

# Legislative rules for students with disabilities in the United States and Saudi Arabia: A Comparative Study

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**Abstract** This study provides a brief overview in regard to the successful policy that guarantees the right of students with disabilities to obtain a free appropriate public education, such as the Individuals with Disabilities Education Act (IDEA). The paper also presents a general background of the Saudi legislation in terms of the major elements of this legislation and its similarities with and differences from the IDEA. Additionally, this paper investigates the problems in implementing the Regulations of Special Education Programs and Institutes (RSEPI) and the reasons behind these issues. Furthermore, the researcher develops a set of regulations that address the elements of problems in the implementation of the RSEPI. This paper also identifies some ways that might be considered by the policy makers, media, educators, and professional organizations that assist in informing the teachers (special and regular), administrators, related service personnel and families of children with disabilities about these regulations. Finally, the researcher modifies and suggests a system of accountability that assists the schools and school districts with complying with the regulations of the RSEPI.

**Keywords:** Saudi Arabia, RSEPI, special education services, students with disabilities.

## INTRODUCTION

Prior to the 1975, students with disabilities in the United States of America suffered from different issues that affected them in obtaining an appropriate education. For instance, schools ignored students with disabilities to be educated in a general education setting [1]. Additionally, according to the Office of Special Education Programs (2007) in the early 1970s, one in five children with disabilities received their education services in public schools even though these services did not meet their unique needs. These circumstances and others led the parents, advocacy groups, and organizations to attempt to improve the quality of education services for these students through claims about these issues to the courts [1]. These groups also advocated that the equality education services should be determined under federal standards [1]. This effort led to the passing by Congress on November 19, 1975 of the Education for All

Handicapped Children Act (EHA), (Public Law 94-142) which was the first act that aimed to ensure a high quality of special education and related services for children with disabilities throughout the country [2]. The EHA also emphasized that the individual education programs (IEPs) should be provided for all students with disabilities in an attempt to meet their unique needs.

This act was renamed the Individuals with Disabilities Education Act (IDEA) in 1990 and the Individuals with Disabilities Education Improvement Act (IDEIA) in 2004 [3]. This law has confirmed that students with disabilities should be educated with typically developing peers in regular education settings to the greatest extent possible, as well as receive free appropriate public education (FAPE). Thus, since this law includes the main features that guarantee the right for students with disabilities to obtain a high quality of special education services in the US, the main context of this legislation is considered as a general guide to improve the framework of Saudi legislation, as well as the implementation of this legislation with students with disabilities in Saudi Arabia.

Overall, this paper provides a brief background regarding the legislation of the IDEA and its structures. Additionally, this paper presents how the IDEA legislation enforces its requirements in making sure that they have been carried out with students with disabilities and of their impact on the education of these students. Secondly, this paper presents major elements of Saudi Arabia law, the Regulations of Special Education Programs and Institutes (RSEPI), and identifies its similarities with and differences from the IDEA. Thirdly, this paper discusses problems with Saudi legal provisions in implementing this law and the reasons that are causing these issues. Fourthly, the researcher develops a set of regulations that address the problematic components that might be considered by policy makers in Saudi Arabia, taking into consideration the context of successful legislation policy,

such as the IDEA. Furthermore, the ways in which Saudi Arabia teachers (special and regular), administrators, related service personnel and families of the students with disabilities could be informed of these regulations are discussed in this paper. Finally, the researcher suggests some steps that might be considered by policy makers, educators, and other professionals that enforce implementation of the RSEPI with students with disabilities in Saudi Arabia.

### **The Individual with Disabilities Education Act**

#### **The purpose of IDEA**

The main purpose of the IDEA is providing students with disabilities with FAPE that meets their unique needs [3]. Furthermore, this law protects the right for children with disabilities in receiving special education and related services that assist them in obtaining life independent skills and preparing them for further education and employment environment [3]. The IDEA determines 14 categories of disabilities between birth and 21 years that are eligible for special education services under this law in terms of autism, deaf-blindness, deafness, hearing impairment, developmental delay, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment (blindness) (National Dissemination Center for Children with Disabilities, n.d.).

#### **The Structures of the IDEA**

The IDEA includes four parts (A, B, C, and D) that present different issues that are described as the following. Part A presents general provisions in terms of the reasons of amendment EHA to IDEA, definitions that are addressed under the IDEA (e.g., disability, FAPE), and the standards that determine eligibility of special education teachers to work with the students with disabilities. Part B of the IDEA explains to educators as well as administrators many of the educational requirements that they should understand clearly in terms of zero reject, identification and evaluation, FAPE, least restrictive environment, procedural safeguards, technology-related services, and personal development. These terms are described briefly in the following section.

**Zero reject.** All students with disabilities should be educated in a general education setting regardless of the severity of the disability [3].

#### **Identification and evaluation.**

It emphasizes that schools should not use a single test or inappropriate tests to define the eligibility of the child for special education and related services. It also emphasizes

that the parents should be involved in the identification and evaluation process of the child [3].

#### **Free appropriate public education.**

The IDEA defines that students with disabilities should receive a free appropriate public education in order to meet their education needs as:

Special education and related services that (a) have been provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the State educational agency; (c) include an appropriate preschool, elementary, or secondary school education in the State involved; and (d) are provided in conformity with the individualized education program required under the IDEA [2].

It also protects the right of parents or guardians to participate in any decision that guarantees their children would receive FAPE [3].

