

**Disability Laws and Special Education Provisions in China, Kuwait, South
Korea, Turkey, and the United States**

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Abstract

This article describes disability laws and special education provisions in China, Kuwait, South Korea, Turkey, and the United States making note of the important role they have in the lives of people with disabilities. Anti-discrimination, rehabilitation, and special education laws enhance the quality of the lives of individuals with disabilities through the lifespan but differences exist in the degree of protections and services for individuals with disabilities in each country. Countries

with clear educational provisions in their special education laws may have more positive social and educational outcomes for individuals with disabilities.

Keywords: *special education laws, disability laws, disability educational provisions, international disability laws, multinational education laws for students with disabilities*

Introduction

It is estimated that one billion people have a disability, approximately 15 percent of the global population, making people with disabilities the largest minority in the world (WHO, 2011). Educational, employment, and social outcomes for individuals with disabilities around the globe are generally negative across their lifespan. Approximately 80 percent of people with disabilities live in poverty (WHO, 2011). This life outcome suggests that individuals with disabilities do not achieve sufficient levels of educational success or receive support to seek and maintain competitive employment, compared to their counterparts without disabilities. Of the total number of people with disabilities in the world, an estimated 150 million are children ranging in age from newborns to 14 years (WHO, 2011). Students with disabilities are commonly educated in segregated settings in developing countries, with limited access to the general education curriculum which is provide for their peers without disabilities (WHO, 2011). Limited access to educational opportunities lead to lower rates of literacy among people with disabilities when they reach adulthood (UNESCO, 2003). It is not clear whether education in a segerated or inclusive setting is a factor in the lower literacy rates of students with disabilities.. However, research does

show that students with disabilities complete fewer years of schooling compared to their peers without disabilities (UNESCO, 2003). Additionally, males with disabilities achieve an average of 5.96 years of education compared to 7.03 years in males without disabilities. Similarly, females with disabilities complete 4.98 years of education compared to 6.26 years in females without disabilities. Clearly, educational attainment is important because lower school attainment among individuals with disabilities may result in significantly reduced educational and economic outcomes in adulthood.

Given that many people with disabilities cannot maintain competitive employment, many countries have laws to provide a basic standard of living for adults with disabilities. For example, in the United States (US), the *Social Security Act of 1935* provides a basic monthly income to individuals with disabilities through Social Security Disability and Supplemental Security Income programs. Health insurance programs, such as Medicaid and Medicare, also fund long-term services and supports for individuals with severe disabilities throughout the lifespan (Martin & Weaver, 2005). Caring for the needs of people with disabilities who cannot provide adequately for themselves is important both for the individual and the larger society. However supporting special education and vocational rehabilitation allows individuals with disabilities not only to improve their quality of life, but also allows them to acquire the skills to support themselves through gainful employment.

Given the link between education and adult occupational and financial outcomes, the primary goal of this manuscript is to identify laws in the US, China, Kuwait, South Korea, and Turkey which focus on educational provisions for individuals with disabilities. Because American disability laws represent the most well-developed laws in terms of the provisions they

provide to individuals with disabilities, we use US disability laws as the model against which to compare disability laws in China, Kuwait, South Korea, and Turkey.

Those four countries were selected because doctoral students from each of those countries were represented in a course taught by the lead author of this paper. In addition, each author noted that their country looked to US special education policy as a guide in developing disability laws in their respective countries. In our comparison of special education services each country provides to its citizenry, we began by broadly describing the laws in each country which aim to prohibit discrimination against individuals with disabilities and the rehabilitation laws that promote their improved quality of life and skill development. Our focus then shifts to the specific laws and sections of laws which mandate educational provisions to students with disabilities.

Anti-Discrimination and Rehabilitation Laws to Protect and Serve Individuals with Disabilities

China, Kuwait, South Korea, Turkey, and the US have legislation to protect individuals with disabilities from overt or unintentional discrimination. Table 1 provides a list of laws in all five countries which protect their respective citizens with disabilities from discrimination. Legislation includes civil rights protections, as well as mandating services aimed at minimizing the negative impact of disabilities, such as special education and vocational rehabilitation. These disability laws seek to improve the quality of life and increase opportunities for individuals with disabilities by providing health, education, employment, and rehabilitative services. Without these laws, individuals with disabilities could face rejection and segregation from society.

