EASPD-Barometer of Inclusive Education in Selected European Countries

European Association of Service Providers (EASPD)
Johannes Schädler, Carmen Dorrance (eds.)

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PART I CONCEPT AND METHODOLOGY OF THE BAROMETER OF INCLUSIVE EDUCATION:

1. CONCEPT AND METHODOLOGY

Inclusive education is strongly endorsed by the UNESCO Salamanca Statement of 1994 and by the UN Convention on the Rights of Persons with Disabilities of 2006. The 27 EU Member States have committed themselves to implementing the necessary changes at all levels to achieve inclusive education. Accordingly, the general aim of the European project ‘Pathways to Inclusion’ (P2i) coordinated by the European Association of Service Providers for Persons with Disabilities (EASPD) is to contribute to national and European implementation processes of inclusive education for persons with special educational needs (SEN). The P2i project aims to raise awareness of the rights of pupils with disabilities and to develop ways to ensure they can benefit from high quality education in an inclusive setting, where special needs are taken into consideration and pupils do not face discrimination arising from their disability.

The consortium is comprised of partners from 10 EU member states (Austria, Belgium, Finland, France, Germany, Hungary, Ireland, The Netherlands, Portugal and Slovenia). Two of these partners are universities (Fontys-OSO, NL and University of Siegen, D), the other 8 partners are rooted in their national service provision fields.

The following ‘Barometer Assessment of Inclusiveness of Policies and Practice of Inclusive Education’ is the result of a comprehensive research into the situation of inclusive education at a national level in the 10 partner EU-countries. It summarizes a wide range of information and knowledge regarding inclusive education including the latest policy developments in the field as well a comprehensive picture of their implementation in the ten partner countries.

The P2i-barometer is of interest to anyone who is involved in education at all levels: persons with disabilities, families, teachers, policy makers, service providers, etc. It aims to establish a basis for and means of discussion with all who are involved in the decision-making process on this topic. Additionally, it is possible that this study could mark the start of a more comprehensive European activity that enlarges the barometer assessment process to all EU-countries.

In the following chapter we will firstly describe the normative basis and conceptual assumptions of the barometer assessment. Then the methodology and the instrument will be presented.

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1 The P2i-consortium consists of: European Association of Service Providers for persons with Disabilities (EASPD, BE), Fontys Opleidingscentrum Speciale Onderwijszorg (Fontys OSO, NL), Association for Lifelong Learning (ALLl, HU), Vlaams Verbond van het Katholiek Buitengewoon Onderwijs (VVKBuO, BE), National Federation of Voluntary Bodies (NFVB, IE) Die Steirische Behindertenhilfe (AT), Finnish Association on Intellectual and Developmental Disabilities (FAIDD, FI), CUDV Draga Training, Occupation and Care Center (SI), Zentrum für Planung und Evaluation Sozialer Dienste, University of Siegen (ZPE, DE), Institut d’Education Motrice Charlemagne -Mutualité Française Indre et Loire (IEM Charlemagne, FR), Centro de Educação para o Cidadão Deficiente (CECD, PT)
1.1 **Normative Basis: Declaration of Salamanca and UN CRPD**

Declaration of Salamanca and UN-Convention on the Rights of Persons with Disabilities (UN CRPD)

With the Statement of Salamanca\(^2\) 1994 inclusive education has become an official but non-binding programmatic objective of the international community framed in a human rights perspective. The Statement clearly states that regular schools

“are the most effective means of combating discriminatory attitudes ... building an inclusive and achieving education for all’ (Art. 2, Statement of Salamanca);

and says schools should

‘include all children regardless of individual differences or difficulties, (and) adopt as a matter of law or policy the principle of inclusive education’” (Art. 3, Statement of Salamanca).

This Declaration hailed the beginning of an intensive international effort to develop inclusive educational systems wherever possible.

When the UN Convention on the Rights of Persons with Disabilities (UN CRPD)\(^3\) was finally ratified in 2006 (13th of December), it gave unprecedented prominence to inclusive education and established it as one of the central dimensions of human rights of persons with disabilities. The UN Convention states in Art. 24

“States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning...”

Art. 24 offers a rather precise definition of ‘inclusive education’. According to this article, inclusive education is centered around the provision of a system in which persons with disabilities can access education at all levels on an equal basis with others in their respective communities. They should not be excluded on the basis of disability and should get the support they require. So the UN CRPD adheres to the objective of full inclusion of pupils with disabilities in the regular education system. Inclusive education is based on the principle of ‘one school for all’ and involves structural changes concerning the organization of schools, curriculum, teaching and learning strategies\(^4\). This means that inclusive education is realized when persons with disabilities and/or Special Educational Needs (SEN) learn in the same cultural settings as non-disabled persons. Inclusive education is not realized when persons with disabilities are educated in special schools, spend most of their time in special classes or in special units at regular schools The Convention does not explicitly forbid special schools, but considers them as appropriate in only a minority of cases when responding to specific demands of a very small number of students with special educational needs who need to learn specific skills in a special environment\(^5\).

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\(^2\) as a result of the UNESCO-World Conference On Special Needs Education in Salamanca, Spain, in 1994, see: http://www.unesco.de/fileadmin/medien/Dokumente/Bildung/Salamanca_Declaration.pdf, 02-06-2011

\(^3\) http://www.un.org/disabilities/convention/conventionfull.shtml, 02-06-2011

\(^4\) Cf. Manifesto on Inclusive education, EASPD 2009

\(^5\) “Experience has shown that as many as 80 to 90 per cent of children with specific education needs, including children with intellectual disabilities, can easily be integrated into regular schools and classrooms, as long as there is basic support for their inclusion.” UN-Handbook for Parliamentarians, 2007, S. 85, quoted by GEW 2008: 26
Disability and Special Educational Needs (SEN)

The UN-Convention states in its préamble that

'disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others’.

