



# مجلة علوم دوى الاحتياجات الخاصة



A Comparative Analysis of Special Education Laws in Saudi Arabia and the United  
States

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**Objective:** This paper presents a comprehensive comparative legal analysis of special education laws and policies in Saudi Arabia and the United States, examining their alignment with international human rights principles, inclusive educational practices, and contemporary frameworks for supporting students with disabilities.

**Methodology:** The research employs a comparative legal analysis approach, utilizing documentary analysis of legislative texts, policy documents, and regulatory frameworks from both countries. The analysis incorporates systematic examination of statutory provisions, ministerial resolutions, policy guidelines, and scholarly sources to construct a detailed comparative framework across eight key dimensions: historical development, legal structures, definitional clarity, implementation mechanisms, disability identification and assessment procedures, educational placement philosophy, procedural safeguards, and resource allocation.

**Key Findings:** While both nations share a foundational commitment to providing free, appropriate, and equitable education for students with disabilities, significant structural, procedural, and philosophical differences characterize their respective systems. The United States emphasizes standardized assessment protocols, the Least Restrictive Environment (LRE) principle, mandatory Individualized Education Programs (IEPs), and robust procedural safeguards grounded in civil rights legislation. Saudi Arabia, by contrast, provides greater administrative and pedagogical flexibility, employs observational identification methods, supports integration into mainstream schools while permitting specialized settings, and emphasizes collaborative governance structures involving educational institutions, families, and government authorities.

# A Comparative Analysis of Special Education Laws in Saudi Arabia and the United States

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*Keywords:* special education law, comparative analysis, disability rights, inclusive education, Saudi Arabia, United States, IDEA, educational equity, legal frameworks

## Introduction

Special education is a field dedicated to providing learning opportunities for children and youth with disabilities. Gargiulo and Bouck (2019) define special education as instruction tailored to meet the specific needs of children with disabilities. According to these authors, special education typically incurs no additional costs for parents and is delivered through individualized instruction in various settings, such as classrooms, health facilities, homes, medical institutions, or other modified environments. The types and levels of disabilities vary, and they may include intellectual disabilities, physical disabilities, emotional and behavioral disorders, organ impairments, or other conditions that hinder a learner's ability to thrive in a conventional educational system (Gargiulo & Bouck, 2019). Special education is designed to address the unique and often unresponsive needs of learners with disabilities, providing support that differs from the general education system (Rumrill, Cook, & Stevenson, 2020). For example, Rumrill, Cook, and Stevenson (2020) note that students requiring special education often need higher levels of resource allocation and modified teaching techniques that are not typically necessary for students without disabilities. Additionally, these students may require separate educational environments and teachers specially trained to meet their needs.

The World Report on Disability by the World Health Organization (WHO, 2011) highlights a global concern, supported by research, that children and families with disabilities are more likely to face social and economic disadvantages compared to those without disabilities. Research demonstrates that disability can exacerbate an individual's social and

economic well-being by limiting access to education, employment, and income-generating opportunities, while increasing living costs, thereby perpetuating a cycle of poverty (Lawrence & Anderson, 2024; Drew, 2015). For example, it has been established that children with disabilities are more likely to miss school or drop out altogether, reducing their opportunities to develop skills and talents and decreasing their chances of future productivity (Gargiulo & Bouck, 2019).

In response to these challenges, nations are developing strategies to provide special education services for individuals with disabilities. By examining the special education laws in successful countries, other nations may gain valuable insights to strengthen their own special education systems. This comparative legal analysis investigates the special education frameworks in two jurisdictions with distinct legal traditions, governance models, and implementation approaches: Saudi Arabia and the United States.

### **Research Questions and Objectives**

This comparative legal analysis investigates the following primary research questions:

- 1- To what extent do special education laws in Saudi Arabia and the United States reflect internationally recognized principles of inclusive education, educational equity, and respect for human rights?
- 2- What are the major convergences and divergences in legislative structure, implementation mechanisms, identification procedures, and educational placement practices between the two countries?
- 3- How do differences in cultural contexts, administrative structures, and legal traditions influence the operationalization of special education policies in each jurisdiction?

4- What lessons can be drawn from this comparative analysis to inform the development and refinement of special education policies?

#### **Objectives:**

- To provide a comprehensive comparative analysis of the legal frameworks governing special education in Saudi Arabia and the United States.
- To identify and analyze key similarities and differences in legislative approach, implementation mechanisms, and guiding principles.
- To contextualize these differences within broader cultural, historical, and legal frameworks.
- To offer evidence-based recommendations for policy development and cross-national learning.

#### **Methodology**

#### **Research Approach**

This study employs a comparative legal analysis approach, a research methodology that systematically examines and contrasts legal structures, policies, and practices across jurisdictions. Comparative legal analysis enables identification of patterns, divergences, and contextual factors that shape legal systems, thereby facilitating deeper understanding of both similarities and differences (Zweigert & Kötz, 2011).