Disability Laws by Country

The US has a system of laws that coordinate to provide civil rights protections and a basic quality of life for individuals with disabilities. Section 504 of the *Rehabilitation Act of 1973* (Section 504) prohibits discrimination on the basis of disability in federal employment or programs, agencies, as with employment with contractors receiving federal funding (US Department of Justice, 2009). Section 504 also provides funding for vocational rehabilitation, supported employment, and independent living. The *Americans with Disabilities Act* (ADA) prohibits discrimination in employment, government programs, services, and activities, public accommodations, commercial facilities, transportation, and telecommunications (US Department of Justice, 2009).

Table 1. Rehabilitation and Civil Rights Law

Country	Law & Year	Provisions
US	Americans with Disabilities Act (1990) Rehabilitation Act (1973) Social Security Act (1935)	Accommodations including employment, public services, transportation, and telecommunications Educational accommodations (Section 504; Vocational rehabilitation (Section 508) Monthly base income, medical insurance, durable medical equipment, funding for long-term care and supports
China	Law on the Protection of Persons with Disabilities (1990)	No discrimination and support in rehabilitation, education, employment, cultural life, social security, accessible environment, and legal liabilities
Kuwait	Article 29 of the Constitution of the State of Kuwait (1962) Law Number 8 for the Rights for People with Disabilities (2010)	Accommodations including education, employment, and social care Accommodations including education, transportation, employment, and health services
South Korea	Employment Promotion and Vocational Rehabilitation for Disabled Persons Act (2014) Act on the Prohibition of Discrimination Against Disabled Persons, Remedy Against Infringement of their Rights, Etc.	State and local government education and financial support; Equal employment opportunities; Employee self-reliance; Government entity collaboration Employment; Education; Use of goods and services; Judicial and administrative procedures; Services and political rights; Motherhood, fatherhood, and sexuality; Family, home, welfare facilities; the right

	(2011) Act on Welfare of Persons with Disabilities (2011)	to work Promoting prevention, medical services, educational rehabilitation, employment, subsidies, and housing
Turkey	Turkish Disability Act, Law No. 5378 (2005)	Accommodations including health, education, rehabilitation, employment, care, and social security

Other laws provide specific protections for individuals with disabilities who are institutionalized (*Civil Rights of Institutionalized Persons Act of 1980*), as well protections against housing discrimination (*Fair Housing Act of 1988*), air travel discrimination (*Air Carrier Access Act of 1986*), architectural discrimination (*Architectural Barriers Act of 1968*), telecommunications discrimination (*Telecommunications Act of 1996*), and voter discrimination (*Voting Accessibility for the Elderly and Handicapped Act of 1984; National Voter Registration Act of 1993*) (US Department of Justice, 2009).

China's *Law on the Protection of Persons with Disabilities* (LPPD) enacted in 1990, is a civil rights law intended to protect individuals with disabilities against discrimination and ensure they have equal rights in all aspects of society. The LPPD is consistent with China's Constitution which safeguards the lawful rights and interests of persons with disabilities. The LPPD attempts to ensure "the equal and full participation of persons with disabilities in social life" and gives them access to "their share of the material and cultural wealth of society" (Article 1 of LPPD, 2008, p.1). The LPPD provides protections and supports for persons with disabilities in rehabilitation, education, employment, cultural life, social security, accessible environment, and penalties for organizations or government agencies that violate the rights of individuals with disabilities.

Kuwait is the first Arab country to enact laws for people with disabilities (Weber & City, 2012). According to Article 29 of the *Constitution of the State of Kuwait* (CSK) of 1962, all

people are equal in human dignity, public rights, and duties before the law, without distinction to race, origin, language, or religion. Provisions within Article 29 include entitlements given to people with disabilities in both employment and public services (Scull, Khullar, Al-Awadhi, & Erheim, 2014). Law No. 8: Rights for People with Disabilities (known as Law No. 49 until 2010, number of laws are not chronological) covers a broad range of rights and services such as the rights of persons with disabilities, rehabilitation and employment services, guidelines for integration in society, public transportation accommodation, family support requirements, and free education including higher education (Law No.8, 2010). Law No. 8 also requires new buildings to be accessible to people with disabilities. The Kuwait Family Act also requires compulsory premarital genetic screening among couples prior to marriage to detect the probability of having a child with a disability (Alben-Ali, 2014). The Kuwait Family Law Act may unintentionally prohibit a couple with disabilities from having a child.