#### **Least restrictive environment.**

The IDEA requires that students with disabilities should receive their education in a general education setting with their typically developing peers to the maximum extent possible. This law emphasizes that when the level of severity of disability does not allow for a child to be integrated in the general education setting, the school must make sure that this student has the opportunity to participate with his or her typically developing peers in at least some activities (e.g., lunch, art) [3]. The IDEA also highlights that the school should consider an appropriate placement for children with disabilities, taking into consideration the continuum of alternative placement options that include the general classroom, the special education classroom, special schools, home instruction, or instruction in hospitals and institutions [4].

#### **Procedural safeguards.**

The IDEA protects the right for students with disabilities and their parents or guardians in main issues. For instance, general procedures safeguards include that the school should provide notice for any child with disability and his or her parents for any procedures that will be conducted with the child in terms of the evaluation or educational placement decision, and other issues. This notice also should be sent to the family before conducting any procedure with the child within an acceptable time frame [3]. Furthermore, the IDEA grants the right for parents with disabilities for an independent educational evaluation when they disagree regarding any decision of the evaluation process for their children that might be made by the schools. This also

provides them the right to do an independent educational evaluation in different agencies whereby the schools have responsibility to pay for any cost for this evaluation. However, when the school believes that the evaluation process has been done appropriately, the parents and school should go through a process hearing [3]. The process of hearing is a sort of review process that is conducted by the state educational agency (SEA) in assisting to resolve the special education disputes (National Dissemination Center for Children with Disabilities, n.d.).

Furthermore, when the special education disputes between the parents and school cannot be solved by the process of hearing, another procedure which is known as a mediation process should be conducted. The mediation process is “conducted by a trained mediator who is knowledgeable about the laws and regulations regarding the provision of special education and related services”[3]. Additionally, if the issue cannot be ended in this manner, the parents have the right to take the issue to court. Finally, the IDEA underlines that parents should effectively participate in the evaluation process, IEP meeting, and education placement decision. Thus, the IDEA protects the right of children with disabilities and their parents to fair educational evaluation, appropriate educational placement, IEPs, and other issues that guarantee them a high quality of special education and related services.

**Technology-related services.** The IDEA emphasizes that students with disabilities should be provided assistive technology (AT), including devices and services when it is necessary to them. The IDEA also indicates that AT might be a part of the IEP or transition plan of the student when he or she needs it [3].

Part C of the IDEA considers early intervention programs that support the right of infants and toddlers from birth to two years to have their unique needs met in terms of social, cognitive, communication, physical, and emotional skills [1]. These programs might include various services, such as home visits, physical therapist services, occupational therapist services, speech therapist services, health services, psychological services, and other services that support them. These services should be provided at the least restrictive environment to the maximum extent appropriate. The IDEA also indicates that these programs might be provided by what is known as a lead agency (e.g., health department, welfare department) [1]. Furthermore, this part of the IDEA requires that these services should provide an individual family services plan (IFSP) and all services providers, including

parents should participate in developing the IFSP. Finally, they should review and evaluate the IFSP at least every six months [1].

Part D of the IDEA is a support program that assists in making sure the requirements of the implementation of IDEA have successfully carried out services for children with disabilities in the real world in order to provide a high quality of special education services [1]. Part D has three major elements: The first component is the state personnel preparation which allows for the states to use funds to improve the quality of the professionals who work with students with disabilities (e.g., Special and general education teachers) and to integrate technology effectively with the teaching strategies (U.S. Department of Education, n.d.). Personnel preparation, technical assistance, model demonstration projects, and dissemination of information are a second component under Part D. This component underscores that the states have an opportunity to improve the skills of teachers by providing information and effective training in terms of teaching methods and curriculum design (U.S. Department of Education, n.d.). The last component serves to improve results for the students with disabilities; for instance, the technology should be developed in order to increase the educational services (e.g., transition services, related services) for these students as well as their families (U.S. Department of Education, n.d.). Thus, Part D promotes the integration of technology to be used with children with disabilities in assisting them to be able to access successfully the general curriculum and improve the teaching methods.

In summary, the IDEA protects the rights of the children from birth to 21 years through providing educational services that meet their unique needs. In Part A of this legislation, significant terms that are used in the IDEA and the requirements for highly qualified special education teachers are presented. Educational requirements that educators and administrators should be familiar with discussed in Part B of the IDEA. Part C of the IDEA describes early intervention programs that are designed to meet the unique needs of infants and toddlers from birth to two years in different areas. Finally, Part D of the IDEA is a support program that enforces the implementation of the IDEA with students with disabilities.

#### **Enforcement of the IDEA**

The main federal government agency that is responsible for enforcing the IDEA is the U.S. Departmental of Education represented by the Office of Special Education Programs (OSEP) [5]. OSEP is responsible for “(a) writing

regulations that implementing IDEA; (b) conducting many of the activities authorized by Part D of the IDEA; (c) monitoring and enforcing the provisions of the law; and (d) providing technical assistance to states" (, p.113). OSEP also has the right to interpret the IDEA through providing policy guidance that explains specific issues under this law [6]. Furthermore, OSEP has the power of enforcement to define whether the state or school districts are following successfully the requirements of the IDEA, as well as spending the funds in a proper way as defined by the IDEA. Thus, the IDEA has a successful policy framework, as well as an effective system of implementation through the OESP that lead to a high quality of special education and related services for students with disabilities in the US as presented in the following section.