#### **Data Sources and Collection**

The research draws on multiple primary and secondary sources:

- Legislative texts and statutory provisions (Education for All Handicapped Children Act [EHA], Individuals with Disabilities Education Act [IDEA], Section 504 of the Rehabilitation Act, Americans with Disabilities Act [ADA]).
- Saudi Arabia policy documents and regulatory frameworks (Resolution No. 674/36/40, General Education Policy 1995, RSEPI 2001, Special Education Policy 2016, and recent updates 2024-2025).
- Ministerial resolutions and administrative directives from both jurisdictions.
- Government reports and strategic plans.
- Secondary scholarly sources and peer-reviewed literature.
- International human rights instruments and comparative education research.

### **Analytical Framework**

The comparative analysis is structured around eight key dimensions that provide systematic basis for examining both systems:

- Historical Development: Evolution of legal frameworks and policy responses.
- Legal Structure: Statutory hierarchy, enforcement mechanisms, and legal accountability.
- Definitional Clarity: Definitions of disability, special education, and key operational concepts
- Identification and Assessment: Procedures for identifying students with disabilities and determining service eligibility.
- Educational Placement: Philosophy and procedures governing inclusion/integration decisions

- Procedural Safeguards: Legal protections, due process rights, and dispute resolution mechanisms.
- Implementation Mechanisms: Administrative structures, funding mechanisms, and compliance oversight.
- Resource Allocation: Financial support, staffing requirements, and auxiliary service provision.

### **Scope and Limitations**

This analysis focuses on formal legal frameworks and official policy documents. While implementation research and quantitative outcome data would provide valuable complementary perspectives, this study concentrates on structural and normative aspects of legal systems. Additionally, given the complexity and scope of special education law in both jurisdictions, the analysis necessarily focuses on major statutory frameworks and does not exhaustively examine all administrative regulations or case law.

### **Special Education Law in Saudi Arabia**

#### **Historical Development**

The history of special education in Saudi Arabia began in 1958, when a visually impaired individual, Sheikh Al-Ghanem, learned to read and write using Braille from an Iraqi visitor to the kingdom (Altamimi et al., 2015). After mastering Braille, Al-Ghanem introduced the new system to other blind students in public schools, creating an informal method of instruction that would later inspire formal educational changes. As the benefits of the Braille system became evident, the government recognized the need to provide specialized learning facilities and materials for students with disabilities (Alquraini, 2014).

In 1974, Saudi Arabia passed a landmark piece of legislation aimed at improving its special education system. Resolution No. 674/36/40 (issued by the Ministry of Education), transformed the Department of Special Education into a General Directorate, marking a significant shift toward formalizing special education services in the kingdom (Battal, 2016). This resolution established specialized educational units for blind, deaf, and mildly intellectually disabled students, helping to create tailored programs for each group of learners. Additionally, it played a pivotal role in raising awareness among parents about the importance of special education for children with disabilities (Alquraini, 2011). The direct impact of this resolution was evident in the rapid expansion of special education schools, increasing from just one school in 1960 to over 27 by 1987 (Alquraini, 2014).

Saudi Arabia continued to build on these reforms with the introduction of the 1995 General Education Policy, which aligned the kingdom's education system with international human rights principles, notably the United Nations Universal Declaration of Human Rights (1948). This policy was instrumental in reducing the stigma associated with disability and promoting the inclusion of students with disabilities in educational settings (Alquraini, 2014). The policy emphasized the need for educational programs that were culturally sensitive, effective, and tailored to the diverse needs of students with disabilities, ensuring that the government took responsibility for providing high-quality curricula suited to each student's specific disability (Aldabas, 2015).

In addition to these curricular improvements, the 1995 General Education Policy placed a strong focus on teacher training. It mandated that educators receive specialized instruction to effectively support students with disabilities, thereby equipping them with the skills needed to meet the diverse needs of these learners (Al-Zoubi, 2016). The policy also

shifted the responsibility for designing and delivering the curriculum from parents to qualified teachers, a significant change that ensured that students with disabilities received structured and professional educational experiences (Aldabas, 2015).

In 2001, the Saudi government introduced another key piece of legislation to further support the special education system: the Regulations of Special Education Programs and Institutes (RSEPI), also known as Law Number 224. This law provided comprehensive guidelines for the provision of special education services and addressed critical issues related to the education of students with disabilities (Alquraini, 2011). The RSEPI defined the roles of key stakeholders—including teachers, parents, school administrators, and service providers—and outlined the essential elements of an ideal learning environment for students with disabilities. It also emphasized the importance of providing transition services, establishing multidisciplinary teams, and creating resource rooms, all of which are critical for delivering quality education to students with disabilities (Alruwaili, 2017). Perhaps most importantly, the law mandated that students with disabilities receive an education that is equivalent in quality to that of their peers without disabilities, ensuring greater equity within the educational system (Alruwaili, 2017).

In more recent years, Saudi Arabia has continued to reform and strengthen its special education laws. The Special Education Policy documents of 2001 and 2016 represent significant milestones in this process. The 2016 Special Education Policy, an updated version of the 2001 document, focuses on improving educational opportunities for students with disabilities by ensuring they receive appropriate and effective education (Alquraini, 2014). This policy further emphasizes the importance of documenting individuals with disabilities to

better track and plan their educational needs (Al-Zoubi, 2016). Additionally, the 2016 policy outlines strategies for early intervention, including rehabilitation measures and individualized teaching plans, to support the academic success of children with disabilities from an early age (Henry et al., 2013).

