

The Analysis of Inclusive Higher Education Patterns between the United States and China

Jia Weizhang*, Zhang Shufang

Department of College English, Zhejiang Yuexiu University of Foreign Languages, Shaoxing, China

ABSTRACT

Inclusive education is a whole new idea of education. This education accommodates all students, opposes discrimination and exclusion, promotes active participation. It stresses educational equality for all people. In China, the disabled is often regarded as the weak, so sympathy, humanistic care are usually cast upon them. In the United States, the disabled has got the same equal rights on education as the other people after a long struggle against discrimination and exclusion, so the disabled there prefer personality respect to simple sympathy. In the universities of China, both the hardware and software facilities are not enough for the disabled, so they will overcome more obstacles to study in universities than the other ones. The main reason of the differences between the two countries is that China has no strict and complete laws to protect the education rights of the disabled, while the United States has established sound laws. As a result, there are different inclusive educational patterns between the universities of China and that of the United States. In China, the inclusive higher education is based on humanistic care, while in the United States, it is based on the rules of law. The inclusive education of humanistic care, which often occupies high moral point, is usually implemented in the form of decision, outline and project that are issued from top to bottom. The one guaranteed by law, is often obtained firstly from the bottom in the form of struggle and campaign and implemented finally in the form of law. The inclusive education of humanistic care puts the disabled in a passive and vulnerable position, and advocates sympathy and protection to them, which is not conducive to the cultivation of independent personality.

Key words: Inclusive education, Inclusive higher education, Inclusive educational pattern; The disabled, University

HOW TO CITE THIS ARTICLE: Jia Weizhang*, Zhang Shufang, The Analysis of Inclusive Higher Education Patterns between the United States and China, J Res Med Dent Sci, 2021, 9(9): 70-79

Corresponding author: Jia Weizhang
e-mail ✉: esfehani.mohamad3@gmail.com
Received: 05/06/2021
Accepted: 06/09/2021

This paper hopes to promote the implementation of inclusive education in Chinese universities and colleges by contrasting the two patterns of inclusive higher education.

INTRODUCTION

The last decade has witnessed the rapid development of China's economy and society. China's higher education has also entered the fast track of development. At present, China's higher education has stepped from the stage of "elite" into the stage of "popular" [1]. As a new concept of educational equity, inclusive education should also involve the most vulnerable groups in the society. In China, higher education should accommodate all students, including those with disabilities, should eliminate discrimination and exclusion of students in any form, and should create conditions for the most effective development of every student.

By contrasting the ideas of inclusive higher education between the universities of U.S.A and the universities of China, the paper finds two different education patterns: the inclusive educational pattern based on humanistic care in China, and the inclusive educational pattern based on law in the United States.

Theoretical framework

The paper focused on the study of inclusive education in China. Especially, it fixed on the inclusive higher education in Chinese universities and colleges.

Inclusive education is a new educational concept and process formally put forward by UNESCO (United Nations Educational, Scientific, and Cultural Organization) in a declaration made at the "World Conference on Special Needs Education: Access and Quality" in Spain, Salamanca, on June 10, 1994. It accommodates all students, opposes discrimination and exclusion, promotes active participation, focuses on collective cooperation, and meets different needs. It is an education without exclusion, discrimination, or classification. It stresses the educational equality for all people.

But in China, the disabled will pay much higher price to study in universities than the other ones. The higher price does not refer to the money they have to pay, but to people's attitude toward the disabled. The disabled in China are often regarded as the weak, so they should be

sympathized but could not be treated as a normal person. Therefore, there exists a contradiction in universities of China about the disabled: seemingly, the disabled are permitted to universities, but secretly, universities in China refuse the disabled, because the disabled really brings them difficulties in administrating. The main reason why universities do so in China is that there are no strict and complete laws to protect the educational rights of the disabled. Compared with the universities in the United States, the universities in China lack both the hardware facilities and the software care for the disabled-on campus, although the society advocate the humanistic care for the disabled.

After the analysis of the two inclusive educational patterns, the paper attempted to propose some enlightenments on the development of the inclusive higher education in China [1-10].

METHODOLOGY

Various methods are employed in the writing of the paper. Of them are mainly: observational method, case study, literature research method, experiential summary method, descriptive approach, induction, and deduction.

For observational method, in 2017, the authors went to the University of Indianapolis (UIndy) of the U.S.A. for a visit. Through studying there, the authors learned the specific measures and practices of the university's implementation of inclusive education, and thus explored the basic concept of inclusive education in American higher education, that is, the concept of inclusive education guaranteed by law.

To make a contrast of the two different education patterns, the paper used case study both in China and in the United States.

In the process of the study, the authors consulted a great deal of literature. These literatures include the former relevant studies; the laws of the two countries on education the laws on the disabled; the news on newspapers or on internet, and the literatures on historical events.

The authors' experiences do play a positive role in writing the paper. Before going abroad, the authors didn't realize the adverse circumstances of the disabled in the universities of China, only with sympathetic eyes to them. The experiences in the UIndy give us a completely different view on the disabled and make us summarize the two different patterns on educational right of the disabled.