In so-called ‘welfare states’ an official categorization of certain persons is underway in order to identify individuals as ‘disabled’ or as having ‘special educational needs’. Persons that have SEN or are disabled according to specific national criteria form the main focus of this report. Taking into consideration the considerable variations between countries in the categorization or assessment of special educational needs, it is interesting within the context of this study to note the percentage of persons with SEN which are currently included in regular education settings, but it is even more relevant to focus on those that are in segregated surroundings or totally excluded from education (‘Segregation percentage’).

Notwithstanding the fact that Art. 24 focuses in some parts on primary and secondary schools, it also states that all levels of education must be included and policies must also refer to pre-school, tertiary and other life-long education forms.

The assessments presented below refer directly to the UN-Convention on the Rights of Persons with Disabilities (UN CRPD). The recommendations of Art. 24 UN CRPD are systematically taken as forming the normative basis of this barometer assessment and interpreted as criteria for assessing the existing situation in accordance with legislation, current practice and transformational developments. Considering the pertinence of this article in relation to this study, it is quoted in full:

UN-CRPD: Article Art. 24 ‘inclusive education’:

The article states:

‘States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual’s requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.'
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

1.2 PROGRESSIVE IMPLEMENTATION WITH A MAXIMUM OF ALL AVAILABLE RESOURCES

It is important to note that education in international law is viewed as a cornerstone of economic, social and cultural rights. As long as institutional practices do no discriminate directly the UN CRPD does not demand an immediate overhaul of the existing system, but rather a progressive alteration of segregating systems that are rooted in educational traditions of a certain state. Nevertheless, Article 4 of the UN CRPD calls on states “to take appropriate measures” and “with a maximum of all available resources” to fulfill the inclusive demands of the Convention. In order to monitor progress a monitoring system was agreed upon that can help to identify steps taken to remedy the situation by each state. States that have ratified the Optional Protocol of the Convention are obliged to report to the UN every two years on their current position and on progress towards full implementation.

The following chart gives an overview on the ratification status for the UN CRPD of EU-Members states:

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6 Gewerkschaft für Erziehung und Wissenschaft (GEW 2008: 34)
### Chapter IV: Human Rights

#### 15. Convention on the Rights of Persons with Disabilities

New York, 13 December 2006

**Status:** Signatories: 148. Parties: 99

<table>
<thead>
<tr>
<th>Participant</th>
<th>Signature</th>
<th>Formal confirmation(c), Accession(a), Ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>30 Mar 2007</td>
<td>26 Sep 2008</td>
</tr>
<tr>
<td>Belgium</td>
<td>30 Mar 2007</td>
<td>2 Jul 2009</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>27 Sept 2007</td>
<td>22 Mar 2012</td>
</tr>
<tr>
<td>Cyprus</td>
<td>30 Mar 2007</td>
<td>27 Jun 2011</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>30 Mar 2007</td>
<td>28 Sep 2009</td>
</tr>
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<td>Denmark</td>
<td>30 Mar 2007</td>
<td>24 Jul 2009</td>
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<tr>
<td>Estonia</td>
<td>25 Sep 2007</td>
<td>–</td>
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<tr>
<td>Finland</td>
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<td>30 Mar 2007</td>
<td>18 Feb 2010</td>
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<td>Germany</td>
<td>30 Mar 2007</td>
<td>24 Feb 2009</td>
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<tr>
<td>Greece</td>
<td>30 Mar 2007</td>
<td>–</td>
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<tr>
<td>Italy</td>
<td>30 Mar 2007</td>
<td>15 May 2009</td>
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<td>Ireland</td>
<td>30 Mar 2007</td>
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<td>Latvia</td>
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<td>Lithuania</td>
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<td>18 Aug 2010</td>
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<td>Luxembourg</td>
<td>30 Mar 2007</td>
<td>26 Sept 2011</td>
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<td>Malta</td>
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<td>–</td>
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<td>30 Mar 2007</td>
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</tr>
<tr>
<td>United Kingdom of Great Britain and Northern Ireland</td>
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1.3 CONCEPTUAL IDEA AND STRUCTURE OF THE BAROMETER ASSESSMENT

1.3.1 Orientation to the Open Method of Coordination (OMC)

Whether or to what extent inclusive education of children with disabilities is implemented depends on the political will and the educational policies of governments and other political actors. Laws, structures and procedures have to be changed, resources have to be allocated, conflicts have to be resolved etc. In European politics, it has become apparent that systematic comparison and reporting between member states according to agreed criteria can produce public and political awareness. The ‘open method of coordination’ (OMC)\(^8\) aims to foster political will and to develop a mutual learning process involving the scrutiny of specific policies, programmes or institutional arrangements presented as good practices in the national strategic reports. It is a political framework

"for national strategy development, as well as for coordinating policies between EU countries on issues relating to poverty and social exclusion, health care and long-term care as well as pensions. The open method of coordination is a voluntary process for political cooperation based on agreeing common objectives and common indicators, which shows how progress towards these goals can be measured" (European Commission 2011\(^9\)).

Within this definition the concept of a ‘European Barometer on Inclusive Education’ has been developed and used to assess and compare different national contexts. The aim is to produce a detailed overview on the contexts, challenges and realistic perspectives of inclusive education in participating countries.