### **Impact of the Implementation of the IDEA**

The implementation of the IDEA increases the quality of special education services for students with disabilities in many ways, such as early intervention programs, appropriate education setting, educational outcomes of the students with disabilities, and transition services. For instance, under the IDEA, 6.5 million students with disabilities receive special education services. More specifically, 200,000 of this population are infants and toddlers who receive early intervention programs [7] As indicated by IDEA, early intervention programs should be provided at the natural environment to the maximum extent appropriate; therefore, more infants and toddlers with disabilities are receiving their early intervention programs at their homes instead of hospitals or other unnatural environment settings [8]

Regarding the effect of the IDEA on the education setting for students with disabilities, it can be said that more students with disabilities are receiving their education in a general education setting and few of them are still receiving their education in a separate education setting [7]. For example, in the 2004-2005 school year, approximately 80% of students with disabilities spent the majority of their day in an inclusive setting [9]

The implementation of this law not only increased the percentage of students with disabilities attending their neighborhood public schools, but further advanced the academic performance of students with disabilities. For instance, research indicates that reading skills for students with disabilities in elementary schools in inclusive settings improved by 31.7% and mathematics skills for these students in elementary schools improved by 23.9%. Additionally, the reading skills of middle school students increased by 13.8 %

and mathematics skills improved by 12.5 % [10] . The number of students with disabilities in post-secondary education who receive transition services has increased by 40% in the academic school 2005-2006 [11]. Finally, the IDEA enhances the role of parents in most activities that support their children [7] . Thus, the IDEA leads to an improvement in the quality of special education and related services for these children.

As can be obviously noticed from the previous discussion of the major elements of the IDEA, the clarity of these procedures and the enforcement of the requirements of the legislation to be carried out with the students with disabilities in the US have promoted a high quality of special education services that is guaranteed by this law. In comparison, even though there is a legislation in Saudi Arabia that guarantees the right of the students with disabilities to obtain appropriate special education services, in the real world, these students with disabilities are lacking for many of these services due to several issues that are discussed in the remainder of this paper.

### **Overview of Special Education in Saudi Arabia**

#### **The Development of Special Education**

In comparison to the US, in the Kingdom of Saudi Arabia (KSA) the special education services are still in a developing stage which can be described as the commencement of special education that was initiated in the 1960s, and has been developing in stages parallel to those in the United States [12] . Historically, prior to 1958, most of the individuals with disabilities in Saudi Arabia did not receive any sort of education. Most of the families who had children with disabilities attempted to informally educate their children in different ways. For instance, some families sent their children to other Arabic countries that have special education services (e.g., Egypt, Jordan) to stay in the special school institutes for most of the school year [13]. Other families taught their children some basic skills (e.g., reading, writing). In 1958, the Saudi government started to consider educating some students with disabilities, particularly students with blindness and deafness; therefore, some of these students were educated in schools that taught the Islamic curriculum, which are known as scientific institutes [14]. Following this initiative, the Department of Special Learning was established in 1962 and its main goal was to provide an appropriate education for three categories with disabilities : students with blindness, deafness, and mental retardation[15]. Therefore, in 1964 this department

established three special schools for these students in the main cities of Saudi Arabia [16]. In this context, the first informal attempt to include students with mild disabilities with typically developing peers for part of the day was carried out in one school in the east part of Saudi Arabia, in the city of Alhofouf, in 1984 [17, 22]. Even though this effort fell short of implementing the critical components of successful inclusion for students with disabilities, it was the beginning of the practice of giving students the legitimate right to attend with their typically developing peers in a general education classrooms.

Generally, the lack of appropriate special education services for students with disabilities lead the Saudi government to consider the improvement of these services. Therefore, the Special Education Department under the Ministry of Education in Saudi Arabia and some professionals from the departments of special education at some universities (e.g., King Saud University) reviewed the United States' special education policies, including the IDEA. In 2001, the Regulations of Special Education Programs and Institutes (RSEPI) were introduced as the first regulations for students with disabilities in Saudi Arabia.

### **Regulations of Special Education Programs and Institutes**

The country does have the Regulations of Special Education Programs and Institutes of Saudi Arabia (RSEPI). Therefore, the following section discusses the major elements of the (RSEPI) and identifies its similarities with and differences from the IDEA.

#### **Major Elements of the RSEPI**

The RESPI includes 11 Articles that present important issues[18] . Under the First Article, the important definitions used in this legislation for teachers, administrators, and other service providers that should be familiar with them are explained. For instance, it defines the concept of disability, least restrictive environment, transition services, multidisciplinary team, IEPs, special education teacher, resource room and other aspects.

In the Second Article of the RSEPI the goals of special education services are presented. For example, these services should be provided for students with disabilities to meet their unique needs and support them in obtaining the necessary skills that assist them in living independently and integrating appropriately in the society. These goals can be achieved through different procedures such as: (a) determine the needs of students with disabilities through early detection process; (b) provide a free and appropriate special education and

related services that meet their needs; (c) present these services to the students with disabilities in IEPs; (d) take advantage of scientific research to improve the services of special education; and (e) raise awareness about the disability among the members of society by discussing the causes of the disability and the ways to reduce it.

The Third article presents the foundations of special education in Saudi Arabia in 28 subsections that discuss the important concepts of the rights of students with disabilities to acquire appropriate education. For instance, this article emphasizes that students with disabilities should be educated in general education and the IEP teams should make decisions regarding the placement of students with disabilities, taking into consideration a continuum of alternative placements. Furthermore, in article Four of the RSEPI, the characteristics of ten categories of disabilities in terms cognitive disability, learning disabilities, autism, multiple disability, deafness, blindness, gifted, physical and health disability, emotional disorder, and communication disorder are explained. Finally, it defines the procedures of the assessment for each disability for each category in this article.