### **Recent Developments and Updates (2024-2025)**

Saudi Arabia has enacted the System of Rights for Persons with Disabilities (Royal Decree No. M/27, dated February 11, 2024), which represents a comprehensive legislative framework addressing the rights and services for individuals with disabilities across all sectors. This system includes Executive Regulations that specifically address educational and training services.

### **Key Provisions in Educational Context (Article 8)**

Article 8 of the 2024 Royal Decree mandates educational and training support services across all educational levels with diversified assessment methods aligned to disability types and severity levels. The decree requires early intervention programs, establishment of specialized institutes organized by disability category, and inclusive education mechanisms in public and private schools. Implementation includes curriculum integration of disability awareness, necessary environmental modifications, adequate qualified specialists, adapted teaching methods, modern technological aids, and appropriate funding allocation.

### **Inclusive Education Requirements (Article 8, Clause 1)**

Article 8, Clause 1 requires students with disabilities to receive inclusive education in schools, universities, and institutes near their residences, accounting for disability type and severity. Schools must employ shadow teachers to support students in mainstream classrooms

and implement individualized educational plans. Integrated students receive the same educational content with appropriate accommodations that do not compromise academic achievement. The framework mandates curriculum adaptation, differentiated instruction, early intervention programming, and family-centered assessment and intervention planning as core principles.

### **Updated Student Registration Categories (2024-2025 Academic Year)**

Beginning in 2024-2025, the Ministry of Education has established formal registration categories for students with disabilities to improve identification and service planning. These include speech and language impairments; specific learning disabilities; ADHD; emotional and behavioral disturbances; mild hearing impairments; chronic health conditions; Autism Spectrum Disorder; intellectual disabilities (assessed through cognitive and adaptive behavior scales); moderate to severe hearing impairments; and traumatic brain injuries and cerebral palsy. The framework distinguishes severity levels to ensure appropriate service intensity and reflects current diagnostic practices and evidence-based educational classifications.

### **Project 'Muin' (Educational Vouchers Program for Special Education)**

The Ministry of Education has introduced Project 'Muin', an educational voucher program designed to expand access to specialized services for students with disabilities across the Kingdom. Financial support is provided directly to qualified providers including private institutions and specialized centers that meet stringent quality standards. The program establishes strict eligibility criteria and rigorous service delivery standards to ensure high-quality, evidence-based educational support. This represents a significant policy shift toward

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greater inclusion of diverse providers while maintaining accountability and quality assurance mechanisms.

### **Establishment of Specialized Cities and Centers**

Saudi Arabia is establishing specialized cities and centers as comprehensive hubs integrating educational, therapeutic, vocational, and recreational services for students with disabilities. Established facilities include the Prince Sultan Center for Supportive Services for Special Education and Al-Sanad City for Special Education. Under development are the Asir Special Education City and Taiba Special Education City. Regional support centers for both male and female students ensure geographic equity in service delivery and accessibility regardless of location. These infrastructure investments reflect the government's commitment to providing high-quality, accessible special education services to all students with disabilities.

## **Special Education Law in the United States of America**

### **Historical Development and Legal Framework**

The development of special education laws in the United States dates back to the early 1900s (Lipsky & Gartner, 1997). During this period, students who were identified as having learning disabilities, visual impairments, or hearing impairments were often placed in segregated classrooms within public schools or in specialized institutions dedicated to their needs (Yell & Espin, 1990; Beratan, 2008). However, one significant challenge during this time was the lack of standardized criteria to identify students in need of special education services. In 1916, Lewis Terman, a psychologist at Stanford University, adapted an intelligence test developed by Alfred Binet in 1905 in France (Kaufman, 1999). This revised

test was a critical step in improving the accuracy of identifying students who exhibited significant cognitive deviations from the average, thus requiring specialized educational interventions.

### **Section 504 of the Rehabilitation Act (1973)**

Section 504 of the Rehabilitation Act of 1973 represents a foundational civil rights statute that preceded and complemented IDEA. This legislation prohibits discrimination based on disability in programs and activities receiving federal financial assistance. While Section 504 is not exclusively an education statute, it has profound implications for educational settings.

### **Section 504 of the Rehabilitation Act: Key Characteristics in Educational Context**

Section 504 of the Rehabilitation Act of 1973 establishes a broad civil rights mandate applicable to any school receiving federal funding. The law defines disability more broadly than IDEA, requiring only that a condition "substantially limits" performance of "major life activities" to qualify for protections. This expansive definition extends coverage to students with disabilities who may not meet the more restrictive criteria of IDEA. Section 504 requires schools to provide free appropriate public education (FAPE) and accommodations for eligible students. Rather than mandating Individualized Education Programs (IEPs) as required under IDEA, Section 504 requires development of documented accommodation plans specifying the supports and services necessary for students to access education.