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\(^8\) EU-Commission: Communication 2008 – "A renewed commitment to social Europe: Reinforcing the Open Method of Coordination for Social Protection and Social Inclusion"

1.3.2 Assessment methodology

The barometer instrument adheres to the concept of ‘information based rating’ on inclusive education of persons with disabilities and/or special educational needs (SEN) in participating European countries. The objective is to use available data to identify specific tendencies and to produce information that is relevant for policy makers and other stakeholders to promote the implementation process of inclusive education. Questionnaires were developed that address the specific national contexts of the participating countries. We are aware that not all data is 100% accurate. This fact is particularly relevant when one considers that differences exist not only between regions and countries but also within local contexts in certain regions of a country. The P2i-project endeavours to respond to this challenge by combining the collation of national data with more in-depth information created by local research activities. Local reports were produced in a parallel process and form a part of the national reports of participating countries.

The barometer assessment is divided into three parts: ‘Statutory Legislation and prescriptions’ (A), ‘Situation in practice’ (B) and ‘Progression of Implementation’ (C). These three parts are covered by a questionnaire developed by the University of Siegen and were intensively discussed in project meetings. The national partner experts of the P2i consortium completed their questionnaire with collated data and by involving other national experts who contributed their comments. Data sources included official government reports, official statistics, scientific studies or other sources such as the Special Needs Report of the European Agency for Special Educational Needs. Finally the national partner experts of the P2i consortium were asked to conduct an analysis of inclusive education in their respective countries.

Whereas in part A of the national questionnaires questions were to be answered with Yes/No, parts B and C comprised a rating scale of 1-4, ‘1’ being negative and ‘4’ being positive. At the end of each part P2i-experts were asked to produce a summary of 2–3 pages. This led to a ‘barometer assessment’ consisting of three parts compiled on a uniform basis in all participating countries. The assessment model is based on a differentiated and valid analysis of inclusive education thus adhering to accepted scientific standards. Although the barometer was conducted according to valid and accepted methodologies, it should be noted that the data collected is comprised of a mixture of empirical and speculative data from a limited sample. In this respect it can be used as a model for provoking debate rather than a clear diagnosis.

The complete versions of the national questionnaire results with all references can be found on the project website.

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10 The P2i-project was inspired by the Germany Inklusionsbarometer presented by SOVD in 2010, see: http://www.sovd.de/fileadmin/downloads/pdf/sonstiges/neu_-_Landkarte_Inklusion.pdf, 02-06-2011
12 www.pathwaystoinclusion.eu, 02-06-2011
PART II BAROMETER RESULTS

2. BAROMETER ASSESSMENT

The map below illustrates the differences regarding inclusive education of persons with special educational needs in participating countries. The data have been taken from the recent report of the European Agency for Development in Special Needs Education 2010 (European Agency 2011). The percentage of children and young people with SEN that are not included in regular schools vary from less than 1% to 6%. As outlined above the reasons for these discrepancies are multifactorial, and must partly be viewed as a reflection of different statistical reporting systems and different definitions for pupils with special educational needs. The percentage of persons excluded from inclusive education also reflects educational traditions and policies on how to address special educational needs in the educational system of a country. In light of the associated obligations of member states that have signed and ratified the UN Convention on Rights of Persons with Disabilities it is important to analyse how statutory legislation on inclusive education can be assessed, and how practical implementation is progressing.

![Map of Europe showing percentages of children in special schools](image.png)

The P2i-assessment on inclusive education for persons with special educational needs (SEN) conducted in 10 European countries can be generally summarized under the following aspects:
2.1 ASSESSMENT PART A: STATUTORY LEGISLATION AND PRESCRIPTIONS

Education is a highly regulated sector of society in all European countries. Statutory legislation and recommendations form the structure of the educational system and provide a framework for the practice and development of inclusive education. This framework covers the allocation of resources, the environment in which schools and other educational facilities operate, their conceptual orientation, teacher training and many other institutional preconditions that can be conducive to inclusive education.

In one questionnaire (part A) the national partners were asked over a series of 18 questions to assess the legal basis for inclusive education in their countries. Results show that in spite of legal amendments in all countries which have supported inclusive education, many pupils with SEN can enroll in a regular school only under certain organizational and financial caveats. In the majority of participating countries pupils with disabilities do not have access to primary and secondary inclusive education comparable to their peers in the community.

In most partner countries legislation is inconsistent. In countries with a strong tradition of special education, legislation must reconcile the ‘old system’ of special schools with new approaches for inclusive education. In other countries inclusion-oriented legislation has not been supported by the necessary resources to provide inclusive arrangements for all persons with SEN in regular schools or other educational facilities. Efforts to make new resources available or shift resources from the special system to mainstreaming have been of limited success so far. Thus, both by inconsistent legislation and practice persons with disabilities in many cases have no access to inclusive education in mainstream services in their community on an equal basis with others. On the other hand in some countries positive changes in educational laws have been introduced, that led to more positive assessments.

The rating shows that in most, but not all participating countries legislation on inclusive education is assessed as rather consistent.

Table A1: Consistency of legislation and prescriptions on inclusive education

<table>
<thead>
<tr>
<th>Participant</th>
<th>Signature Convention on the Rights of Persons with Disabilities</th>
<th>Formal confirmation(c), Accession(a), Ratification Convention</th>
<th>There is consistency across different laws on national and regional/federal state level for the right to inclusive education? (Yes / NO)</th>
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<td>YES</td>
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<td>23 Sep 2009</td>
<td>YES</td>
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<td>Slovenia</td>
<td>30 Mar 2007</td>
<td>24 Apr 2008</td>
<td>YES</td>
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The following table shows how national partners have assessed\(^{13}\) statutory legislation and prescriptions in their countries:

\(^{13}\) All questions were yes/no-questions; green means percentage of yes-answers; red means percentage of no-answers. Positive answers are in the sense of the UN CRPD.
Table A2: Free primary inclusive education

By statutory legislation, primary inclusive education is free?