South Korea's *Employment Promotion and Vocational Rehabilitation of Disabled Persons Act* (EPVRDPA, 2010) and the *Employment Promotion and Vocational Rehabilitation for Disabled Persons Act* (EPVRPA, 2014) mandate equal employment opportunities for Korean citizens with disabilities. Individuals of working age with disabilities are provided supports in the workplace, employment promotion, vocational guidance and training, and adjustment guidance after employment. Access to public transportation is ensured through the *Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons* (APTCMDP, 2014). The *Act on Welfare of Persons with Disabilities* (AWPD, 2012) and the *Act on the Prohibition of Discrimination Against Disabled Persons, Remedy Against Infringement of Their Rights, ETC* (APD, 2014) prohibit discrimination of individuals with disabilities in all areas of life from

education to the workplace, housing, and political participation. The APD further guarantees individuals with disabilities the same healthcare, parenthood, and reproductive rights as individuals without disabilities.

The *Turkish Disability Act* (TDA Law No. 5378) of 2005 seeks to ensure that people with disabilities have the same rights as their counterparts without disabilities. Before the enactment of the TDA Law No. 5378, only Article 50 and Article 61 within the Turkish Constitution pertained to people with disabilities. However, the TDA No. 5378 provides a new vision and direction to disability services in Turkey by helping individuals with disabilities and their families in addressing needs related to health, education, rehabilitation, employment, care, and social security (Article 1). The TDA No. 5378 removes obstacles to the coordination of services and promotes independence of people with disabilities in their everyday life to support their development (Article 1).

Comparison

Discrimination based on disabilities is prohibited by law in each of the five countries. In addition, policymakers in each country strive to level the playing field for citizens with disabilities in all realms of life. Like the US, protections to ensure that citizens with disabilities have access to the same basic privileges that citizens without disabilities enjoy such as access to public services and protections against discrimination in employment. China and the US passed civil rights laws in 1990, the ADA and LPPD respectively, giving individuals with disabilities access to transportation and accessibility to public buildings among others previously described. Since 1962, Kuwait's Constitution has included language specific to individuals with disabilities related to employment. In 2010 Kuwait passed Law 8, giving individuals with disabilities similar rights available to US citizens with disabilities through the ADA in transportation and

access to public buildings. However, Kuwait currently has a federal law which may infringe upon the reproductive rights of individuals with disabilities if it found during the compulsory marriage health screening that there is a risk that their children might be born with a disability.

Education Laws

As previously stated, people with disabilities experience lower levels of education and higher levels of unemployment and poverty (WHO, 2011). Policymakers in the US, China, Kuwait, South Korea, and Turkey recognize the importance of education and the need for educational laws aimed to provide opportunities for individuals with disabilities to achieve positive social outcomes akin to those obtained by individuals without disabilities. Table 2 provides basic information about education for each country, including each country's general education law, the years of compulsory education required by the law, the size of general student population, size of population of students with disabilities, and special education expenditures. Information on general education law in each country is important to establish the context of where students with disabilities fit within the larger school-age population in each country.

General Education Laws by Country

US. The *Every Student Succeeds Act* (ESSA), last reauthorized in 2015, governs the education of elementary and secondary level students in general education from kindergarten to 12th grade. In the 2012-2013 school year, the total elementary and secondary school enrollment was 54.7 million. The current number of students with disabilities is approximately 6.4 million, representing 11.75% of the entire elementary and secondary student population (Snyder & Dillow, 2015). The majority of students with disabilities in the US are educated in regular schools in a general education classroom. Educational statistics showed that 61.1% of students

Table 2 . General Education Laws, Size of School Population, and Expenditures by Country

Country	General Education Law Compulsory Education Grades	Child	Size of General School Population	Size of School Population with Disabilities	Annual Expenditures for Special Education (Percent of Total Annual Budget)
US	Every Child Succeeds Act K-12		54.7 million	11.75% (6,429,331)	\$11.47 billion (0.30% of \$3.8 trillion)
China	Compulsory Education Law 1-9		138 million	0.29% (394,900)	\$993 million (0.73% of \$1.36 trillion)
Kuwait	Constitution of the State of Kuwait 1-9		365,624 (ages 6-18)	2.42% (8,841) (ages 3-22)	\$93 million (0.13% of 66.5 billion)
South Korea	Constitution of the Republic of Korea K-12		2 million	2.41% (48,145)	*
Turkey	Turkish National Education Law (Law No. 6528) K-12		15 million	3.23% (483,537)	\$250 million (0.15% of 150 billion)