Importantly, Section 504 applies to all students with disabilities, including those not eligible under IDEA, thereby providing a broader safety net of protections. The law establishes comprehensive non-discrimination obligations and accessibility requirements,

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ensuring that students with disabilities have equal access to all school programs and activities. Additionally, Section 504 creates a private right of action, allowing individuals to sue for violations of the law, thereby providing enforcement mechanisms beyond administrative remedies. Collectively, these provisions establish Section 504 as a critical civil rights protections framework complementing IDEA in the American special education system.

Section 504 is critical because it: (1) established disability as a civil rights issue, (2) created enforceable obligations on schools receiving federal funding, (3) provided protections for students who do not qualify under IDEA but have disabilities requiring accommodations, and (4) established the foundation upon which subsequent disability rights legislation would be built.

### **Education for All Handicapped Children Act (EHA) / IDEA Evolution**

From the 1920s to the 1960s, the growth of special education in the United States remained slow due to the absence of comprehensive legal frameworks (Gargiulo & Bouck, 2019). However, the passage of key laws beginning in the 1970s began to transform the landscape of special education in the country. One of the most pivotal pieces of legislation was the Education for All Handicapped Children Act (EHA), also known as Public Law 94-142, passed in 1975. This law mandated that all public schools receiving federal funds must provide equal educational opportunities for children with disabilities (Lipsky & Gartner, 1997). The EHA laid the foundation for the modern special education system in the United States, ensuring that children with disabilities had access to education and that their rights were legally protected (Bateman & Cline, 2019).

Prior to the enactment of EHA, special education services were limited and often only available in select districts, with few legal protections in place (Ladner, 2019). The EHA addressed these issues by requiring public schools to evaluate children with disabilities and create individualized education plans (IEPs) tailored to each student's unique needs (Arick & Krug, 1993). The law also mandated that the educational experiences of children with disabilities should closely mirror those of their non-disabled peers, while still meeting the specific needs of each child (Foley, 2006).

The primary objectives of the EHA were to ensure that children with disabilities received an equitable education, free from discrimination, and that their educational needs were met in accordance with the Universal Declaration of Human Rights (Foley, 2006). The law also provided a framework for school systems to manage special education programs effectively, ensuring that appropriate infrastructure and assistive services were available (Bateman & Cline, 2019). Additionally, EHA provided federal funding to states, supporting the expansion of special education services across the country (Bateman & Cline, 2019). In this way, the EHA established a solid legal and financial foundation for the development and sustainability of special education programs in the United States.

The growth of special education in the U.S. continued throughout the 1980s, with the introduction of the Handicapped Children's Protection Act (HCPA) in 1986. This law addressed gaps in enforcement by providing legal cost relief for parents who pursued lawsuits to ensure compliance with EHA provisions (Yell & Espin, 1990). Prior to the HCPA, parents of children with disabilities had limited means of securing legal representation in cases of non-compliance with special education regulations. The most notable provision of the HCPA

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was the allowance for the award of attorney's fees and litigation costs to parents who prevailed in lawsuits involving the violation of their children's special education rights under EHA (Yell & Espin, 1990).

### **Individuals with Disabilities Education Act (IDEA) - 1990 and Amendments**

In 1990, the Individuals with Disabilities Education Act (IDEA) was enacted to further strengthen the provisions of special education in the United States. IDEA made it mandatory for all public schools to provide free and appropriate education (FAPE) to all students with disabilities, extending the coverage to children from birth to age 21 (Björn et al., 2016). This law also introduced Part C, which focuses on providing early intervention services for children with disabilities from infancy to age 2, ensuring timely support for developmental needs (Henry et al., 2013). Additionally, Part B of IDEA, which applies to children aged 3 to 21, mandated that these students receive a quality education and related services as part of their individualized education plans (IEPs) (Henry et al., 2013).

### **Core Principles of the Individuals with Disabilities Education Act (IDEA)**

The Individuals with Disabilities Education Act (IDEA) is structured around six core principles designed to improve the educational experiences of students with disabilities. First, child-centered planning through Individualized Education Programs (IEPs) ensures that educational plans are tailored to meet each eligible child's individual needs. Second, the Least Restrictive Environment (LRE) principle requires that students with disabilities be educated in the most inclusive environment possible, alongside their non-disabled peers, to the greatest extent appropriate. Third, appropriate evaluation procedures reduce the risk of misdiagnosis by promoting the use of multiple assessment tools to make informed decisions about a child's

educational needs. Fourth, procedural safeguards and due process protections ensure fairness and transparency in special education decision-making, including parental involvement and the right to dispute resolutions. Fifth, family involvement emphasizes active collaboration among key stakeholders—parents, teachers, and school administrators—to ensure that educational plans are developed and implemented effectively. Sixth, transition planning requires development of comprehensive plans for students aged 16 and older, addressing post-secondary goals related to education, employment, and independent living. Together, these six principles establish a comprehensive legal framework ensuring that students with disabilities receive appropriate education in inclusive settings with meaningful family involvement and due process protections.