The Fifth article of these regulations presents the transition services of students with disabilities in Saudi Arabia. For example, it indicates that the main goal of transition services is assisting these students to prepare in moving from one environment to another. This article emphasizes that the transition services should be provided for the student when he or she needs as part of their IEPs. Additionally, it defines the types of transition services that might be provided, such as transition services that assist these students to move from across different levels of education (e.g., pre-school to elementary). Finally, the Fifth article of the RSEPI indicates that the transition services should be provided for the students with disabilities at an early st

In the Sixth article, tasks and responsibilities for the professionals (e.g. teachers, principals, and services providers) who work with students with disabilities either in public schools, or special schools are described. The responsibilities of the school districts and the schools regarding these students and their families are determined in the Seventh article of the RSEPI. For example, these agencies are responsible to provide a free and appropriate education for students with disabilities. In addition, these agencies should provide awareness programs for the families of these students that increase their knowledge regarding different issues of disability. The schools also should encourage these

families to be involved in different activities, such as participating in planning and providing IEPs for their children.

The Eight article of the RSEPI includes specific procedures of assessment and evaluation for students to determine if they are eligible for special education services. For example, this article indicates the definition of assessment, the goals of assessment, the procedures of assessment, and the multidisciplinary team (e.g., special education teacher, general education teacher, parents, and others). This article defines the steps of assessment that should be considered by the schools to determine the eligibility for special education services: (a) obtaining consent from the parents before diagnosis of the child; (b) gathering preliminary information on the status of the child who might need special education services; (c) referral of the child for further assessment procedures if the student needs it; (d) and assessment of the child's needs in different areas by the multidisciplinary team.

Article Nine of the RSEPI describes the individual education plan (IEP) that should be provided for each student who is eligible for special education services. This article defines the importance of IEP for student with disability in terms of that IEP is a unique approach that should be considered to meet the needs of each student individually and to provide appropriate special education services and related services. This article also explains essential considerations of IEP; for example, the IEP should be developed by the multidisciplinary team and the family should participate in developing and providing the IEP to their child. Additionally, this article describes aspects that should be included in the IEP. For instance , the first part of the IEP should include general information about the student and the second part should describe current performance of the student, as well as special education and related services that the student might need. It also defines that the IEP should include the professionals who are participating in its delivery. Moreover, the individuals who might participate in the IEP (e.g., special education teacher, general education teacher, parents, and other services providers) are discussed. Finally, the Ninth article of the RSEPI requires that the IEP should be evaluated annually to determine whether or not the goals of the IEP have been met.

In article Ten of the RSEPI, the evaluation process for students with disabilities is explained. For instance, it describes the definition of evaluation, the goal of the evaluation process (e.g., determine current performance of

student). This article also defines significant aspects that should be considered by the multidisciplinary team. For example, it describes appropriate tools for each type of disability (e.g., for mental retardation the multiple disciplinary team should consider three tools in terms of IQ tests, adaptive behaviors scales, and academic scales). Last of all, in article 11 of the RSEPI, general rules for schools as well as school districts are explained, such as the fact that only the Special Education Department is responsible for the interpretation of the RSEPI.

To summarize, the RSEPI supports the right of children with disabilities to obtain a free and appropriate education by considering many issues that guarantee this right. This legislation requires the schools to educate the students with disabilities in a general education setting to the maximum extent, taking into account a continuum of alternative placements. It can be also said the RSEPI requires that special education services (e.g., IEPs, related services, transition services, and others) should be carried out with students with disabilities in the real world.

#### **Similarities and Differences between the IDEA and RSEPI**

Overall, based on the description of major elements of both the IDEA and RSEPI that are discussed above, there are some similarities and differences between them. Since the Ministry of Education in Saudi Arabia represented by the Special Education Department developed RSEPI by considering main features of the IDEA, there are several similarities that can be inferred from the content of these legislations. Firstly, IDEA as well as, RSEPI have the same purpose in terms of providing a free and appropriate education for students with disabilities. Both of them require that the schools should provide special education services for these students that include an individual education plan, related services, transition services, and early intervention programs. Furthermore, the IDEA and RSEPI define the important procedures that should be considered by the multidisciplinary team to determine the eligibility of the child for special education services as discussed above. The RSEPI provides a general background for the key terms that are used in the law similarly to the IDEA (e.g., least restrictive environment, disability). Finally, these legislations require the schools to educate students with disabilities in the least restrictive environment, taking into consideration the continuum of alternative placement options that include the general classroom, the special education classroom, special

**schools, home instruction, or instruction in hospitals and institutions.**

Although there are similarities between the IDEA and RSEPI, there are some differences that can be recognized. First of all, the IDEA identifies the age of the children with disabilities that should be eligible for the special education services in terms of birth to 21 years old; however, the RSEPI does not determine specific age of the children that should be served under this legislation. Furthermore, the IDEA includes the procedural safeguards that guarantee the right for students with disabilities as well as their families to argue against some decisions (e.g., educational placement decision, identification and assessment process) by following some procedures :( 1) the process of hearing; (2) mediation process hearing; and (3) the court process; however, the **procedural safeguards are not considered in the RSEPI**. The third difference is that the IDEA includes the requirements for a high quality of special education teachers in terms of earning at least a bachelor's degree and a special education licensee. On the other hand, the **RSEPI does not define the requirements for a high quality of special education teachers**. Additionally, the IDEA clarifies the procedures of the early intervention services in terms of: (a) the nature of the services that the children at this age need (e.g., speech therapist services, health services); (b) the method to deliver these services, such as an individual family services plan (IFSP) and when this plan should be evaluated (e.g., every six months); (c) a suitable place to provide this service, such as at the natural environment to the maximum extent appropriate. In contrast, the **RSEPI does not explain clearly the procedures** in providing early intervention services considering all of the previous issues.