Except in Belgium and in the Netherlands primary inclusive education is assessed as free in all participating countries.

Table A3: Equal access to regular schools in the community

By statutory legislation, it is assured that persons with disabilities have access to ...

1 regular schools in their community
2 secondary inclusive education
3 vocational to lifelong learning

The table shows mixed results of assessment. Equal access to education on the various levels is not given in many participating countries.
Table A4: Participation of parents in decision making procedures

By statutory legislation, children with disabilities resp. their parents effectively participate in the decision-making on inclusive education?

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In seven of ten participating countries the assessment is that parents can effectively participate in decision making processes on inclusive education of their child with SEN.

Table A5: Assessment supportive for inclusive education

The procedures of assessment special educational needs support inclusive education?

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In half of the participating countries experts say that assessment procedures support inclusive education, in the other half this is said to be not the case.
Table A6: Accommodation of environment

By statutory legislation, it is assured that … are accommodated to individual’s requirements?

1 architectural conditions   2 classroom sizes

Table A7: Accomodation of environment

By statutory legislation, it is assured that … are accommodated to individual’s requirements?

1 staff to support the learning process
2 adaptive technology
3 functional assistance and care provision

For inclusive education the accessibility of the environment for the persons with disabilities is crucial. According to the rating of the participants, in many countries statutory legislation does not or not in all domains assure that accessibility must be realized.
Table A8: Accommodation of educational measures

By statutory legislation, it is assured that educational measures are accommodated to individual’s requirements (i.e. individual curricula, didactical adaption, teaching methods, testing)?

For inclusive education the accommodation of educational measures according to the person’s needs is crucial. However, the participants point out that in many countries statutory legislation does not or not in all domains assure that accommodation must be realized.

Table A9: Braille, sign language and communication

By statutory legislation, it is assured that the learning of ... is facilitated?

Experts give a mixed picture. In most countries the teaching of Braille and sign language is facilitated by statutory legislation. This also said to be the case for diverse forms of augmentative and alternative communication and orientation.
Table A10: Training and employment of teachers

By statutory legislation, it is assured that … inclusive education?

1  the training of teachers is oriented to the requirements of
2  qualified teachers and staff are employed to provide effective

Experts assess that in most countries the teacher training is not oriented to the requirements of inclusive education. The picture looks more positive as a whole when looking at the ratings for qualified teachers in inclusive settings.

Table A11: Prescriptions for Monitoring

Monitoring of development of inclusive education
Numbers and percentages of pupils/students with SEN in mainstream classes, units in mainstream schools, special learning institutions, excluded from the education system are collected and monitored at different levels of the system?

In all but two countries there are clear prescriptions on how the development of inclusive education must be documented and monitored.
In all European countries education is a highly regulated sector of society. Statutory legislation and prescriptions structure the educational system and provide a framework for the practice and development of inclusive education. This framework rules the allocation of resources, the environment under which schools and other educational facilities work, their conceptual orientation, teacher training and many other institutional preconditions that can be favourable or hindering for inclusive education.

In this questionnaire part A with 18 questions the national partners assessed the legal basis for inclusive education in their countries. Results show that in spite of legal changes in all countries which have supported inclusive education, many pupils with SEN can enroll in a regular school only under certain organizational and financial caveats. In nearly all participating countries pupils with disabilities do not have access to primary and secondary inclusive education like others in their community.

In most partner countries legislation is not consistent. In countries with a strong tradition of special education, legislation has to bridge the ‘old system’ of special schools with new approaches for inclusive education. In other countries inclusion oriented legislation has not been accompanied with the allocation of necessary resources to provide inclusive arrangements for all persons with SEN in regular schools or other educational facilities. Efforts to make new resources available or shift resources from the special to the mainstream system have yielded mixed results to-date. Due to inconsistent legislation and practices persons with disabilities do not have access, in many cases, to inclusive education in mainstream services in their community on an equal basis with others. On the other hand in some countries positive changes in educational laws have led to more positive assessments.

The following table shows how national partners assessed\textsuperscript{14} statutory legislation and recommendations in their countries:

\textsuperscript{14} All questions were yes/no-questions; green means percentage of yes-answers; red means percentage of no-answers. Positive answers are in the sense of the UN CRPD.
Table A12:

<table>
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<tr>
<th>Percentage of the positive and negative answers of the 18 questions in Part A (representing the opinions of the partner experts):</th>
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</thead>
</table>

Rights for inclusive education without rights for resources

The assessment results of part A ‘statutory legislation and prescriptions’ show that in the past years in all participating countries there have been changes in educational, youth welfare and social laws to support the possibilities of children with SEN to be educated in inclusive settings. In five out of ten participating countries (Austria, Finland, Ireland, Portugal and Slovenia) legislation was rated clearly supportive for inclusive education.
2.2 ASSESSMENT PART B: PRACTICE OF INCLUSIVE EDUCATION

In this part B 19 questions on the current practice of inclusive education are collated and assessed. The current state of implementation of recommendations of Art 24 UN CRPD is across the participating member countries is assessed.

Table B1:

Practice of inclusive education

- on pre-school level (age 3 – 5/6)
- on primary-school level
- at secondary school level

a) Percentage of children with SEN not in regular schools

This table shows that there are significant variations in education systems and approaches to deal with SEN as well as differences in categorization systems for SEN in participating member states.