### **The Americans with Disabilities Act (ADA) and Assistive Technology**

The Americans with Disabilities Act (ADA), enacted in 1990 alongside IDEA, represents a comprehensive civil rights statute addressing discrimination in all areas of public life. Title II of the ADA specifically establishes obligations for public entities, including public schools, requiring prohibition of discrimination on the basis of disability in all programs and services.

Schools must provide effective communication and auxiliary aids for students with disabilities, make reasonable modifications to policies, practices, and procedures, and ensure physical accessibility of buildings and programs. While IDEA provides the primary framework for K-12 special education, the ADA provides additional civil rights protections applicable more broadly to all students with disabilities, and for postsecondary education, the ADA—particularly in conjunction with Section 504—often provides the primary framework

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for disability rights protection. In 1998, the Assistive Technology Act was passed to strengthen these protections by providing funding for assistive technology devices and services, helping individuals with disabilities fully participate in education, employment, and daily activities. Through grants and other funding mechanisms, the Assistive Technology Act improved access to technology that supports the learning and independence of individuals with disabilities, thereby complementing the civil rights protections established by IDEA and the ADA.

### **Similarities in Special Education Law in Saudi Arabia and the United States**

#### **Foundational Commitment to Educational Equity and Free Access**

The special education laws in Saudi Arabia and the United States share a striking similarity in the timing of their enactment and their foundational commitments. In Saudi Arabia, Resolution No. 674/36/40, which governs the provision of free and equitable education for individuals with disabilities, was ratified in 1974. This closely mirrors the operationalization of the Education for All Handicapped Children Act (EHA) in the United States in 1975. Both laws were pivotal in affirming the right of individuals with disabilities to receive quality education and ensuring that they are supported in their pursuit of educational goals, just like their typically developing peers.

Both the Saudi and U.S. laws also share a commitment to providing children with disabilities the opportunity to compel public schools to offer them equal access to education. Prior to these laws, children with disabilities in both countries faced significant barriers in accessing education. In Saudi Arabia, few schools provided educational opportunities for children with disabilities, and there was no legal requirement for public schools to

accommodate them. Similarly, before the EHA was passed in the United States, special education services were offered only in select districts, leaving many children with disabilities without the support they needed (Hurwitz, 2008). The implementation of Resolution No. 674/36/40 and EHA ensured that all public schools were required to offer children with disabilities the same educational opportunities available to their non-disabled peers.

### **Dismantling Discrimination and Advancing Gender Equity**

Another key similarity between these two laws is their role in dismantling discrimination in education. Both laws helped reshape societal perceptions of children with disabilities, recognizing their right to education and equal treatment. In particular, both the Saudi and U.S. legal frameworks abolished gender-based discrimination in the education of children with disabilities, ensuring equal educational opportunities for both boys and girls (Bateman & Cline, 2019). Furthermore, both laws emphasized the importance of modifying the curriculum and teaching methods to meet the needs of students with disabilities. In Saudi Arabia, the government established frameworks for training teachers to create and implement specialized curricula for children with disabilities in settings designed to support their learning. Similarly, the EHA in the United States required the creation of Individualized Education Programs (IEPs) to tailor curricula to the specific needs of students with disabilities (Foley, 2006). Both laws laid the foundation for equitable and inclusive special education systems by prohibiting discrimination based on gender or disability.

### **Alignment with International Human Rights Principles**

The similarities between the special education laws of Saudi Arabia and the United States can also be traced to their alignment with international human rights principles,

particularly the Universal Declaration of Human Rights (1948). Both laws ensure that individuals with disabilities have access to educational opportunities in a manner that respects their dignity and upholds their rights. For instance, Saudi Arabia's General Education Policy (1995) recognized various types of disabilities and called for curricula that are culturally sensitive and tailored to meet the needs of students with disabilities. Similarly, the Individuals with Disabilities Education Act (IDEA) in the United States guarantees that free and appropriate public education is available to all children with disabilities, from birth to age 21, and that families of children with disabilities receive timely intervention services (Henry et al., 2013). In both countries, the laws reflect a commitment to human rights by ensuring that children with disabilities are given the necessary educational tools and support to thrive.

### **Stakeholder Involvement and Collaborative Governance**

Stakeholder involvement is another shared feature of the special education laws in Saudi Arabia and the United States. In Saudi Arabia, the Regulation of Special Education Programs for Individuals (RSEPI) defined the roles of key stakeholders, such as teachers, parents, school administrators, and other service providers, in the implementation of special education (Arick & Krug, 1993). RSEPI outlined the importance of identifying appropriate learning environments, providing transition services, and ensuring access to resource rooms and multidisciplinary teams to support the educational needs of students with disabilities. Likewise, in the United States, the EHA, IDEA, and the Handicapped Children's Protection Act (HCPA) all emphasize the active involvement of parents, teachers, and school administrators in the development and execution of educational plans for children with disabilities. Both legal frameworks recognize the importance of collaboration among

stakeholders to ensure that the educational needs of children with disabilities are met effectively.

### **Financial Commitment and Resource Allocation**

Additionally, both Saudi Arabia and the United States have recognized the need for adequate funding to support the implementation of special education programs. Both countries have established mechanisms to ensure that financial resources are allocated to support the educational needs of children with disabilities. This funding helps ensure that students with disabilities receive the necessary support, such as specialized equipment, trained educators, and assistive technologies, to help them succeed in their education.