In writing the paper, without doubt, descriptive approach is employed to describe the real situations happened in the countries.

Lastly, induction and deduction are used to make a deeper research on the inclusive higher education, to make the authors' conclusions about the essential differences on the disabled in both countries.

RESULTS AND DISCUSSION

Results

Through the above-mentioned methods, the study finds there exists two kinds of inclusive educational pattern in the universities of China and the United States: the inclusive educational pattern based on humanistic care in China, and the inclusive educational pattern based on law in the United States. Inclusive educational pattern based on humanistic care is often implemented in the form of decision, outline and project issued from top to bottom, while the inclusive educational pattern guaranteed by the legal system is often obtained from the bottom up in the form of struggle and movement, and finally implemented by law.

Discussion on China's pattern of humanistic care

The status quo of inclusive education in China

The experiment of inclusive education has been carried out in China. "Inclusive education in China generally seems to be in a narrow sense. The understanding of inclusive education is only the field of special education research, is to solve the educational needs of special children."

In fact, inclusive education contains a very profound idea, which involves a wide range of social and political backgrounds that are directly related to human rights, educational democracy, educational equality, educational diversity, curriculum, and educational reform.

Nowadays, there is an obvious duality in the educational system in China, that is, the general educational system and the special educational system. This system places the disabled with physical and mental disabilities in special schools, leaving them in a state of complete isolation from ordinary children from an early age, even if they would like to attend ordinary schools, ordinary schools will not accept them. Although the system is already being reformed to encourage more disabled children to go to ordinary schools with ordinary students, the implementation is not encouraging.

At present, for primary education and part of secondary education, learning in regular classes and accepting special education in special schools are the two main educational placements for the disabled children in China. Learning in regular classes is greatly advocated by the government, but the problems for the disabled children under these backgrounds force more students to accept the other way. "Such problems as school bullying, school isolation and individual treatment still exist, which cause great learning difficulties for the disabled groups, seriously affect their physical and mental development, and hinder campus integration."

For the tertiary education, in universities or colleges, the disabled meet more problems than they had in primary and second periods in China. At this stage, having been adults, the disabled are challenged not only by hardware

obstacles on campus, but also by mental or psychological difficulties.

In hardware facilities, universities or colleges pay little attention to the needs of the disabled, such as no elevators in most teaching buildings and dormitories, no special lavatories for the disabled, no aiding facilities for the disabled to attend in classroom study, etc. The visually impaired disabled need to acquire knowledge through Braille and hearing-impaired need special sign language for sound information. The physical disabled need wheelchairs, crutches, and other aids and the disabled with mental retardation need more patience and guidance.

In the face of these complicated conditions, most universities lack relevant hardware equipment and technical support, and most are unwilling or refuse to accept students with disabilities. Some universities even control the enrolment rate of the disabled groups through various admission conditions. Due to the limited funds, some schools do not invest enough in the education of adult disabled groups, and there is a serious lack of barrier-free facilities and relevant teaching aids.

Case study of China's inclusive higher education

On June 28, 2017, China Youth Daily published an article titled "Could I Take my mother to University--- A Disabled Student's Request with High University Entrance Scores in Gansu Province?". The article told the story of Wei Xiang, a 19-year-old student from Dingxi City, Gansu Province, China, who suffered from severe disability of his body and lost his father at an early age. However, he got an excellent score of 648 in the university entrance examination at that year. He had applied for Tsinghua University, a top university in China. And he hoped Tsinghua University could provide him with a complete single accommodation, so that his mother could live with him to take care. Upon hearing the news, Tsinghua University made a quick response, and the school leader instructed the school's admission office more to concern about Wei Xiang's admitting situation and made proper arrangements for his later school life. Later, the admission office of Tsinghua University also published a letter "Life is Really Hard, But Please Believe Enough" in newspaper, expressing their welcome to Wei Xiang to study in Tsinghua University. The letter said that while each life has its own tragedy, the good news is that through illness and bereavement, you have chosen to be strong and strong enough to live in a way that we all respect and admire.

Later, the authors continued to follow up the matter and learned that Wei Xiang had been admitted to the Math and Science Major of Tsinghua University. And Tsinghua University provided the dormitory for him according to his requirements, and his tuition was reduced to free. To this end, Wei Xiang won the Network Figures in the third quarter of the column "China Netnews · moving 2017". The People Daily published an article entitled "When Individual's Strength Meets the Public Tenderness", which highly praised the move of Tsinghua University.

Through this case, we can clearly see how China's universities and colleges show their humanistic care to the disabled students. As one of the top universities in China, Tsinghua University has played a leading role in helping the disadvantaged groups. In fact, beside the deeds of Tsinghua University, similar news are reported every year. And the authors have personally experienced something similar.