The following table shows how P2i-experts have assessed the current practice of inclusive education in their countries:

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15 All questions were yes/no-questions; green means percentage of yes-answers; red means percentage of no-answers. Positive answers are in the sense of the UN CRPD.
Table B2: Direct/indirect costs of inclusive education for parents with children with SEN

In practice, inclusive education of children with SEN in primary schools is for their parents related with direct/indirect costs?

This table shows that inclusive education in primary schools is not free of direct costs in all countries, and directly associated with an indirect cost in most countries.

Table B3: Equal access to regular community schools

Persons with disabilities or SEN have access to the regular schools in their community on an equal basis with others?

This rating table indicates that persons with disabilities do not enjoy access to the same schools in their communities as their peers do.
Table B4: Equal access to regular tertiary education

By statutory legislation, it is assured that persons with disabilities have access to vocational and to lifelong learning without discrimination and on an equal basis with others?

This rating table indicates that persons with disabilities do not enjoy access to the same vocational training or lifelong learning opportunities in their communities as their peers do.

Table B5: Participation of parents in decision making on inclusive education

In decision making processes, if parents articulate a preference for inclusive education it is followed?

This rating table indicates that parents of children with SEN have limited opportunities to participate in the decision-making process on the content of education of their child.
Table B6: Assessment procedures support inclusive education

The practiced procedures of assessment of special educational needs support inclusive education?

This rating table indicates that assessment procedures are rated as being more or less supportive for inclusive education. The ratings must be seen in the context of the prevailing school system for persons with SEN and the function that assessment and categorization has for placement of persons with disabilities.

Table B7: Accommodation of the individual’s access and learning requirements

In practice … accommodated to individual requirements of persons with SEN?

1 architectural conditions in school
2 classroom sizes

This rating table indicates that the conditions of access and learning requirements for persons with disabilities varies. Viewed as a whole, they are rated rather poorly.

Table B8: Accommodation of the individual’s access and learning requirements
In practice ... are accommodated to individual requirements of persons with SEN?

This rating table indicates that the conditions of access and learning requirements for persons with disabilities varies. Viewed as a whole, they are rated rather poorly.

Table B9: Accommodation of educational measures

In practice educational measures are accommodated to individual's requirements? (i.e. individual curricula, didactical adaption, teaching methods, testing)

This rating table indicates that the level of educational measures for persons with disabilities is similar across the board, but altogether more positively rated.
Table B10:
Facilitation of learning of Braille and sign language or/and augmentative and alternative forms of communication and orientation?

In case of demand, it is practice, that the learning of
1 Braille and sign language is facilitated
2 augmentative and alternative forms of communication and orientation is facilitated

This rating table indicates that the facilitation of communication varies, but on the whole demonstrates a rather positive tendency.

Table B11:
Training of teachers and staff and employment of qualified teachers?

1 Training of teachers is oriented to the requirements of inclusive education?
   (inclusive teaching methods, incorporation of disability awareness, the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities)
2 In practice qualified teachers and staff are employed to provide effective inclusive education?

This rating table indicates that teacher training is rather not directed towards inclusive education in most participating countries.
Table B12: Monitoring of development of inclusive education

There is a systematic national data collection and monitoring on progress of inclusive education?

This rating table indicates that the national monitoring systems on inclusive education are different, but in the majority of countries rated positively.

In part B of the survey consisting of 19 questions national partners assessed the legal basis for inclusive education in their countries. Results show that although many countries seem to be taking positive steps towards a less divisive, segregational educational model, the situation demonstrates that in reality there inclusive education is not a priority thus far. The percentage of all pupils with disabilities or other special educational needs excluded from regular education is still disproportionately high when compared with the expectations articulated in the UN Convention on the Rights of Persons with Disabilities. However, the percentage of segregation varies considerably between participating countries and differs also according to age. Although there has been a general but varied and slow increase in inclusive education, this has not been accompanied by a general decrease of persons with SEN in special schools or other segregating facilities. On the contrary, in countries with a traditional special education system, the number of children and youngsters in special schools has been increasing. So a pattern of reform can be identified that follows the principle of ‘progress by addition’ rather than progress by (structural) change’. More persons are involved in the SEN-systems and as a consequence, persons with more severe educational needs continue to be excluded from inclusive education. It is a reflection of two things: First, the absolute increase in the number of children with severe disabilities, and assessed as having SEN and second, the tendency for more severely disabled children to be segregated.

The following table shows how P2i-experts assessed the current practice of inclusive education in their countries:

16 All questions were yes/no-questions; green means percentage of yes-answers; red means percentage of no-answers. Positive answers are in the sense of the UN CRPD.
Table B13:

Results of Barometer assessment Part B: Practice of Inclusive Education

Percentage of the positive and negative answers of the 19 questions in Part B
(representing the opinions of the partner experts)

![Bar Graph](image)

This table shows the summarized assessment of practice of inclusive education completed by P2i-experts.
2.3 **ASSESSMENT PART C: PROGRESS TOWARDS INCLUSIVE EDUCATION**

This part C of the barometer consisting of 22 questions contains an assessment of the progress towards inclusive education. This is relevant to see whether or to what extent participating countries fulfil their obligations to use “all available means” (Art 4 UN CRPD) to ensure that their educational systems become inclusive. Again it is based on statistical information and the criteria of Art. 24 of UN CRPD.

**Table C1:**

**Development of inclusive education**
- on pre-school level (age 3 – 5/6)
- on primary-school level
- at secondary school level

<table>
<thead>
<tr>
<th>Level</th>
<th>Country</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
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<th>2010</th>
<th>2011</th>
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**b) can be assessed as**

1-------------2-------------3-------------4
(bad – rather bad – positive – very positive)

This rating table shows percentage of children with SEN excluded from regular schools and/ or in special schools or services. (For some countries no reliable longitudinal data exist.)
Table C2: Development of legal consistency and framework for inclusive education

Developments of consistency in relevant sectors have taken place to favour inclusive education since 2003 (EYPD)?