Note: Size of general school population is rounded up to nearest million. Asterisk indicates information was not available.

with a disability diagnosis spent greater than 80% of instructional time in the general education classroom (ATLAS, 2015). Statistics from the same source show that only 5.1% of students with disabilities are educated outside of the general education school. In the 2014 fiscal year, the federal government reported spending a total of \$11.47 billion, which was 0.3% of the total national budget, for special education expenditures (ATLAS, 2015). The federal expenditures covered approximately 16% of the estimated cost of educating children with disabilities. The remaining cost was covered by state and local governments. The combination of federal and state level expenses totaled \$71.69 billion to educate students with disabilities (ATLAS, 2015).

China. The *Compulsory Education Law* (CEL, 2015) mandates free education to children with and without disabilities from first grade to junior secondary school (grades 1-9). Education

beyond the 9th grade is optional and only partially funded by governments via scholarship, subsidies, or loans. In 2014, the total school-aged population (grades 1-9) was 138 million. There were approximately 394,900 students with disabilities in 2014, representing .29% of the total school-age population (Ministry of Education, 2015). Among students with disabilities, 52.94% (209,100) were educated in regular schools in general or special education classrooms (Ministry of Education, 2015). The expenditures for special education schools for 2010 was \$993 million, representing 0.73‰ of the total national fiscal expenditure (Zhao, Wang, & Wang, 2014).

Kuwait. Kuwait has compulsory education for students in primary and middle school (grades 1-9). Secondary level schooling (10th to 12th grade) is free of cost but not compulsory (Burney & Mohammed, 2002). The size of the general student population (grades 1-12) in 2014/2015 was 365,624 (Al-Turki, 2015). Special education services are provided by two governmental agencies that work independent of each other: Ministry of Education and the Public Authority of the Disabled. The Ministry of Education consists of 29 schools that educate 1,739 students ages 6 to 22 who have mild to moderate disabilities. The Public Authority of the Disabled consists of 51 schools that educate 7,102 students ages 3 to 21 who have moderate to severe disabilities. All students with disabilities who are incapable of succeeding in the general education classroom without accommodation are educated, regardless of severity of disability, in special schools. The total number of students with disabilities in Kuwait was 8,841, representing 2.42% of the general student population. The expenditures for special education schools for 2014/15 was \$93 million, representing 0.13% of the total national budget (T. Alshatti, persona lcommunication, November 27,2015).

South Korea. South Korea (or, more formally, Republic of Korea) has free compulsory education from kindergarten to high school (Central Intelligence Agency, 2014). Education for

students in K-12th grade is governed by the *Constitution of the Republic of Korea*, Article 31, Section1. There are approximately 2 million students in the general school population, of which 2.41% (48,145) receive special education services (NCEE, 2012). Approximately 50.40% (24,287) received special education services in regular schools in either general or special classrooms, while 49.6% (23,858) received special education in separate schools (MEHR, 2010). Expenditures for special education were not available to the public at the time of this writing.

Turkey. Turkey has free compulsory education from kindergarten to high school. There were approximately 14,950,897 students in the general student population in grades K-12, of which 483,267 (3.23%) received special education services. Approximately 54.38% (262,818) received special education services in private schools or rehabilitation centers (Meral & Turnbull, 2014) while 45.62% (220,449) received special education services in the regular school system (MEB, 2013). The expenditures for special education was around \$250 million representing 00.15% of total annual budget (MB, 2015; MEB, 2015).