The fifth difference between them is that, the IDEA includes 14 categories of disability between birth and 21 years that should be eligible for special education and related services under this law. Conversely, the RSEPI defines ten categories of the disability some of which are similar to the IDEA; traumatic brain injury deaf-blindness, deafness, hearing impairment, and developmental delay are not considered under the RSEPI. Finally, the IDEA attempts to improve the quality of education services by **integrating technology** to promote education services for students with disabilities and assist them to be able to access the general curriculum, which is not considered in the RSEPI.

#### **Problematic in Implementation of the RSEPI**

There are some Saudi legal provisions that sufficiently provide for students with disabilities as modeled after IDEA,

such as IEPs, transition services, assessment and evaluation procedures, though the implementation might be problematic as discussed below. However, there are other provisions of this legislation that have not been either discussed or clarified in detail in the RSEPI in terms of the requirements of highly qualified special education teachers, related services, early intervention programs, and least restrictive environment. Additionally, the Saudi legislation lacks procedural safeguards that guarantee the right for students with disabilities and their parents to obtain a high quality of special education services or deal with any special education disputes. Despite the fact that, this legislation has defined that only the Special Education Department has the responsibility to interpret the context of this legislation, there is no further explanation considering which department has the right of accountability or enforcement of the implementation of the RSEPI with children with disabilities in the real world. Therefore, all of these gaps in the framework of the RSEPI have led to weaknesses in the provision of special education services for these students. The following section describes briefly some of these weaknesses.

**Education setting.** The RSEPI requires that schools should educate students with disabilities in Saudi Arabia in the general education setting without providing a general guide that might be considered by the schools in its implementation. In reality, these students are educated in different settings based on the nature and severity of disability. For example, students with mild and moderate cognitive disability, blindness, and deafness are educated in special classrooms in public schools. These students only participate with their typically developing peers in non-curricular activities (e.g., art, physical education). Students with severe disabilities are still receiving their education in special schools that does not meet their unique needs to be integrated with typically developing peers in the general education setting. Furthermore, most of the skills provided to these students in their IEPs are developed from a special curriculum that is designed for each type of disability. It can be said, there is no opportunity for these children to attend further education after middle school except some vocational training centers that are also limited. However, students with learning disabilities receive their education in general education setting with some support by a resource room teacher who provides individual instruction for the student. Thus, the RSEPI emphasizes that students with disabilities should be educated in a general education setting to the maximum extent possible, taking into consideration a continuum of alternative placements;

however, most students are still educated in either special classrooms in the public schools, or special schools.

**Related services.** The RSEPI does not clarify the definition of the related services and the types of such services to be provided to the students with disabilities. Indeed, some public schools, as well as special schools of students with disabilities are lacking for several types of the related services. For example, some schools offer some of these services for students with disabilities in terms of transportation services, school psychological services, and school counseling services. Nevertheless, there are some related services still unavailable, such as speech and language therapy, physical therapy, and occupational therapy health and medical services, and social workers [19]. To conclude, some related services in Saudi schools still need to be made available for students with disabilities.

**Evaluation and assessment procedures.** Although Saudi legislation highlights clearly and in detail the evaluation and assessment procedures as discussed in the eighth article, these procedures to make the decision regarding eligibility of students for special education services in Saudi schools are still inadequate. Firstly, the tools of assessment, such as IQ tests, adaptive behavior scales, and academic scales are not adapted to the cultural standards of Saudi Arabia. The students are not assessed by a multidisciplinary team to define their unique needs of special education services [20]. Essentially, the assessment of students is usually only performed by school psychologists and special education teachers. Thus, the process of defining the eligibility of students with disabilities for special education services in Saudi Arabia is lacking a multidisciplinary team-based approach and feasibility of appropriate scales.

**Transition services.** Even though the RSEPI describes transition services in detail in terms of procedures for the provision of such service, the types of transition service (e.g., from high school to college, from college to the job environment, etc.) and other issues mentioned above in the Fifth article of the RSEPI, these services have not been granted to students with disabilities in Saudi Arabia in reality.

**Early intervention services.** The RSEPI requires that service providers in terms of schools and early childhood programs should provide early intervention services for at-risk children without identifying further procedures that should be considered by these providers. It can be said, these services have not been carried out with at-risk children, even though they are underlined under Saudi legislation. However, there are some early childhood programs that provide only

for children with cognitive disability from age five to six in special classrooms in public elementary schools. The goal of these programs is to improve some skills for these students in term of the social, cognitive, communication, and physical domains. These skills are provided as part of the IEP, but the families of these children are not considered as part of this plan.

**Technology services or devices.** The RSEPI does not underscore technology as an important service that should be provided for students with disabilities. Therefore, the schools in Saudi Arabia do not provide either assistive technology services or devices to be integrated in the effective teaching strategies and that can support students with disabilities to live independently and access the general curriculum.

Clearly, there are several problems in the implementation of the RSEPI that lead to either lack of, or low quality of special education services provided for children with disabilities in terms of appropriate education settings, related services, assessment procedures, transition service, early intervention programs, and others. As a result, there are several reasons that cause these problems in the implementation of the RSEPI with students with disabilities in Saudi Arabia. First of all, there are some limitations in the framework of this legislation. For instance, in the First article, there is no further explanation regarding current and main concepts that should be understood by the educators, administrators, service providers, and other professionals (e.g., the requirements of the highly qualified special education teacher, assistive technology, and individualized family services plan). Furthermore, there are also some limitations in the explanation of the procedures of the special education services (e.g., least restrictive environment, related services, early intervention programs, technology services). Secondly, the RSEPI does not clarify the procedures that should be conducted when there are special education disputes regarding any decision (e.g., educational placement) between the parents of a child with disability and the school or service providers. Thirdly, there is a lack of a system of accountability that could investigate the implementation of the requirements of the RSEPI with students with disabilities in the real world.