This rating table indicates that there have been tendencies and effective efforts to make the legal system in participating countries more consistent in favouring inclusive education.

Table C3: Development of equal access to regular community schools

How do you assess the development of possibilities of persons with disabilities or SEN to have access to the regular schools in their community on an equal basis with others?

This table indicates that there is limited or no improvements for persons with disabilities or SEN accessing schools in their community on an equal basis with others.
Table C4: Development of equal access to lifelong learning and to vocational training

How do you assess the development of equal access of persons with SEN to lifelong learning service and to vocational training?

1 to lifelong learning service
2 to vocational training

Table C5:
Development of participation in decision making on inclusive education since 2003

In the decision making processes, if persons with disabilities/their advocates (parents) articulate a preference for inclusive education it is followed?

This table indicates that all in all the position and rights of parents to articulate and realize their preference for inclusive education have become stronger in most countries.
Table C6: Development of inclusive orientation of assessment procedures

Since 2003 (EYPD) there has been a development of assessment procedures of special educational needs to support inclusive education?

This table indicates that assessment procedures in most countries have been developed to have a more favourable function for inclusive education.

Table C7: Development of the individual’s access and learning requirements

Conditions in regular schools … develop to realize accessibility for persons with SEN?

This table indicates that the development of accessibility of regular schools and adequate classroom resources for persons with SEN is rated very differently.
Table C8: Development of the individual’s access and learning requirements

Conditions in regular schools … develop to realize accessibility for persons with SEN?

1 staff to support the learning process
2 adaptive technologie
3 functional assistance and care provision

This table indicates that the development of accessibility of regular schools and classroom resources for persons with SEN are rated very differently.

Table C9:

Development of accommodation of educational measures
(i.e. individual curricula, didactical adaption, teaching methods, testing)

This table indicates that progress in realizing inclusive teaching methods in educational processes is rated very differently.
Table C10:  
**Development of facilitation of learning of Braille and sign language or/and of augmentative and alternative forms of communication and orientation?**

In case of demand, it is practice, that the learning of
1  Braille and sign language is facilitated
2  augmentative and alternative forms of communication and orientation is facilitated

This table indicates that the development of facilitation of learning Braille and sign language or other systems of communication is rated differently. Obviously facilitation of sign language is more in progress than other forms.

Table C11: Development of teacher training

**Has teacher training become more oriented to inclusive education since 2003 (EYPD)?**

This table indicates that there is only slow development in teacher training practice to prepare or support teachers for inclusive practice.
Table C12: Development of monitoring systems on inclusive education

How do you assess the development of monitoring systems on inclusive education?

This table indicates that the development of the monitoring systems on inclusive education in participating countries is rated very differently.

Table C13: Development of activities of professional associations and of measures for awareness raising of governments to promote inclusive education

How do you assess the development ... ?

1 of commitment and activities of professional associations to promote inclusive education?
   (like associations of special teachers, special schools, teacher unions)
2 of measures for awareness raising of governments to promote inclusive education?

This table indicates that the development of public awareness and support is assessed relatively positive in the majority of countries.
Table C14: Perspectives on progression

Can be expected that by 2015
the percentage of persons with SEN
that are not included in regular schools?

This table shows that progress towards inclusive education is assessed as an ongoing and slow process in nearly all participating countries.

In this questionnaire part C consisting of 22 questions national partners assessed the development and progression of inclusive education in their countries. There are important indicators on different levels that give reason to assume that the education system in participating countries will become less segregational and more inclusive by 2015. Firstly there is a growing sensitivity and awareness of human rights issues in societies that stems from effective campaigning for non-discrimination and equal rights of people with disabilities. Secondly there has been a period of self-reflection amongst the public about the special school system as a result of the surprisingly positive reception of the UN Convention on Rights of Persons with Disabilities in many European countries. Thirdly professionals are advocating for inclusive education which yields better results for pupils with SEN than segregating approaches. Fourthly demographic developments will undoubtedly contribute to more inclusiveness within education systems as the absolute decrease in the overall numbers of children will provide better school and classroom conditions.

There have also been some very concrete policies and developments recently in some participating countries to close or overcome the special school system and concrete initiatives of authorities for special schools to give attractive financial incentives to regular schools ready for inclusion. Also local governments are increasingly willing to change their educational system for children with SEN. But it is still safe to assume that developments toward a more inclusive education will progress on a slow but steady basis.

The following table shows how national partners assessed\textsuperscript{17} the progression of inclusive education in their countries:

\textsuperscript{17} All questions were yes/no-questions; green means percentage of yes-answers; red means percentage of no-answers. Positive answers are in the sense of the UN CRPD.
Table C15:

Result of Barometer assessment Part C: Progress towards Inclusive Education
Percentage of the positive and negative answers of the 22 questions in Part C
(representing the opinions of the partner experts):

Map: Summary of Inclusive Education in the 10 P2i European Countries according to the results of the EASPD-Barometer assessment
III. CONCLUSION: SUMMARY AND RECOMMENDATIONS

3. Summarizing aspects

The P2i-assessment on the situation and perspectives of inclusive education for persons with special educational needs (SEN) conducted in 10 European countries can be summarized as follows:

Increasing awareness

There are clear indicators that in all participating countries there has been an increase of awareness both of the educational potential and the citizen’s rights dimension of inclusive education for children with SEN. This is reflected in positive statements towards inclusive education formulated by governments, parents’ organisations, teacher unions and other relevant public actors. It is also reflected in legal developments for support of inclusive education concerning education and school laws.