In 2013, a girl named Hu Yibei was admitted to the College of Network Communication of Zhejiang Yuexiu University of Foreign Languages, the school where we teach. She was paraplegic from the neck down and could only live in a wheelchair. Mrs. Zhang, one of the co-authors of this article, happened to be the teacher in charge of her class. Mrs. Zhang had heard that a disabled student was coming to the class before she met the student, but she did not think much about it. When Mrs. Zhang met the student, she was really in shock. Curled up in a wheelchair at the front of the class, the girl was as small as a kitten, and the difficulties that she would encounter in her future study and life would be unimaginable. Mrs. Zhang attempted to hide her inside shock and calmly said to the class that God had sent us an angel. In the following four years of college life, Hu Yibei was sent to school by her mother by electric bicycle in the morning and picked up after school in the evening. There was no elevator in the teaching building, so someone had to cooperate to carry the wheelchair up and down the stairs when changing classrooms. So Mrs. Zhang took the lead and mobilized the whole class to take turns to take care of her, which took four years. Four years later, Hu Yibei had graduated from college. Every time Mrs. Zhang recalls the thing, she still can't hide her excitement. She sighs at Hu Yibei's tenacity, her mother's great maternal love, and her classmates' enthusiastic help. This event had been reported by many local media, causing certain local influence.

We say Wei Xiang, Hu Yibei and others were lucky, because they met enlightened schools like Tsinghua University and Zhejiang Yuexiu University of Foreign Languages and met the helpers in life. Through reporting such cases, the media also spread positive energy information to the society, advocating gratitude to the society. But behind these things, is there always something missing?

First, if we stand in the perspective of Wei Xiang, Hu Yibei and other disabled persons, aren't we burdened with too much pressure? We feel guilty to our parents and society because we feel like a burden. So, we can imagine that if we bother others with things like going to the bathroom or climbing stairs, how terrible we will face the difficulties in our whole life. The moral pressure to owe others and society is always on us. A healthy personality cannot be formed under moral pressure. A perfect life begins with the ability to be independent.

Secondly, when we say that Tsinghua University and Zhejiang Yuexiu University of Foreign Languages are universities of conscience, is it implied that there are still some universities without conscience? In fact, many

universities are reluctant to admit disabled students, and many excellent disabled students are rejected for various reasons, thus unable to enjoy higher education. Therefore, this is the reason why the media and even mainstream media have been advocating humanistic care for the disabled. Even if colleges and universities refuse to admit students with disabilities, they often only suffer from moral condemnation, as there is no corresponding legal control or punishment for their wrongs. In China, there is no corresponding legal provisions to enforce their refusal of the disabled to colleges or universities. Although some colleges and universities admit disabled students, they cannot completely guarantee normal learning and living facilities for disabled students like Wei Xiang and Hu Yibei etc. The solution to these problems can only be solved in a special way, like the humanistic care, which cannot fundamentally solve the learning and living problems of all disabled students.

To sum up, the inclusive education pattern based on humanistic care advocates humanistic care, but it is often limited to the spiritual level. Although the media report the promotion of humanity, but the unexposed dark side is everywhere.

Our teachers and our publications still care for the disabled in a compassionate, sympathetic way; It is abnormal to see that every year the students of disabilities going to college will become the big top on newspaper. We people don't understand that the essence of inclusive education is to explore questions about how we educate all students, where we educate them, why we educate them, and what the consequences of that education will be.

Therefore, our inclusive education is still in need of improvement and reform due to its deficiencies in implementation and ideology.

Discussion on the inclusive educational pattern in the United States

In fact, inclusive education not merely involves the education of the disabled.

Many people's understanding of inclusive education is still limited to education for exceptional children only. Inclusive education has developed far beyond the scope of special education. According to UNESCO, inclusive education is an education for all students. Exclusion object of education is not just those who cannot attend school because of rejection, dropout, financial hardship or living conditions, but also includes those that have entered the school, but are isolated or discriminated because of race, origin, gender, social status and so on. So they accept inferior education and cannot continue to enjoy further education.

Therefore, in this sense, inclusive education in the United States includes not only special education for the disabled, but also education for non-white people, female groups, and other disadvantaged groups in society. In fact, the racial struggles and feminist movements of minorities in the United States provided direct

experience for the disabled to enjoy equal rights, including educational rights.

The legislative process of inclusive education in the United States

America is a "melting pot" society, bringing together different peoples from all over the world. In such a multi-ethnic community, ethnic conflict has always been a common and severe social problem. Along with the emancipation movement represented by black people, the Chicano movement of Latinos, the national independence movement of Indians, and the Chinese movement for equal rights, the feminist movement that began in the 1840s, all contributed to the civil rights movement. These civil rights movements fought hard for equal rights and eventually found legal backing. And these civil rights movements laid a solid foundation for people with disabilities to fight for their rights. In the 1970s, American advocates for the equal rights of the disabled began to seek rights for people with disabilities like those offered to people of color and women under the Civil Rights Act of 1964. "These advocates argue that disability is a social construct rather than a biological fact. Thus, the subordination of persons with disabilities is artificial and should be corrected through the implementation of strict anti-discrimination legislation."

