

My initial meeting with an individual who was disabled was one which made me feel totally unsure of how to act as I did not want to patronise him but equally, I didn't want to alienate him. The individual had Asperger's Syndrome and I found out that he was particular interested in Doctor Who and space generally, and so I made sure to implement as many opportunities to include these subjects in our interaction. My biggest concern was whether I was accurately meeting his needs or not and as such, I probably over-compensated somewhat instead but I felt that this was better than not trying to include him at all. For me, the biggest challenge was ensuring that he was happy with what was expected of him but without helping him too much as I was keen to enhance his independence as much as possible. I really enjoyed working with him as I found he added another dynamic to the class and following my increased understanding of disability rights now, I feel as though I acted in his best interests and in an inclusive way.

## References

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