Finally, families of students with disabilities in Saudi Arabia lack the awareness regarding the right of their children to obtain a high quality of special education services as guaranteed by the RSEPI, as well as their rights to disagree and argue with the schools regarding any decision that can be made by them. This might be due to either their low level of

education, or the lack of knowledge of these families regarding the right of their children to gain appropriate special education services that are underlined by this legislation. Thus, the limitations in some areas in the framework of the RSEPI, the lack of procedural safeguards to guide special education disputes regarding any decision made by the schools, the insufficiency in the system accountability that might investigate the implementation of the requirements of the RSEPI, and the limited awareness of families regarding the right of their children to gain the high quality of special education services, are the major reasons for the problems with the implementation of Saudi special education legislation.

### Suggested Regulations

As discussed above, there are challenges in applying the requirements of Saudi legislation with children with disabilities to receive a high quality of special education services. Therefore, the policy makers in Saudi Arabia should revise the current the RSEPI that was passed almost one decade ago. They might amend the content of the legislation taking into consideration main features of the IDEA with more detail. The amendment of the RSEPI might include many regulations, such as the following.

### General Provisions

The amendment of the RSEPI might focus on general provision in terms of the current and specific definitions- that are not explained in the current the RSEPI- for the teachers, parents, service providers and others, such as:

**Highly qualified teacher.** This term should be included and clarified in this legislation in two ways as explained in the IDEA. Firstly, the teacher should meet the general requirements for special education teachers (e.g., earning at least a Bachelor degree in the special education field). Secondly, the teachers should hold a license in special education that allows them to teach students with disabilities with high quality.

**Assistive technology.** Assistive technology should be defined in terms of services and devices. The term of assistive technology service might be defined as “any service that directly assists the child with disability in the selection, acquisition, or use of an assistive technology device...” [2] . Assistive technology device might also be described as any product that might be modified to improve the capabilities of the child with disability [2].

**Individualized family services plan.** This term should be clarified for the teachers (special and regular), administrators, related service personnel and families as a

unique approach or method to providing early intervention services for at-risk children.

### Special Education Services Provisions

The regulation that might be considered in the amendment of the RSEPI is revising and developing the procedures of provision of some special education services to make them more easily followed by the schools, the school districts, and other service providers. The following section develops some procedures that could be added in the Saudi legislation:

**Least restrictive environment (LRE).** The term of LRE should be clarified to mean that an appropriate place to educate the student with disabilities is a general education setting to a maximum extent possible; however, when the level of severity of disability does not allow for the student to be placed in this setting, the continuum of alternative placement options should be considered, including the general classroom, the special education classroom, special schools, home instruction, or instruction in hospitals and institutions. The RSEPI should also include general standards in determining LRE for students with disabilities while considering that these standards should be based on individual cases. Therefore, the most important standards for school districts, IEP teams, and others to consider are the following:

1. Can the education of the student with disabilities be carried out in a regular education classroom with the addition of aids and services for that student?
2. If the student is placed in a separate education classroom, is he or she still being educated in an integrated setting to the maximum extent possible?
3. What are the benefits of education in a general classroom for students with disabilities (with necessary aids and services) contrasted with the possible gains of education in a special classroom considering nonacademic benefits, such as social skills?
4. How will the presence of the student with disability affect the regular classroom, considering these three secondary questions:
  - Can the student with disability learn?
  - Can the teacher teach all of the students in the classroom?
  - Can the student without disability learn?
5. What is the financial cost of including the child with disability?

**Early intervention services.** The RSEPI should identify procedures of this service clearly considering the significant components as follows:

**Appropriate age.** The RSEPI should define an appropriate age to obtain this service (e.g., from birth to four years).

**Types of services.** This might include different services that meet the unique needs of children at risk in terms of physical therapist services, occupational therapist services, speech therapist services, health services, and psychological services.

**Appropriate place.** The place of providing these services should be at the natural environment (i.e., LRE) to the maximum extent appropriate.

**Method of provisions.** These services should be provided in an IFSP and all service providers, including parents should participate in developing the IFSP. The IFSP should be evaluated at least one or two times during the school year to make sure the needs of the students have been met.

**Responsibility of providing this service.** This legislation should identify the agencies that are responsible for providing this service (Special Education Department, Health Department, and other service providers).

**Related services.** The RSEPI should identify the definitions of related services clearly and classify each type of the related service. For example, related services might be described as the services aimed to help students with disabilities to obtain maximum benefit from the special educational programs. The related services might include: school health services, school counseling services, psychological services, speech and language therapy, physical therapy, transportation, occupational therapy, medical services, family training counseling, home visits, assistive technology and other services. Moreover, these services should also be provided as a part of the IEP of the student when he or she needs it. The requirements of service providers to be qualified in providing these should be explained; for instance, the therapist should hold a Bachelor degree (e.g., bachelor degree in physical therapy) and pass licensing exams. Finally, the goal of each type of related service and the role of the service provider for each service should be explained, such as:

**Occupational therapy.** The main goal of occupational therapy (OT) is to improve the fine motor skills of students with disabilities. The therapist assists these students in living independent, productive, and satisfying lives. Therefore, the therapist might provide diverse activities that help these students to achieve this goal; for instance, he or she might assess the needs of fine motor

skills training or provide different strategies for students with disabilities to be able to reach their IEP goals in developing fine motor skills.