Comparison

Three of the five countries (US, South Korea, and Turkey) mandate elementary and secondary level education (K-12) while Kuwait and China's compulsory education ends in the 8th and 9th grade, respectively. An important consideration about students with disabilities in Kuwait and China may be to gage if they achieve less educational achievements since compulsory education ends earlier for all students compared to the countries in which compulsory education extends by about three or four years. The US, compared to the other four countries, identifies a larger proportion of the school age population (approximately 13%) as disabled and spends a larger proportion of the national budget to pay for the education of students with disabilities. There are

two ways to interpret this. It could be argued that the higher rates of identification for disabilities is problematic and potentially stigmatizing. It could also be argued that the US prioritizes the education of students with disabilities because it spends more of its national budget on their education compared to other countries who spend less on the education of their school-age citizens with disabilities. Presently, the majority of students with disabilities in the US, China, and Kuwait, are educated in regular schools in either general education or special education classrooms. In South Korea and Turkey, approximately half of the students with disabilities are educated in private or community rehabilitation centers instead of regular schools. Until data regarding life outcomes are collected, it is difficult to determine the advantages and disadvantages of the location of education of students with disabilities, in private school or community rehabilitation centers. Two important questions, however, do seem relevant: Does inclusion of students with disabilities in regular community schools result in positive educational outcomes? Or is the quality of education offered in educational settings the most important factor to consider when determining where to educate students with disabilities in any country? In other words, is place more important than quality of education for students with disabilities?

Provisions within Special Education Laws

We analyzed each country's special education laws in their original language to extract the educational provisions each contained for students with disabilities. Table 3 provides the name of each special education law by country, the school grades covered under each law, and the special education provisions each law provides for students with disabilities.

Table 3. Special Education Laws

Country	Law	Grade of Supports	Provisions
US	Individuals with Disabilities Education Improvement Act	P-12	Child find; Free Appropriate Public Education; Least Restrictive Environment; Procedural safeguards
China	Law on the Protection of Persons with Disabilities	P-Postsecondary	Free compulsory education; Differentiated instruction; Different education placements; Subsidy
	People with Disabilities Education Ordinance	P-Postsecondary	Free compulsory education; Different education placements; Differentiated and individualized instruction; Appropriate curriculum; Vocational education; Admission counseling
Kuwait	Chapter 3 of Law No. 8: The Rights of Persons with Disabilities	K-Postsecondary	Free compulsory education; Structural building accommodations; Inclusive education; Lower entrance criteria to higher education
South Korea	Act on the Special Education for Individuals with Disabilities and the Like (ASEIDL)	P-Postsecondary	Free and compulsory education; Free special education services for preschool-aged children; Individualized and inclusive education; Higher education support
Turkey	The Special Education Regulation (No. 573)	K-12	Zero rejection, Least restrictive environment, Inclusion, Appropriate education, Individualized education, Parental-student participation, Procedural due process, Vocational education and rehabilitation
	Special Education Services Regulation of Turkey	P-12	Same provisions as The Special Education Regulation Law (No. 573)

In addition, we sought out published literature in English related to each country's disability laws. We elaborate on each country's educational provisions for students with disabilities within special education laws in the sections below.

US. The *Individuals with Disabilities Education Improvement Act* (IDEA), is the federal law that governs the education of students with disabilities in the US. IDEA provides educational services to students with disabilities from ages 3-21 and includes the following provisions: child find, free appropriate public education (FAPE), education in the least restrictive environment (LRE), and procedural safeguards. The child find mandate requires schools to identify and evaluate students who may need special education services. The FAPE provision requires public schools to customize instruction to children with disabilities and write and follow an individualized education program (IEP) for each student. The IEP must specify transition services from secondary school no later than the age of 16. The IDEA also directs schools to consider each student's LRE and to educate them alongside their peers without disabilities to the extent possible. Underlying these provisions are procedural safeguards and the right to due process, which parents and schools can initiate if a disagreement exists between the two regarding any aspect of a child's education. IDEA recognizes 13 disability categories: 1) autism spectrum disorder, 2) blindness, 3) deafness, 4) emotional disturbance, 5) hearing impairment, 6) intellectual disability, 7) multiple disabilities, 8) orthopedic impairment, 9) other health impaired, 10) specific learning disability, 11) speech or language impairment, 12) traumatic brain injury, and 13) visual impairment.

As previously mentioned, Section 504 of the *Rehabilitation Act* is a civil rights law but also provides broad accommodations to students with disabilities in primary, secondary, and

post-secondary education. Section 504 defines disability more broadly than IDEA including any physical or mental impairment that limits one or more major life activities as well as anyone with a history of impairment or who are regarded as having an impairment. This results in students with disabilities such as attention deficit hyperactivity disorder, diabetes, or epilepsy not covered by IDEA receiving educational accommodations through a 504 plan (Hulett, 2003). However, unlike IDEA, Section 504 provides no funding for special education services during the primary and secondary levels of education beyond vocational rehabilitation, supported employment, and independent living (Hulett, 2003).