### **Early Intervention and Developmental Support**

Both systems emphasize the importance of early identification and intervention. The U.S. system includes Part C of IDEA, which mandates early intervention services for infants and toddlers with disabilities from birth to age 2. Saudi Arabia's updated policies (particularly the 2016 Special Education Policy) similarly emphasize early intervention strategies, including rehabilitation measures and individualized teaching plans for young children with disabilities. This shared commitment recognizes that early support can significantly improve long-term outcomes for children with disabilities.

### **Differences Between Special Education Laws in Saudi Arabia and the United States**

#### **Pathway to Legislative Development**

One of the key differences lies in the manner in which these laws were enacted. In Saudi Arabia, Resolution No. 674/36/40 was introduced after the government observed the

positive educational experiences of blind students learning Braille in private settings. The government chose to support and formalize these efforts to enhance access to education for children with disabilities. In contrast, the passage of the EHA in the United States was the result of decades of advocacy and protests from the disability rights movement, which sought equal educational opportunities for children with disabilities. Although the Rehabilitation Act of 1973 had made some progress, it was not until the EHA was passed in 1975 that comprehensive and enforceable protections were put in place for children with disabilities (Barnes, 2013). Thus, while the enactment of Saudi Arabia's special education laws was relatively smooth and voluntary, the U.S. experience involved significant social and political struggle.

### **Disability Identification and Assessment Procedures**

The laws also differ in the way they operationalize the identification of students with disabilities. In the United States, both the EHA and IDEA emphasize the importance of timely and accurate assessments to determine the level of disability and tailor educational services accordingly. Standardized testing and evaluations are required to identify students' specific needs and ensure that they receive appropriate support (Altamimi et al., 2015). This requires coordination among multidisciplinary teams, systematic documentation, and adherence to strict evaluation timelines (30 days for initial screening, 60 days for comprehensive evaluation).

Traditionally, Saudi Arabia's laws, particularly the RSEPI, did not mandate formal intelligence evaluations or standardized testing for all children with disabilities. Instead, students were typically identified based on observations made by parents and teachers and

subsequently enrolled in special education programs. This approach, while focused on early identification through informal means, often resulted in delays in addressing specific needs and inconsistencies in service provision across regions.

However, recognizing these limitations, recent updates (2024-2025) have introduced more structured identification procedures, particularly for students with Intellectual Disabilities. These updated procedures now require assessment using both cognitive ability measures ( $IQ \leq 70$ ) and adaptive behavior scales, reflecting a significant shift toward standardized, evidence-based diagnostic practices. This modernization addresses previous gaps by establishing clearer identification criteria and more consistent service delivery mechanisms across regions.

### **Age Range and Service Eligibility Definitions**

Saudi Arabia and the United States differ significantly in how they define and operationalize age-based eligibility for special education services. The IDEA in the United States establishes a clear and comprehensive age range, specifying that children with disabilities from birth to age 21 are entitled to special education services, with Part C addressing infants and toddlers (birth to 2 years) and Part B covering school-age children (3 to 21 years). This explicit framework ensures consistent service provision and clear transitions between different age cohorts across all states.

In contrast, Saudi Arabia's special education laws have historically lacked explicit, comprehensive age-range definitions. However, recognizing the need for greater clarity and consistency, the 2024-2025 updates to the System of Rights for Persons with Disabilities have introduced more structured eligibility frameworks specifying age ranges for different

disability categories and service provisions. Despite these improvements, some residual ambiguity remains regarding service provision for students beyond traditional school age (16+), particularly concerning transition planning and post-secondary support. These definitional differences reflect broader distinctions between the highly systematized U.S. approach and Saudi Arabia's more flexible, context-responsive system that continues to evolve toward greater clarity and consistency in service delivery across regions.

### **Educational Placement Philosophy and Least Restrictive Environment Principle**

The United States and Saudi Arabia embrace fundamentally different philosophical approaches to the placement of students with disabilities, reflecting distinct educational values and legal frameworks. The U.S. system, grounded in the Education for All Handicapped Children Act (EHA) and the Individuals with Disabilities Education Act (IDEA), places strong emphasis on the Least Restrictive Environment (LRE) principle. This principle establishes inclusion as the default policy, requiring that students with disabilities be educated alongside their non-disabled peers in mainstream classrooms with appropriate supports and accommodations. Removal from mainstream settings to more restrictive environments is permitted only when a student cannot benefit from general education even with supplementary aids and services, and this determination must follow rigorous procedural safeguards and due process requirements.

Saudi Arabia's approach, while increasingly emphasizing inclusion and integration, operates under a fundamentally different legal framework. Traditionally, Saudi Arabia's special education laws granted schools considerable flexibility in placement decisions, allowing them to choose between inclusive classroom settings and specialized, segregated

settings based on administrative convenience or perceived appropriateness. This flexibility, while potentially responsive to individual student needs, sometimes resulted in unnecessary segregation.