Thus, at the very beginning, the laws governing education for people with disabilities in the United States had been set up from the bottom up, not from the top down. This kind of acquired right downplays the moral preaching and pays attention to the substantial content of the right itself. Therefore, it must be implemented in the form of law.

American civil rights movement and civil rights act of 1964

The Civil Rights Act of 1964, one of the most important acts of the 20th century, had a far-reaching impact on American education. However, this important equal right to education was gained by the American black people through the civil rights movement in the 1950s and 1960s, which eliminated the racial segregation and discrimination in American education.

After the civil war, the emancipation proclamation issued by President Lincoln abolished the slavery system in the United States. Since then, American states began to establish the school system of racial segregation. Black and white children were educated in their respective school districts and the principle of "equality and segregation" was implemented. Blacks were educated in segregated public schools. However, due to the poor conditions of black schools and poor educational resources, American blacks are not willing to accept the inequality under the apartheid system, so they constantly strive for equal right to education in the field of education through the civil rights struggle. The most famous one is the case of Brown vs. Board of Education of Topeka.

Linda Brown is a student living in Topeka, Kansas. She and her sister walked long distances every day to the black school, Munro Elementary School. When Linda Brown tried to get admission to Sumner Elementary School near her home, the Board of Education in Topeka rejected her application on racial grounds because Sumner was a school for white students only. Then Linda's father, Oliver Brown, turned to the National Association for the Advancement of Colored People (NAACP) for help. After his appeal failed, the association helped him get started. Aided by the local chapter of the NAACP, a group of 13 parents filed a class action suit against the Board of Education of Topeka Schools. Demanding that school districts should end segregation because segregated schools have violated Linda Brown's equal protection under the 14th amendment of American Constitution. In their reasoning, they pointed out that although the educational authorities set up "separate but equal" schools, the practical purpose of these measures was to impose permanent subpar treatment on blacks, providing only subpar equipment and services to achieve the effect of oppressing blacks.

On May 17, 1954, the most decisive moment on educational history, the Supreme Court ruled unanimously in *Brown v. Board of Education of Topeka*.

Segregation of black children from other children of similar age and qualifications solely on the basis of race creates a sense of inferiority in social status. We agreed that the principle of 'separate but equal' in public education was invalid. Segregated educational facilities are essentially unequal.

Although the Brown Case was ultimately successful, it continued to be the case that black Americans were unfairly treated in education everywhere. One of the worst clashes took place in Little Rock City, the capital of Arkansas. In the summer of 1957, the District Board of Education accepted the Brown decision of the federal district court, allowing nine black students to attend Little Rock Central High School. On September 2, Orville Forbes, the state's democratic governor, ordered the National Guard to block schools and banned black students from entering as the autumn school year began. After the intervention of the court, Orville withdrew the National Guard, but let some white mob make trouble. On September 25, President Eisenhower had to use the U.S. Army's 101st Airborne Division to "occupy" Little Rock, in order to maintain order, and temporarily take direct control of the State National Guard of 10,000 policemen. Under the protection of heavily armed American soldiers, nine black students were eventually admitted.

The passage of the Civil Rights Act of 1964 was driven by a civil rights movement that was sweeping across the country. "The Act was the most important civil rights established by congress, which directly accelerated the process of desegregation of schools, promoted the research of data collection on race and racial segregation, and provided multiple measures for desegregation of schools."

Individual or group suing a local government in the United States

Ysseldyke, et al. mentioned, "Although Rhode Island was the first state to pass the compulsory education act in 1840, and other states have since followed, disabled children are often excluded from public schools for a variety of reasons." Moreover, there are frequent precedents in which courts had ruled that school officials had the power to expel disabled students. This had led to an obvious contradiction between the legal provisions of compulsory education and the court's decision. As a result, there appeared another way to improve inclusive education legislation in the United States for parents of disabled children and advocates for disability education, who based on the successful experience of the American civil rights movement and the American Constitution. That is, to prosecute the state for legal impropriety.

Local and federal court decisions in the United States constitute an important part of the legal system for special education in the United States. The 1954 Brown decision is important for disabled children because the concept of equal opportunity applied to minority students as well as to disabled children. In the wake of the Brown case, there have been a series of lawsuits in the United States concerning the right of exceptional children to education.

Around the 1960s, the civil rights movement in the United States reached its peak. Organizations of rights and research on exceptional children had sprung up, such as the Association for Children with Learning Disabilities and the American Association of Autistic Children. These groups became an important voice in special education litigation. In the 1970s, there were two major special education lawsuits in the United States, the Pennsylvania Association of the Disabled vs. the Commonwealth of Pennsylvania, and the Mills Case.

The Pennsylvania Association of the Disabled and 13 parents of mentally retarded children sued the Secretary of the Pennsylvania Education and Public Welfare, the State Education Department, and 13 School Districts in the state." Because their children were considered mentally retarded, they were excluded from a public-school education program. The Association and parents put forward three arguments:

- The public school system had not undergone any "due process" in changing or excluding programs for mentally retarded students.
- State laws that excluded mentally retarded students violated the constitution's equal protection clause because these provisions implied the assumption that mentally retarded students could not be taught or trained, which was not based on facts.
- The right of all children to education was protected by the U.S. Constitution and Pennsylvania law.