China. The *Law on the Protection of Persons with Disabilities* (LPPD) and the *People with Disabilities Education Ordinance* (PDEO) provide educational services to students with disabilities in China. A person is defined as having disabilities if he or she has a diagnosis under one of the following categories: 1) visual, 2) hearing, 3) speech, 4) physical, 5) intellectual, 6) psychiatric disability, 8) multiple disabilities, 9) other disabilities (Article 2 of LPPD, 2008). Disability identification and diagnosis is the responsibility of medical specialists outside of the school system (McLoughlin, Zhou, & Clark, 2005). Regular schools are required to accept school-age children with disabilities who can adapt to learning in the general education classroom. Students who are not able to function in regular education classes are the responsibility of special schools (LPPD, 2008). School-age children with hearing impairment, visual impairment, and intellectual disorders receive the majority of education services in special education classes or schools (Ellsworth & Zhang, 2007; McLoughlin et al., 2005). Students with more severe or multiple disabilities are segregated in separate schools or programs (Law, 2011; McLoughlin et al., 2005).

The PDEO (2011) urges special schools or classrooms to provide differentiated or individualized education, adjusted curriculum, and appropriate vocational training based on the characteristics and needs of students with disabilities. However, these laws only establish some general principles; there are no specific procedures schools must follow as they educate students with disabilities. There is no provision in Chinese special education legislation requiring a formally written individualized education program for student with disabilities akin to the IEP in the IDEA.

Parental rights are limited in China as it pertains to special education. For example, it is illegal to deny children with a disability access to any level of school if the child meets entrance requirements. If the regular schools violate that right, family members have the right to appeal to relevant authorities who can instruct the schools to enroll the student (Article 25 of LPPD, 2008). However, there are no other provisions protecting the rights of parents as advocates of their children. Unlike the due process safeguards in the IDEA, Chinese special education laws do not have formalized procedures for addressing disputes parents may have with schools or legal recourse that students and parents can access.

Kuwait. *Chapter 3 of Law No. 8: The Rights of Persons with Disabilities* guarantees that no child with a disability can be denied free public education. The special education law provides guidelines for identification and placement of students in need of special education services (Al-Hilawani, Koch, & Braaten, 2008). A person with a disability is defined as, “one who suffers from permanent, total, or partial disorders, leading to deficiencies in his/her physical, mental, or sensory abilities that may prevent him/her from securing the requirements of life to work or participate fully and effectively in society on an equal basis with others” (Law No.8, 2010, p. 4-5). Law No. 8 recommends conducting a comprehensive assessment and diagnostic procedure of

children including medical, mental, emotional, social, behavioral, and educational aspects before deciding placement of students with disabilities (Kelepouris, 2014).

Unlike the IDEA, which allows school teams to make determinations about placement of students with disabilities under the LRE provision, Law No. 8 provides services to students with mild disabilities such as learning disabilities and some students with Down syndrome in either the general education classroom or self-contained classrooms in regular schools depending on whether they can be successful in the general education curriculum with limited accommodations (Al-Hilawani et al., 2008; Al-Manabri, Al-Sharhan, Elbeheri, Jasem, & Everat, 2013; Almoosa, Storey, & Keller, 2012). Students with severe disabilities are educated in segregated public schools. Students with severe disabilities attend specialized schools depending on their disability, meaning students who are blind or vision impaired attend a separate school from students who have intellectual disabilities (Al-Shammari & Yawkey, 2007). Although school teams in Kuwait write and use IEPs for students with disabilities, they are not legally binding documents, as they are in the US (Kelepouris, 2014). Transition services or goals for older youth are not required to be included in the IEPs. Parent participation is encouraged, but in most cases, parents do not attend meetings in which educators make decisions (Al-Shammari & Yawkey, 2008). For those parents who do participate in these meetings, they, as parents, cannot reject the IEP team's decisions for their child.

South Korea. *The Act on the Special Education for Individuals with Disabilities and the Like* (ASEIDL), provides free education services for individuals with disabilities throughout the lifespan. Preschool-age children (3 years or younger) who are at risk for or who have disabilities are offered free education. Students with disabilities from kindergarten to high school are

guaranteed a free appropriate, compulsory education. Under Article 33 of ASEIDL, adults with disabilities may receive lifelong support for continuing educational opportunities.