Recognizing this gap, the 2024-2025 System of Rights for Persons with Disabilities (Article 8) now explicitly mandates inclusive education for students with disabilities in public and private schools and institutes located close to their places of residence, with placement decisions to be made based on disability type and severity. Importantly, Saudi Arabia's updated framework continues to permit specialized settings when educationally necessary, representing a more gradual, contextualized approach to inclusion compared to the U.S. system's more prescriptive LRE mandate. These different philosophies reflect distinct legal traditions, with the U.S. system prioritizing uniform inclusion principles and Saudi Arabia accommodating both inclusion and specialized provision based on individual and contextual factors.

### **Procedural Safeguards and Legal Accountability Mechanisms**

A critical distinction between the U.S. and Saudi Arabian special education systems lies in the extent and formalization of procedural safeguards and legal accountability mechanisms. The U.S. system, particularly through the Individuals with Disabilities Education Act (IDEA) and the Handicapped Children's Protection Act (HCPA), establishes extensive, legally binding procedural safeguards grounded in civil rights jurisprudence. These protections include mandatory parental participation in all Individualized Education Program (IEP) decisions, due process hearing rights when parents disagree with school decisions, the right to independent educational evaluation at public expense in certain circumstances, and

protection against unilateral school decision-making. Significantly, the U.S. system places the burden of proof on school systems to demonstrate the appropriateness of proposed placements and educational plans. To enforce these rights, the HCPA provides attorney's fees to parents who successfully challenge school decisions, creating legal incentives for compliance. Additionally, the federal Office of Special Education Programs (OSEP) provides oversight and enforcement at the national level, while states maintain parallel due process systems, ensuring multiple mechanisms for accountability and conflict resolution.

Saudi Arabia's special education framework, while increasingly emphasizing parental involvement and collaborative decision-making, operates with less formalized and comprehensive procedural safeguards. While the 2024 System of Rights for Persons with Disabilities establishes important principles of non-discrimination and accessibility, it does not yet provide the equivalent level of formalized due process protections, enforceable dispute resolution mechanisms, or attorney's fees provisions that characterize the U.S. system. This difference reflects broader distinctions between civil law and common law traditions, as well as different developmental stages in disability rights legislation. However, Saudi Arabia's ongoing reforms suggest a gradual movement toward strengthening procedural protections and establishing clearer accountability mechanisms for educational decision-making, aligning more closely with international best practices and comparative legal standards in special education.

### **Enforcement Mechanisms and Compliance Oversight**

The United States has established comprehensive federal oversight systems, including the Office of Special Education Programs (OSEP) within the Department of Education, which

monitors state compliance, investigates complaints, and can impose sanctions on non-compliant states. Additionally, individual parents can pursue due process hearings, mediation, or litigation to enforce their children's rights. This creates strong incentives for school compliance.

In Saudi Arabia, oversight is primarily administrative through the Ministry of Education's Directorate of Special Education and regional education authorities. While these structures have been strengthened and are subject to the new accountability provisions in the 2024 System of Rights, they do not provide equivalent mechanisms for individual parental enforcement or judicial oversight. This difference in enforcement structure reflects broader differences in legal traditions and governance models between the two countries.

### **Contextualizing the Differences: Legal Traditions and Governance Models**

The differences between the special education systems of Saudi Arabia and the United States cannot be fully understood without reference to the broader legal, cultural, and administrative contexts in which they operate. These differences do not necessarily indicate superior or inferior approaches, but rather reflect different legal traditions, governance philosophies, and institutional structures. The United States system reflects a legal tradition rooted in individualism, constitutional rights protection, and suspicion of governmental authority. The emphasis on standardized procedures, written documentation, parental rights, and judicial enforcement mechanisms reflects the American constitutional commitment to due process and equal protection. The proliferation of procedural safeguards, while sometimes criticized as creating bureaucratic burden, serves to protect individual rights and limit arbitrary decision-making.

Saudi Arabia's approach, by contrast, reflects governance traditions emphasizing administrative expertise, professional discretion, and collaborative rather than adversarial decision-making. The relative flexibility in placement decisions and identification procedures reflects confidence in professional judgment of educators and administrators. The emphasis on collaborative governance among schools, families, and authorities reflects cultural and governance preferences for consensus-building rather than rights-based legal competition.

These are not arbitrary choices but rather reflect different answers to fundamental questions about the proper role of law in educational governance: Should special education law emphasize individual rights and procedural protections (U.S. model) or professional expertise and administrative flexibility (Saudi model)? Should resolution of disputes be litigious /judicial (U.S.) or collaborative/administrative (Saudi)? Should access to education be defined by universal age ranges and categorical disabilities (U.S.) or by individual need and circumstance (Saudi)?

Both approaches have strengths and potential limitations. The U.S. system's emphasis on procedural safeguards and parental rights protection creates strong individual protections but can also create complexity, cost, and potential contentious relationships between families and schools. Saudi Arabia's more flexible, professionally discretionary approach can be responsive to individual circumstances and culturally appropriate but requires strong professional capacity and commitment to equitable implementation.