However, Pennsylvania school law allowed schools to exclude students who could not receive an education based on a certificate in psychology. Finally, at the end of October 1971, a court ruled that the right to education

for mentally retarded children in Pennsylvania was legal and that they should be provided with free and appropriate public education according to their individual needs.

After the Pennsylvania decision, the practice of including exceptional children in public compulsory education was not promoted nationwide. Seven school-age children were denied admission or expelled from Washington, D.C. Public Schools on the grounds of behavioral problems, mental retardation, affective disorder or hyperactivity, and no alternative education was offered. That same year, the seven parents of school-age children and their supporters banded together to sue the District of Columbia Board of Education and its members in the U.S. District Court. This became known as the Mills Case.

In the lawsuit, Mills' side wanted to ban the District of Columbia from expelling public schools and depriving exceptional children of public education and forced the District Board of Education to provide timely and adequate education with public funds. On August 1, 1972, the court delivered its verdict in Mills Case. The judgment mainly included the following points:

- No child should be excluded from public schools unless the child is given other educational programs that met his or her needs. Furthermore, the educational programs provided for them should include special education or tuition subsidies and satisfactory hearings and the assessments of the child's status should be properly arranged.
- (Public schools) could not expel children without holding hearings and providing alternative education programs.
- There must be a free education for every child in the District of Columbia, disabled or not.
- No child should be suspended from school for more than two days. If suspended for more than two days, there must hold a hearing and provide one alternative education programs.
- Children in special education must be assessed by public or private institutions to provide them with appropriate care.

The Mills Case provided a strong case law basis for American special children to fight for the right of compulsory education.

In addition to the Pennsylvania Association for the Disabled vs. Pennsylvania Commonwealth and Mills Case, other notable lawsuits during the period included.

Through the efforts of parents and related groups, the concept of equal opportunity had been applied fairly to children with disabilities in the Supreme Court and district courts. "It can be argued that the history of special education law in the United States is a history of the struggles of parents and advocacy groups for children with disabilities in the nation's courts and legislatures".

The Civil Rights Act of 1964 provided legal basis for the implementation of inclusive education in the United States. With the wider concern for the disabled

community, a series of laws on the education of the disabled have come into being. In 1975, congress enacted the Education of All Disabled Children Act to regulate the education of disabled children in American schools. On this basis, the 1986 Amendments to the Education of All Children with Disabilities Act made it mandatory for states to provide free and appropriate public education to school-age children. In 1990, congress amended the Education of All Disabled Children Act again and renamed it the Education for Persons with Disabilities Act. The law changed "disabled children" to "disabled persons" and expanded the scope of services. The amendment to the Education for Persons with Disabilities Act of 1997 further clarified such issues as discipline for students with disabilities, individualized education programs for students with disabilities, and academic performance of students with disabilities. In early 2002, President Bush signed the No Student Left Behind Act. To ensure that all children have access to quality and equitable educational opportunities. The Law on the Promotion of Education for the Disabled 2004 is a further revision of the previous education act for persons with disabilities. In December 2015, the U.S. House of Representatives and Senate passed the Every Student Succeeds Act. The purpose of this act is to assist the federal government to reduce its interference in state education, to grant more significant flexibilities to local education institutions and state education institutions, to improve the overall quality of American education while raising high hopes for the success of exceptional children. At this point, the American inclusive education has a relatively complete legal system.

Implementation of inclusive higher education in the United States

At present, in addition to the specific education laws mentioned above, there are also the amendments to the Americans with Disabilities Act of 2008 and the Rehabilitation Act of 1998. Through studying in American colleges and universities, the authors learned that these laws are not only of principle and advocacy content, but also of strong operability. Any college or university must run a school in strict accordance with relevant laws and regulations, otherwise it will be regarded as illegal and will be prosecuted. With the help of the compulsory function of law, the inclusive education of American colleges and universities takes the lead in the world in the following aspects.

Strict and pragmatic legal disability identification

In the United States, compulsory education is between the ages of 6 and 18, so higher education is not compulsory. Colleges and universities in the United States provide students with disabilities with access to higher education in accordance with the amendment to Americans with Disabilities Act (ADA) of 2008 and the amendment to Individuals with Disabilities Education Act (IDEA) of 1997. Since a student is an adult after the age of 18, when American colleges enroll disabled students, they first make clear the following questions: Who is

responsible? What kind of responsibility should they take? Under what legal terms should they take? At the UIndy, for example, students with disabilities enter with a clear awareness of the different rights and responsibilities of the two stages of education.

Legal rights and responsibilities of students with disabilities in secondary and higher education are showed in the following tables (Tables 1 and Table 2).

Table 1: Whose responsibility, is it?