The ASEIDL makes it illegal to deny or refuse children with a disability access to any level of school if the child passes all necessary entrance requirements. Under ASEIDL, heads of districts or educational superintendents must engage in public efforts to reach the public and relevant agencies to identify individuals with a disability or who might have the potential for a disability. An individual diagnosed and identified as potentially needing special education services is eligible to receive services if he or she has a diagnosis that falls under one of 10 categories: 1) visual impairment, 2) hearing impairment, 3) speech impairment, 4) cognitive disability, 5) developmental delay, 6) emotional or behavioral disorder, 7) physical impairment, 8) autism, 9) learning disability, 10) health impairment.

The head of the district or educational superintendent determines if a student is eligible for special education services (ASEIDL, 2012). ASEIDL requires school administrators, with the coordination of a support team of teachers and service professionals, to develop an IEP each semester (which translates into approximately every 6 months). In South Korea, inclusive education has been a goal since 1977. School administrators must provide the necessary materials and equipment for educational and physical access that children with disabilities in regular schools need in order to succeed in their education (ASEIDL, 2012). Article 16 of the ASEIDL requires school administrators to provide written notice and educational support to the parents of children who are eligible for special education, and mandates that parents always maintain the right to express opinions regarding their child's IEP. Educational support for parents includes, but is not limited to, detailed information on the school's special education program, the child's education in the future, and the potential for future vocational rehabilitation

(ASEIDL, 2012). Higher educational and vocational support can begin as early as junior high school and may continue into high school. The ASEIDL also requires schools to provide transition services to students with disabilities who need vocational training, vocational education, and independent life skills training to transition to adulthood after secondary school (ASEIDL, 2012).

Turkey. The *Special Education Regulation Law: Law 573* (SERL, 1997) replaced the previous *Children with Special Education Needs Law*. Unlike its predecessor, the SERL allocates government funding for special education services to be provided by private special education and rehabilitation centers (Melekoglu, 2014). The SERL emphasizes free education in public school settings for all students with disabilities. However, under SERL, only up to 12 hours of therapy sessions per month in private special education and rehabilitation centers are paid for through federal financial support. Inclusive educational practices are valued and accepted as activities to promote awareness among society about the needs of individuals with disabilities (Melekoglu, 2014). SERL includes principles to provide general and vocational education to people with disabilities.

Special Education Services Regulation of Turkey (SESRT, 2006) regulates the provision of special education services within the Turkish education system. SESRT (2006) includes all students with disabilities regardless of severity from birth to 21 years of age in public schools at no cost to parents (Meral & Turnbull, 2014). The SESRT covers 13 categories of exceptionalities: 1) intellectual disability, 2) multiple disabilities, 3) attention deficit

hyperactivity disorder, 4) speech and language disorders, 5) emotional and behavioral disorders, 6) visual impairment, 7) hearing impairment, 8) orthopedic disability, 9) autism, 10) specific learning disabilities, 11) cerebral palsy, 12) chronic health problems 13) gifts and talents. SESRT emphasizes individualized education through an IEP, which is defined as a program appropriate for the child's developmental level, needs, and educational performance. The IEP in Turkey is a legally binding written document. IEPs include targeted goals and supported training services (Meral & Turnbull, 2014). Although SESRT mandates education for students with disabilities in classrooms with their typically developing peers, it also underlines that the least restrictive environment and other special education services must be identified according to individual needs and characteristics through an educational assessment conducted by the IEP team (Meral & Turnbull, 2014). Parents have a right to participate and monitor all aspects of their child's special education and training. Under SESRT parents are considered part of IEP team with a right to be present with other professionals in IEP meetings. While the SESRT does not require schools to notify parents before the evaluation for special education services is conducted, parents do have the legal right to appeal a decision about their children's evaluation results directly to the school. Unlike the IDEA, however, independent hearing officers are not part of the appeals process. The process ends with the school's decision to a parent's concern.

Similarities and Differences between Countries in Special Education Provisions

Special education laws in the US, China, South Korea, and Turkey provide a multi-categorical system to diagnose students with disabilities while Kuwait seems to use a broader disability categorization system. Kuwait's special education law specifies medical, mental, social, behavioral, and educational disability diagnoses, broader versions of the other four countries' more specific categories of disabilities. Although China uses a multi-categorical

system to diagnose disabilities, the categories of Specific Learning Disability and Autism are not recognized as separate categories. Of note, only Turkish special education law includes students with a Gifts and Talents (G&T) in the list of students who need special education. All other countries do not include the G&T category among the population of students eligible for services under special education law.