Rights for inclusive education without rights for the needed resources

The assessment results show that in the past years in all participating countries there have been changes in educational, youth welfare and social laws to support the possibilities of children with SEN to be educated in inclusive settings. In two out of ten participating countries (Finland, France) legislation was rated ‘fully supportive’ for inclusive education. In all other countries legislation has not been accompanied with the allocation of necessary resources to provide inclusive arrangements for all persons with SEN in regular schools or other educational facilities. Efforts to make new resources available or to shift resources from the special system to mainstreaming have been of limited success so far. Thus, both by legislation inconsistent with UN CRPD values and also sometimes by practice, persons with disabilities in many cases do not have access to inclusive education in mainstream services in their community on an equal basis with others.

Significance of categorization and diagnostic procedures

In all participating countries, there are institutionalized procedures by which children with developmental problems that affect their learning performance are processed into the status of a ‘disabled child’ or into the status of a child with other special educational needs. For the person with learning problems this is important, because this status gives access to support measures other children do not get. For the school system the categorization process is important because traditionally it directs the placement of the child. In countries with a strong tradition of special education, ”diagnosis” and categorization are still the mechanisms for placing children into different types of special schools, which are profiled around the so-called ‘primary defects’ of children (e.g. hearing impaired, blind, physically disabled, intellectually disabled, emotionally disabled, language disabled’ etc.). In other countries, categorization is more used for placing children in ‘special units’ of ordinary schools or for allocating additional hours of support in normal classrooms.

One view is that categorization of students must be eliminated because of its inherent stigmatization and replaced by general school budgets and perhaps additional budgets for providing measures to prevent the necessity for categorization. An alternative view is that assessment and categorization processes in welfare state arrangements are unavoidable gatekeepers of resources. Thus progress to inclusive education must meet the challenge to find intelligent ways of categorization that allow access to additional support in mainstream educational settings without producing segregating and stigmatizing effects. Therefore it is all the more important to look for examples of good practice related to non-discriminative forms of categorization.
Path-depending developments
The assessment results show that developments in inclusive education are path-depending, i.e. restricted in their options and speed by the traditions of the general educational system and the special education system of each country. These traditions have led to certain institutional structures in educational systems, power and interest structures, ‘taken-for-granted-assumptions’ and routines that are now being questioned, but nevertheless hold a high degree of resistance to change. The educational and political challenges of implementing inclusive education have to be coped with from different structural backgrounds and starting points. One very important aspect of this is how national school systems deal with children with SEN who have behavioral problems or are “slow learners”. By tradition, in Germany, Belgium and Hungary this has led to an extensive structure of specific special schools that does not exist in most other European countries.

The longer and the more established the tradition of special education in a country is, the more difficult and conflicting is the reform process towards inclusive education. The more universalistic and comprehensive the tradition of a school system is, the easier are developments towards inclusive education.

Both decentralized regulation and privatization of school systems are not per se supportive for inclusive education. They need a strong legal framework which individuals with SEN and local actors can refer to in particular situations to realize their rights.

Increasing inclusiveness and increasing segregation (‘progress by addition’)
Data in all participating countries show an increase in the number of persons with SEN in inclusive educational settings on all age levels. Inclusive education is realized the most in preschool facilities where more children with SEN are educated in inclusive than in special institutions. At primary school level the percentage of pupils with SEN in regular schools is growing remarkably quickly in all participating countries, but with big differences (approximately 10–50%) according to starting points and traditions. At secondary school level, the development of inclusive education is slower.

The general increase of inclusive education has not caused a general decrease of persons with SEN in special schools or other segregating facilities. On the contrary, especially in countries with a traditional special education system the number of children and youngsters in special schools has also been increasing. So a pattern of reform can be identified that rather follows the principle of ‘progress by addition’ than progress by (structural) change’. More persons are involved in the SEN-systems and as a consequence, persons with more severe educational needs still are mostly excluded from inclusive education.

Resource barriers against inclusive education
Assessment results show that in all countries there are still very elementary barriers against inclusive education to be yet overcome. In some countries the majority of mainstream school buildings do not comply with accessibility standards. In addition, assistive transport is often only provided to special schools. There are also often problems in adaption of equipment. Deficits are also identified concerning the availability of functional assistance and care provision, even though in some participating countries many positive developments have also been reported.

Assessment procedures in development
In all partner countries the process for more inclusive education also led to a critique of and in most countries conceptual changes of assessment procedures. Whereas traditionally assessment procedures functioned to place persons with SEN in special institutions, new concepts of assessment are oriented to the person and his or her social-ecological context and strive to
III. 4. Recommendations for political action

The following recommendations are based on the results of the various research and evaluation activities within the P2i-project, including the local studies on situation and development of inclusive education in participating countries. The recommendations reflect the insight that the implementation of inclusive education touches all political levels and many areas of social and cultural life. Correspondingly the provision of inclusive services needs a multilevel and cross-sectorial strategy to effectively implement the right of all persons with disabilities to inclusive education, especially to cope successfully with the challenge of managing change where there is as much conflict as consensus.