Issue	Secondary section 504/IDEA	Postsecondary section 504/ADA
Identification	School	Student
Assessment	School	Student
Programming	School/parent	Student/college
Advocacy	School/parent	Student
Decision making	Placement team	Student
Transition planning	Placement team	student

Table 2: What are the differences between secondary and postsecondary disability laws?.

Question	Secondary	Postsecondary
What is the intent of the law?	IDEA: To provide a free, appropriate public education in the least restrictive environment to students with disabilities. 504: To ensure that no otherwise qualified person with a disability is denied access to, benefits of, or is subjected to discrimination in any program or activity provided by any public institution or entity.	To ensure that no otherwise qualified person with a disability will be denied access to, benefits of, or be subjected to discrimination by any program or activity provided by any public institution or entity.
Who is covered under the law?	All infants, children, and youth requiring special education services until age 21 or graduation from high school.	All qualified individuals with disabilities who meet the entry level criteria of the college and who can document the existence of a disability as defined by the ADA.
Who is responsible for identifying and documenting the need?	School districts are responsible for identifying, evaluation, and planning educational services at no expense to the parent or individuals.	Students are responsible for self-identification and for obtaining disability documentation from a professional who is qualified to assess their particular disability. The student, not the institution, assumes the cost of the evaluation.
Who is responsible for initiating service delivery?	School districts are responsible for identifying students with disabilities and providing special instruction, individualized education plans, and/or accommodations.	Students are responsible for notifying the Disability Support Services staff of their disability and of their need for accommodations. Accommodations (not special education) are provided on a semester by semester basis in order for students with disabilities to have equal access to the institution's programs, services, and activities.

As can be seen from the tables above, the two stages involve different legal provisions. The rights and responsibilities in secondary education are governed by the Individuals with Disabilities Education Act (IDEA), while those in higher education are governed by the American Disabilities Act (ADA). During the compulsory education phase, the Individuals with Disabilities Education Act (IDEA) states that free and appropriate public education is provided to students with disabilities in a minimally restrictive environment. IDEA /504 provides that in any project or activity offered by any public institution or entity, a qualified disabled person shall not be denied the right to receive, enjoy or suffer discrimination in that respect. Section 504/ADA states that a qualified disabled person is not denied access to, entitled to, or discriminated against in any program or activity provided by any public institution or entity. The law makes it clear that higher education is not compulsory, though it is only a letter away. We can therefore see that it is the responsibility of higher education students to self-identify and obtain disability documentation from professionals qualified to assess

their disabilities. The cost of the assessment is borne by the student, not the school. Students inform the school authorities of their disability status and accommodation needs by filling out an application form for accommodation for disabled persons.

Secondly, any student enrolled in the name of a student with a disability must have documentation from a professional certifying his or her current comprehensive disability, and the documentation provided by the professional clearly indicates his or her accommodation requirements. The disability categories are clearly described in the ADA, and there are four main types: attention deficit or hyperactivity disorder, learning disabilities, mental disorders, and physical disabilities. For the first three disabilities, a DSM-IV (Diagnostic and Statistical Manual of Mental Disorders-IV) diagnosis or its equivalent is explicitly required in the professional confirmation. Students with physical disabilities are required to provide documents that clearly describe the diagnosis of a disability or condition. Taking physical disability confirmation documents as an example,

professionals mainly provide the following information : (1) clear description of disability diagnosis status; (2) description of diagnostic criteria, assessment methods, laboratory tests and medication dates; (3) a description of the current functional limitations of the body resulting from a disability or disability condition; (4) provide a description of reasonable or appropriate accommodation requirements, if necessary, and these recommendations should be logically related to functional limitations in the classroom or accommodation environment. The information provided in the form will be used by the school's student services center to determine whether a student is eligible for disability support services. And the service center for disabled students shall ensure that all information and communication information related to disabled students are kept secret according to law.

Barrier-free learning and living environment

Providing a barrier-free learning and living environment for students with disabilities is a primary concern of American colleges and universities. Under the ADA, school buildings must have elevators on the hardware side if they are higher than the second floor. There must be ramp access in front of teaching building, laboratory building, library, dormitory building and restaurant, and automatic door opening facilities must be installed at the door. Public places must have toilets for the disabled; Parking lots must have clearly marked handicapped spaces, etc. These hardware requirements really add to the economic burden of running a school. But as Ms. Phylis Lan Lin, the executive vice President of UIndy, points out, few schools will volunteer for the disabled unless the law is strong enough to require them to do so. And once the law makes it mandatory, if you don't follow the law, you're prosecuted. Ms. Debi, the provost of UIndy, emphasized that the implementation of the law made up for the evil in human nature, so that the helping for disabilities fell to the actual place.

In addition to the accessibility requirements of hardware facilities, disabled students should also be "barrier-free" in their learning methods and the concept of people's treatment of disabled students. Recognizing that discrimination often results from attitude barriers and misunderstandings to the potential of persons with disabilities, school regulations regarding persons with disabilities are premised on the provisions of the U.S. constitution. For example, regarding the right to privacy, no matter how to express the guidance or specific information about disability treatment, students' disability privacy must be protected first. Although disabled students are physically disabled, they should be treated as normal people. At UIndy, faculty members are explicitly instructed not to disclose the information about a disabled student's disability to others if there is such a student in their class. Where students' disability information is involved, it must be conducted in the teachers' office before or after class, and no discussion in class is allowed to disclose their privacy.