**Physical therapy.** The main goal of the Physical Therapy (PT) service is assisting students with disabilities who have problems with gross motor skills and with walking safely and independently around the classroom, playground, on school field trips, and other life activities. PT might present some suggestions that might be considered by transportation service providers to modify the bus of the school to be accessible for these students. Finally, PT might provide different activities for each student to help him or her to improve their gross motor skills.

**Speech-language pathologists.** The Speech -Language Pathologist (SLP) supports students with disabilities who have communication disorders and improves their language skills. The speech pathologist might work individually with each student to provide some activities for improving their speech and language. For instance, the SLP assesses and diagnoses the needs of the students, and assists them to develop their speech, language, cognitive-communication, voice, swallowing, and fluency.

**Health school service.** The health school service might be provided by a nurse who is qualified to provide this service for students with disabilities. The main tasks of the nurse in the school is examining the medical records of the student, pre-eye examination, certificate of vaccination, and providing some advice to the teachers regarding feeding and health problems. The nurse provides some students with awareness of safety and health issues. The nurse also participates with other school staff in the registration process for students either in kindergarten, or elementary school.

### **Transition Services**

The amendment of the RSEPI might consider the same procedures for transition services that were discussed above in the Fifth article of the current RSEPI. However, the age of providing transition service for students with disabilities should be determined; for instance, when the student turns 16 or younger the student should receive transition service when necessary.

### **IEPs and the Procedures of Evaluation and Assessment**

Regarding the procedures of IEP, as well as evaluation and assessment procedures, these might also extend to be used in the amendment of the RSEPI since these procedures are addressed clearly and in detail in the current Saudi legislation. However, the amendment of the RSEPI might include more categories of the disability in terms of traumatic

brain injury and deaf-blindness to be eligible for the special education services. The amendment of the RSEP might also identify the age of children with disabilities who are eligible for the special education services under this legislation, such as from birth to 18 years old.

### **Procedural Safeguards**

Under this regulation, that might be included in the amendment of the RSEPI is identifying procedures (procedural safeguards) that guarantee the right of parents or guardians of children with disabilities regarding special education disputes. This part might include many procedures that assist them to obtain a high quality of special education services as the following:

General procedures. In this part, the parents or guardians should receive a written letter that informs them about any procedures that might be conducted by the schools with their children (e.g., assessment and evaluation procedures, educational placement). This letter should be sent by the school to the parents with sufficient notice [3]. This letter also ought to explain clearly the description of the action, reasons for this action, and the further procedures that might be conducted with the student.

Specific procedures. There are many procedures that might be considered to ensure the right of the children with disabilities and their parents regarding significant decisions in terms of the evaluation and assessment and placement education decision that could be made by the schools or the service providers. For example, the parent has the right to discuss the assessment decision pertaining to their child that was made by the school and requires further procedures (e.g., conducting the assessment process with an independent agency). The school should also pay the cost of this alternative process when the original assessment process was not done appropriately and vice versa [3].

Procedures of special education disputes. There are some times when the parents disagree with the decision made by the schools (e.g., educational placement, evaluation). Therefore, another agency should be involved in solving this disagreement. For instance, the school districts might establish an office of hearing in each school district that aims to facilitate the problem between the schools or service providers and the parents [3]. Additionally, when the parents of the student cannot solve the dilemma with the school or the school district, further procedures might be considered in terms of taking the issue to the local court in each city or the Supreme Court (the highest level of court in Saudi Arabia). The final decisions of the courts should be reported and

published in a specific database that might assist the policy makers and researchers in developing the policy of special education in Saudi Arabia.

### **The responsibility for the implementation**

The regulation that might be considered in the amendment of the RSEPI should identify the name of the agency or department that has the responsibility for the implementation of this legislation. This part should also identify responsibility to enforce the implementation of the RSEPI. For example, the Special Education Department should have the power and responsibility to monitor and enforce the special education services under this legislation.

To conclude, the set of regulations that are suggested above are essential components that might be considered in an amendment of the RSEPI. This set of regulations might fill the gap in the framework of this legislation and improve the implementation of the requirements of RSEPI with children with disabilities in the real world. However, it is a significant issue to inform these regulations to the teachers, administrators, related service personnel and families in an appropriate way; therefore, the following section discusses this issue.

### **Informing the Stakeholders of the Regulations**

The regulations contained in the amendment of RSEPI should be clarified and relayed in order to guarantee that teachers (special and regular), administrators, related service personnel and families of the students with disabilities understand their rights and responsibilities under this legislation. This will serve to promote the proper implementation of these requirements with children with disabilities in the real world. As a result, it can be said there are many ways that might be considered to disseminate these regulations. First of all, the dissemination and clarification of these regulations for these individuals should be the responsibility of the Special Education Department (represented by schools districts), media, pre-services teachers, service providers of programs at universities, and professionals' organizations. These agencies should provide information on and clarify the procedures of the special education services that should be understood by the teachers, services providers (e.g., the IEPs requirements, their roles in identification and assessment process, and multidisciplinary team). Additionally, the administrators should be informed of their roles to support and enforce the implementation of the requirements of the RSEPI. Finally, the families of the students with disabilities might be informed of the right of their children to obtain a high quality of special education

services and their right to disagree regarding any action made by the school regarding their children; for example, they might go through the procedural safeguards that are suggested above when they disagree.