The role of school-based professionals in the identification and diagnosis of students for special education services appears to be diminished in China and South Korea. In China, medical specialists outside of school system take the responsibility of identifying and diagnosing students with disabilities. In South Korea, the superintendent of education or governmental district official makes a unilateral special education eligibility decision. In contrast, Kuwait and Turkey appear to promote, albeit at significantly different levels, a school-based team approach to the identification of students with disabilities. Law #8 in Kuwait appears to provide guidelines for a school-based team to follow in the identification of students with disabilities. However, the same guidelines prescribe where a student is educated, depending on the level of disability the student is deemed to have. If the school team decides the student has a significant disability, Law #8 requires those students to attend a separate school. If the school team determines the student has a mild disability (e.g., a specific learning disability) Law #8 requires those students to attend a regular public school and receive special education services in that setting. Turkey's SESRT allows school-based teams to make special education assessment decisions. However, it limits services, regardless of disability diagnosis, to 12 hours total per month. Only the IDEA in the US has language in place that allows school-based team to make decisions about identification, diagnosis, and treatment of special education services to students with disabilities.

All countries, with the exception of China, provide free education, paid for by the government, to individuals with disabilities from kindergarten through 12th grade. China provides free and compulsory education to its citizenry of school age, regardless of ability status, from 1st to 9th grade. Notably, Kuwait's and South Korea's special education laws have language which can extend free public education beyond secondary school. Under Article 33 of South Korea's ASEIDL, some adults with disabilities who meet a minimum income requirement and who are accepted to public postsecondary education or vocational training programs can receive financial support for tuition and housing.

Special education laws in all countries, with the exception of China, use the term Individualized Education Program (IEP) and develop each student's educational goals around the IEP to respond to the unique learning and behavioral characteristics of students with disabilities. However, only the US and Turkey consider the IEP as a legally binding contract between parents and schools. South Korea mandates the use of IEPs for students with disabilities, but it is not a legally binding contract. Kuwait encourages the IEP, but their use is not mandated by law. Chinese special education law encourages differentiated and individualized education, however, the term IEP is not mentioned in special education law. IEPs in the US, Turkey, and South Korea mandate the inclusion of transition goals in the IEP, although to varying levels of specificity. Only the US provides specific language mandating that transition planning must be included in the student's IEP no later than age 16. Although China does not mention transition specifically, the LPPD and PDEO do emphasize the development of vocational skills thus suggesting that schools should help students with disabilities transition from school to employment.

Due process and the rights of parents of children with disabilities vary significantly across the five countries. Special education laws in the US, Turkey, and South Korea promote

parental involvement throughout the child's educational process and protects the rights of parents as voices in their children's education. Although the ASEIDL in South Korea does not explicitly include the procedural safeguards provision for parents of children with disabilities, parents do have the option to contest a school's decision legally. Turkish special education law also gives parents the right to disagree with decisions made by school-based teams about their children. However, Turkish parents must accept the decision made by the school-based team the final say in special education matters. Parental legal rights in China and Kuwait are even more limited. Parents in Kuwait are allowed to attend IEP meetings but it is not clear that they have a say in any of the decision-making process. As noted previously, Chinese special education law doesn't have a formal process to allow parents to contest a school's decision about children with disabilities.

Conclusion

Broad anti-discrimination disability laws are the first step in improving the quality of life of individuals with disabilities across the lifespan because they promote equal opportunities to life activities and attempt to further acceptance of people with disabilities in the larger culture. However, anti-discrimination laws alone cannot guarantee equality between people with disabilities and people without disabilities. These individuals require special services to help them meaningfully integrate and contribute to the societies to which they belong. Special education has been demonstrated to increase opportunities for students with disabilities by increasing the likelihood that they will be able to compete more equitably in the job market and live more independently. This reduces their risks of living in poverty, promotes improved quality of life, and reduces the financial burden of care. In closing, the quality of life for individuals with

disabilities is improved by their ability to be self-actualized in education and employment, the same realms of life people without disabilities are expected to succeed.

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