For students with disabilities such as weak hearing, amblyopia, physical disability and learning disabilities,

the examination time can be extended, and professors' lectures can be recorded on the spot. The disabled students can even hire other persons to take notes if they like and the examination forms can differ from the normal ones (such as oral answers instead of written answers). The forms are different, but the overall requirements are not lowered to the disabled students.

In an effort to foster students' independence, the ADA allows people with disabilities to use "aided animals" in public. By law, the University of Indianapolis strictly defines the use of "aided animals" on campus. Guide dogs are used for severe visual impairment or blindness, hearing dogs for people with severe hearing impairment, assistance dogs for persons with mobility or health disorders, signal dogs for people with autism, and epileptic response dogs for people with epilepsy. On the one hand, the permission of "aided animals" reduces the dependence of disabled people on others, on the other hand, it also enhances their independent personality.

In addition to providing a barrier-free environment for learning and living, there are also facilitators in colleges and universities in the United States that help improve the learning of the disabled, but different from domestic assistance, these assistance agencies are charging items. For example, UIndy offers the Baccalaureate for University of Indianapolis Learning Disabled, or BUILD. This program is a fee-for-service program that goes significantly beyond the appropriate, reasonable accommodations required by law. It is designed to support UIndy students who have learning-related disabilities. The BUILD program provides individualized support specifically for those students with a documented learning disorder. This is a voluntary program and students enrolled in BUILD pay additional fees for BUILD-specific services. BUILD students have met University admission requirements, are enrolled in regular programs at the University, receive necessary accommodations required by law and must meet the technical and academic standards set forth by individual departments. All BUILD tutors have earned a bachelor's degree or higher, and all have training in working with students who have learning-related disabilities. Presently, BUILD has 17 tutors who are knowledgeable in study skills and basic liberal arts courses. Occasionally, specialized tutoring is available for various math, history and business courses.

From the above discussion, we can see that the measures of inclusive higher education in American universities are largely based on law. The expression of legal terms is operable and avoids the subjective arbitrariness. At the same time, reasonable charges avoid the confusion of public and private affairs, morality, and law [11-16].

CONCLUSIONS

By contrasting the situation of inclusive higher education in Chinese and American universities, the paper argued that the top-down humanistic inclusive education lacks legal basis. Without the strong support of law, the inclusive educational pattern of humanistic care is often

useless, unable to guarantee the living and learning environment of the disabled students and cannot cultivate independent academic talents. Therefore, the following enlightenment is proposed.

China's special laws on education to be improved

At present, the laws concerning the education of the disabled in China are mainly the six ones as follows: the Constitution of the People's Republic of China, the Law of the People's Republic of China on the Protection of Disabled Persons, Education Law of the People's Republic of China, the Law of the People's Republic of China on Vocational Education, the Law of Compulsory Education, the Higher Education Law of the People's Republic of China. In most of these laws, the expression about education for the disabled is rather general. Article 45 of Chapter 2 of the Constitution of the People's Republic of China: "The State and society help to arrange the work, life and education of blind, deaf, dumb and other disabled citizens". Articles 21 to 29 of the Law of the People's Republic of China on the Protection of Disabled Persons read: "the state should protect the right of persons with disabilities to equal access to education...The relevant government departments should organize and support the research and application of Braille and sign language, the compilation and publication of teaching materials for special education, and the development, production and supply of teaching aids for special education and other auxiliary supplies." The article 9, 38 of the Education Law of the People's Republic of China: "The citizens of the People's Republic of China have the obligation to receive education. Citizens shall enjoy equal opportunities to receive education in accordance with the law, regardless of their nationality, race, sex, occupation, property status or religious belief." The article 7, article 15, article 32 of the Law of the People's Republic of China on Vocational Education mention: "The state takes measures to support the development of vocational education for the disabled." "Vocational education for disabled persons shall be provided by institutions of education for disabled persons, vocational schools at all levels and of all kinds, vocational training institutions and their educational institutions shall accept disabled students in accordance with the relevant regulations of the state." "Vocational schools and vocational training institutions may charge appropriate tuition fees to students receiving education and vocational training in secondary and higher vocational schools, and students with financial difficulties and disabilities shall receive free tuition at their discretion."