There are many issues that might be identified in terms of when and how these regulations should be clarified and informed for these individuals. The teachers (special and regular), administrators, related service personnel and families of the students with disabilities should be regularly and extensively informed of these regulations each school year, which allows for new teachers, service providers, and the families who have a recent child with disability to understand them. These regulations also should be available for the public (e.g., posted on the webpage of the Special Education Department or the school districts). Additionally, when there is a misinterpreting or confusion regarding any regulation of the RSEPI, the school districts should inform and clarify for all these individuals.

There are some procedures on how to inform the regulations for these people. For example, conferences and workshops that discuss the legislation and their requirements might be conducted by school districts and professionals' organizations. Furthermore, special education departments and other departments at the universities that have programs for pre-services teachers, administrators, and related service specialists should provide some fundamental coursework that underlines and discusses these regulations. The academic programs for graduate students should also provide advance coursework that highlights the weaknesses of these regulations and the suggestions to improve them. Finally, the media should also provide some awareness programs that discuss these regulations and the challenges with their implementations, for example, by interviewing the professionals who are knowledgeable about the regulations of the RSEPI. Thus, these ways might assist to inform regulations of the RSEPI to teachers (special and regular), administrators, related service personnel and families of the students with disabilities.

### **Developing an Effective System of Accountability**

As indicated above, the main reason behind the problems with the implementation of the RSEPI in Saudi Arabia is lacking a system of accountability that enforces the requirements of this legislation in the real world. Therefore, it is a significant issue to develop an effective system in assisting the Special Education Department in Saudi Arabia to investigate whether the requirements of the RSEPI have been carried out with students with disabilities. The main

goals of this system might be enforcing and monitoring these requirements and ensuring continued improvement of educational outcomes of the children with disabilities who are eligible for special education and related services. The main features of this system should be explained in terms of the aspect of accountability, the role of the agency that has responsibility for accountability of the RSEPI, and main steps or procedures that might be considered to make sure that the school districts and the service providers follow these regulations.

The aspect of accountability refers to the accountability and liability of the school districts regarding to the RSEPI to "call on to render and reminder the obligation to bear the consequences for failure to perform as expected and accountable" [21]. Thus, this definition clarifies the nature of accountability that should be considered by the school districts, as well as the service providers in ensuring the requirements of this legislation have been met with the students with disabilities.

The role of the agency that is responsible to hold schools or school districts accountable for any violation of the requirements of RSEPI should be taken by the Special Education Department under the Ministry of Education in Saudi Arabia. There are many responsibilities of the Department of Special Education that should be considered: (a) this department might be responsible for writing the regulation of the RSEPI for collaborating with other professionals or agencies that have a sufficient knowledge of developing these regulations; (b) it is responsible for enforcing the provisions of the services that are required by the RSEPI; (c) it should clarify the reasons when RSEPI is remanded, such as in the first part of legislation; and (d) it should have the right to interpret the context of the RSEPI and provide guidance of how this legislation can be followed by the schools, school districts, and other services providers. This can be done by establishing a sub-department that has responsibility to answer the questions either from parents of children with disabilities or the school districts to clarify any confusion or interpret the requirements of the RSEPI. These interpretations should be reported and they might be used in the future as main considerations in the amendment of the RSEPI. The Special Education Department is responsible also to provide funds for the school districts to improve the quality of special education teachers by effective training and to integrate technology as part of teaching methods and to assist the students to access the general curriculum. Finally, the Special Education Department has authority to determine

whether the school districts comply with the requirements of the RSEPI.

The Special Education Department might consider many procedures or steps that must be taken to assure that the school districts and the service providers follow these regulations. Therefore, the researcher modifies some suggestions that have been recommended by the National Center of Special Education Accountability Mentoring [21] to obtain this goal. For instance, the school districts should have performance plans that consider the main features of regulations of RSEPI (e.g., providing appropriate education, educating students with disabilities in the LRE). The goals of the plan should be achieved in a particular time-frame . Additionally, stakeholders (e.g., teachers, services providers, principles) should also share responsibility to engage in this plan and develop some activities that assist the school districts in obtaining these goals. The school districts must provide an annual report and post it in public (the school districts' webpage) to present evidence the goals of the performance plan have been met. This report might include in detail : (a) the number of students who are educated in the general classrooms, special classroom, and other settings; (b) the availability of related services that are provided for students with disabilities, the shortcoming of the these services, and how the schools deal with the issue; (c) the number of children with disabilities who are obtaining early intervention programs and the types of services that they are receiving ; and (d) the number of the students with disabilities who are receiving transition service, assistive technology, and other services. Thus, the school districts' performance plan might provide the main picture of how they follow these

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regulations.

Another step that might assist in making sure that these regulations are followed by the school districts is creating effective policies and procedures. These procedures should be clarified to assist the school districts in detecting any violation of the regulations of this legislation. For example, each school district might develop guidelines of these regulations and detail each step that might be considered by the schools.

The third step is that that the Special Education Department should support and fund the research-based evidence to examine the educational outcomes of the students with disabilities. The data of this research might assist the policy makers in identifying the implementation of these regulations. This can be done through analyzing these data and examining to find out how well the regulations of this legislation have been met.

The school districts should report on important special education disputes and the resolutions to these problems (e.g., the disagreement regarding educational setting, identification and assessment procedures) in order to identify whether the schools have followed the regulations. These disputes and their solutions might explain how the school districts protect the right of children with disabilities to gain a high quality of special education services. These disputes and their solutions might also assist the Special Education Department and other policy makers in assessing the solutions' effectiveness and identifying if these solutions might be considered for future cases or improving further amendments to the RSEPI.

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