### **Conclusion and Recommendations**

This comparative analysis of special education laws in Saudi Arabia and the United States reveals that while both jurisdictions share fundamental commitments to educational

equity, inclusion, and the rights of students with disabilities, they differ significantly in their legislative structures, implementation mechanisms, and underlying governance philosophies. These differences reflect broader legal, cultural, and administrative contexts rather than different commitments to disability rights.

### **Key Findings**

The special education systems in both the United States and Saudi Arabia share several fundamental similarities. Both countries have established robust legal frameworks that affirm the right of students with disabilities to receive free, appropriate, and equitable education. Furthermore, both systems prioritize parental involvement, individualized support, and professional accountability in meeting student needs. Additionally, both nations have shifted toward more inclusive educational models that emphasize mainstream school placement while simultaneously preserving options for specialized services when deemed appropriate.

However, notable and substantive differences distinguish these two systems. The United States and Saudi Arabia diverge significantly in procedural formality, assessment protocols, placement philosophy, and enforcement mechanisms. Recent developments in Saudi Arabia between 2024 and 2025 demonstrate a deliberate movement toward more precise specification of rights, more structured identification procedures, and strengthened enforcement mechanisms. While the American system provides stronger individual legal protections through procedural safeguards and judicial enforcement mechanisms, the Saudi Arabian system emphasizes professional discretion and administrative flexibility as its guiding principles.

### **Recommendations for Strengthening Special Education Systems**

#### **For Saudi Arabia**

Strengthening special education systems requires establishing clear eligibility criteria and age ranges to ensure consistent regional implementation. Assessment protocols must combine professional judgment with standardized, culturally appropriate procedures, particularly for disabilities requiring formal diagnosis. Placement procedures should prioritize Least Restrictive Environment principles as the default while maintaining flexibility for individual needs. Support systems must include formal dispute resolution mechanisms such as mediation and administrative appeals, alongside enhanced monitoring and accountability through systematic compliance tracking and data collection. Investment in continuous professional development for educators, administrators, and diagnosticians is essential for building capacity in inclusive education. Finally, effective implementation of the 2024-2025 System of Rights for Persons with Disabilities reforms—particularly provisions on inclusive

education and shadow teacher services—requires deliberate attention to translating legislative intent into classroom practice

### **For the United States**

One critical dimension in strengthening special education systems is the streamlining of administrative procedures. The existing bureaucratic complexity often functions as a barrier to access, particularly for families lacking the organizational capacity and financial resources necessary to navigate institutional processes. Therefore, rationalizing these procedures while maintaining robust protections for student rights represents an essential reform priority.

Furthermore, the systematic implementation of the Least Restrictive Environment principle warrants careful examination. Rather than applying a uniform inclusion model across all contexts, meaningful inclusion requires differentiated support mechanisms calibrated to individual student needs and capacities. Simultaneously, expanding the professional discretion afforded to educators and specialists may substantially reduce disputes and conflicts that arise from overly rigid policy frameworks.

An additional consideration involves the systemic inequities that disadvantage economically vulnerable families in accessing legal remedies and formal dispute resolution processes. Strengthening alternative dispute resolution mechanisms and expanding access to legal representation constitute viable strategies for addressing this disparity. Finally, the development of robust longitudinal datasets on student outcomes, coupled with rigorous

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comparative analysis of pedagogical approaches, is essential for generating evidence-based policy recommendations rather than relying on assumptions or precedent.

### **Recommendations for Both Countries**

Effective special education systems require prioritizing early intervention during birth to age five, as research demonstrates this period yields the greatest long-term benefits. These systems must also develop culturally responsive assessment practices that recognize how standardized protocols embed cultural assumptions, ensuring assessment approaches remain sensitive to diverse contexts while maintaining validity.

For assessment to guide meaningful services, it requires structured multidisciplinary collaboration among teachers, special educators, and related service providers who combine systematic evaluation with diverse professional expertise. Equally important is positioning families as genuine partners—not merely procedural participants—in planning and service delivery, as families possess irreplaceable knowledge about their children across contexts.

As students transition from secondary education to adulthood (ages 14-21), enhanced transition planning becomes critical for supporting movement into post-secondary education, employment, and community participation. This transition requires investment in evidence-based assistive technology, which enables participation and supports inclusion across educational and community settings.

Beyond individual systems, special education benefits from international collaboration and exchange, allowing practitioners to learn from global approaches and adapt promising practices. Finally, systems must move beyond compliance monitoring toward continuous

evaluation of student academic, social, and post-school outcomes, creating feedback loops that drive genuine improvement and responsiveness to student needs.

### Final Remarks

While the special education laws of both countries differ substantially in structure and implementation, both systems reflect a commitment to the fundamental principles of educational equity, inclusion, and support for students with disabilities. The comparative analysis suggests that both systems have strengths to offer and areas for ongoing development. Rather than viewing one system as a model for the other, a more productive approach involves mutual learning recognizing that both rights-based procedural approaches and professionally discretionary approaches have value, and that optimal special education systems likely incorporate elements of both. The recently enacted and updated frameworks in both jurisdictions provide an opportunity for continued evolution toward systems that more effectively balance rights protection, professional expertise, and individual responsiveness in the service of students with disabilities.

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