Most of the references in the above laws to the educational rights of the disabled are just programmatic instructions and lack the specific mandatory provisions. Even in the Law of Compulsory Education, article 19 concerning special education is stated as follows: the local people's government at or above the county level should, according to the needs, set up appropriate schools (classes) for special education to provide compulsory education to school-age children and

juveniles with visual, hearing, language and intellectual disabilities. Special education schools (classes) should have places and facilities suitable for the learning, rehabilitation and living characteristics of disabled children and adolescents. Ordinary schools should accept disabled school-age children and juveniles with the ability to receive ordinary education and should provide them with assistance in learning and rehabilitation." The Article 9 of the Higher Education Law of the People's Republic of China states: Citizens shall enjoy the right to receive higher education according to law. Institutions of higher learning must admit disabled students who meet the admission standards set by the state and may not refuse to admit them because of their disabilities." Among them, the access to education for persons with disabilities are still broadly expressed.

Although the State Council of China issued the regulations on education for disabled persons in 1994 (revised at the 2017 executive meeting of the State Council to form the Regulations on Education for Disabled Persons (draft revision)), some of the expressions in the regulations are still not operable. As stated in article 48: "The local people's governments at various levels should allocate a certain proportion of their fiscal appropriations for compulsory education and the additional educational fees they collect to develop the compulsory education of disabled children and juveniles." As to how much proportion, how to use and other specific issues, it is not clearly stipulated.

To sum up, most of the legal provisions concerning the education of the disabled in China's legal system are still directive and advisory, which are far from the mandatory standards of the law, which brings difficulties in practical operation. Compared with the ADA and IDEA in the United States, the eagerly anticipated Individuals with Disabilities Education Act in China still has a long way to go. Therefore, it is imperative to perfect the special legal system of education for the disabled and perfect the practical legal provisions.

Cultivation of independent personality

Whether a person can be independent is a sign of maturity. Disabled students are physically disabled, but it is more necessary to cultivate their independent personality, in order to build up the disabled person's confidence in life, to enhance their ability to earn their own living and even surpass themselves. To cultivate the independent personality of the disabled is not only a matter within the disabled family, but also needs the attention of the whole society. The inclusive education model based on humanistic care calls on the society to care about the disabled people, which is understandable. However, this practice often places moral pressure on the cared, which makes the cared bear infinite moral debt, and cannot cultivate them independent personalities. The sayings have told us a good lesson: "Give a man a fish, he eats for a day. Teach him to fish, he will never go hungry." Therefore, the top-down inclusive education pattern of humanistic care covers up the defects of the legal system. Without a complete legal system as the basis for

protection, it is really difficult to realize the "barrier-free" implementation of the educational rights of the disabled, and finally the inclusive education pattern based on humanistic care has become helpless.

"In today's world, there are two views about the disabled people, the old one and the new one". The old concept on disabled people believed that disabled people were passive, sick, unable to be independent and in need of medical treatment and relief. However, the new concept on disabled people believes that disabled people, like healthy people, have the inherent civil rights, the right to receive various social compensation conditions and the right to fulfill their due obligations, which is called the social model of disabled people.

The pattern of inclusive higher education in China is mainly based on the old view on the disabled. The disabled persons are placed in a vulnerable, passive position, so comes the advocacy of compassion and protection for them. In fact, from the perspective of the disabled themselves, it would be desirable for society to view them in an equal light. They prefer to make their due contributions to the society through their own efforts so as to be recognized by the society. Therefore, we should construct the mode of helping the disabled from the angle of protecting rights and cultivate the independence and self-reliance of the disabled from the angle of fairness and the implementation of all these need a complete legal system to safeguard.

REFERENCES

1. Bi L, Dou H, Zhang X. From the "elite" to "popular" quality of higher education. *Guide Sci Educ* 2014; 5.
2. Cao Chunping, Zhu He. The starting point for the full implementation of special education in the United States-Mills vs. Board of education of the district of Columbia. *Educ Sci Res* 1972; 1:88-93.
3. Chao Ren. When individual's strength meets the public tenderness. *People's Daily* 2017; 13.
4. Goldberg S. Special education law. New York: Plenum Press 1972; 1-5.
5. Hao Yanping. The impact of the civil rights act of 1964 on American education. *J Inner Mongolia Normal University* 2009; 4:14-18.
6. <http://edu.zjol.com.cn>
7. http://www.sohu.com/a/22535221_179802
8. Zhicheng HU. Inclusive education, inclusive schools, inclusive society. *Chinese J Special Educ* 2004; 5.
9. Huang Zhicheng. Education equality: One of basic concepts of inclusive education. *Comparative Education Review* 2010; 55.
10. Huang Zhicheng. Inclusive education keep a watchful eye on the different needs of all students. *Chinese Social Sciences Today* 2012.
11. IDEA/504 FLOW CHART. Retrieved from http://www.lease-sped.org/files/Forms/504/Complete_Packet.pdf
12. <https://files.eric.ed.gov/fulltext/ED481188.pdf>
13. Wang Shuangling. The research on campus integration for adult disabled groups under inclusive education. *J Adult Educ Hebei University* 2017.
14. Xiao Fei. The development of american special education legislation-From the historical perspective. *Chinese J Special Educ* 2004.
15. Yan Rui. Barrier-free environment construction in the United States. *Social Security Studies* 2007.
16. Ysseldyke J, Algozzine B. Introduction to Special Education. Boston: Houghton Mifflin 1984.