European-Level

- The European Commission should continue and increase efforts to use the ‘open method of co-ordination’ to promote the implementation of inclusive education according to Art. 24 of the UN CRPD.
- The Barometer tool is a simple and easy to use instrument to further the ‘open method of coordination’. The P2i-network recommends that a standardized instrument and methodology, such as the barometer, should be used on a regular basis in all countries to compare the evolution of inclusive education, to monitor the facilitation of social cohesion and non-discrimination in primary, secondary, tertiary and vocational education.
- Policy makers at European level should further develop a positive approach towards inclusive education as a part of the EU and Council of Europe strategies, with particular reference to Lifelong Learning, Social Inclusion, Anti-Discrimination, Citizenship.
- The European Commission should include concrete actions in the new EU Disability Strategy 2010-2020 to promote inclusive education.
- The Disability High Level Group of the European Commission should specifically include a focus on inclusive education.

Countries

- National member states should continue to develop effective legislation on the rights of persons with disability and/or special educational needs to inclusive education. This legislation should be reviewed in accordance with the prescriptions in Art. 24 of the UN CRPD. This must include the right of persons with disabilities to have access to all necessary resources and the review of assessment procedures to make them supportive for inclusive education.
- National member states, or where relevant governments responsible for education on federative level, are recommended to develop a strong policy on inclusive education and seek for support and reform alliances. National policy must include a government plan with an implementation strategy. The government plan for inclusive education should be specific, immediate and strategic. It should be top-down but also encourage and collate local initiatives. It involves taking the necessary measures to guarantee all pupils access to an inclusive education system-to take a person centred, holistic and Universal Design approach. This includes a strategy of helping existing special schools to manage the transition towards resource centres and to enable their staff to achieve the new task of supporting mainstream schools in realising special needs education programmes.
The change process should be conceptualised within the framework of the European Disability Strategy 2010 - 2020 and conducted as a participative learning process, which is transparent and based on professional knowledge on inclusive education and change management.

The change process should follow the clear aim of making the regular education system fully inclusive.

Statutory committees, working groups or other institutionalised structures on national, regional and local level that are exclusively related to special education should be replaced by new inclusion oriented structures.

Governments responsible for education must develop a plan for reallocating resources to achieve high quality individualised inclusive education.

Governments responsible for education should establish consultative task forces to support the development and implementation of local plans for inclusive education in achieving a national inclusion strategy.

Governments should reform the teacher training system in order to enable future teachers and school staff to meet the requirements of an inclusive school system.

Governments must organise and promote sufficient support for all stakeholders, including:
- joint training opportunities and seminars on inclusive education.
- assistive technology communication methods.
- pedagogical/psychological and other support

Governments must provide positive incentives for inclusive schools.

Awareness raising campaigns should be set up by the governments in order to highlight the capabilities and needs of persons with disabilities in the education system.

Local authorities or member-organisations

Local governments should develop a strategy to implement inclusive education in all schools and other education services in a participative way - actively involving all other stakeholders. This local strategy on inclusive education must fit in with the general aim of the overall plan and must also have immediate, short term and strategic goals. It should contain measures and milestones that lead to a change process towards inclusive education systems within the given period of the European Disability Strategy 2010 – 2020.

- Local governments should also local task forces to enable special and regular schools on their way to inclusive education.
- Local governments must ensure that all children no matter what degree or type of disability have access to high quality education in an inclusive learning environment in the community.
- Disability organisations, service providers and other stakeholders should actively contribute to the implementation process and should function as critical friends and watchdogs of the process and its progression.
PART IV SUMMARIES OF NATIONAL REPORTS:

5. Barometer of Inclusive Education in Selected European Countries – Assessment of National Situations and Progression

5.1 Austria

The following assessments are based on a comprehensive review of the Austrian situation of inclusive education based on the national questionnaire developed in the P2i-project. The assessments refer to the legal context and recommendations (A), to given practice (B), and to the progression (C), i.e. developments towards inclusive education in the meaning of Art. 24 of the UN Convention on Rights of Persons with Disabilities, ratified by Austria in 2009. All the references and precise data can be found in the following document:

- Dachverband ‘Die Steierische Behindertenhilfe’ (2010): P2i-Results of National Review on inclusive education, Gleisdorf

Introduction

The Republic of Austria has a free and public school system, and nine years of education are mandatory. Schools offer a series of vocational-technical and university preparatory tracks involving one to four additional years of education beyond the minimum mandatory level. The legal basis for primary and secondary education in Austria is the School Act of 1962. The federal Ministry of Education is responsible for funding and supervising primary, secondary, and, since 2000, also tertiary education. Primary and secondary education is administered on the state level by the authorities of the respective states.

Federal legislation played a prominent role in the education system, and laws dealing with education effectively have a de facto constitutional status because, like Austrian constitutional law, they can only be passed or amended by a two-thirds majority in parliament.

In the early Eighties parents and teachers started to lobby for integration of children with disabilities in “normal schools” and to include all children (children with severe disabilities were excluded totally from the school system being defined as “unable for school”).

Early Intervention

The Austrian system for early intervention is based upon the 9 different Provincial Disability Acts. Hence, there is no uniform federal legal approach. In most Austrian provinces, children who have been classified to ‘present or to be in danger of developing’ disabilities receive early intervention. In some provinces (e.g. Styria), early intervention can also be sought through the Youth Welfare Act, in cases where the family environment can harm the development of the child (e.g. drug abuse, violence, negligence). Early intervention is, apart from some exceptions, organised by the regional institutions of early intervention (NGOs).
Kindergarten
The kindergarten system is within the provinces’ jurisdiction (except for the training of kindergarten teachers). Thus, each province decides whether children with extra educational needs receive support of inclusive education in mainstream kindergartens or in remedial kindergartens. Lack of clarity in the definitions of disability and the allocation of competencies concerning the inclusion of children with disabilities and in the whole kindergarten system in the individual provinces have resulted in very different implementation rules for inclusion in kindergarten. Apart from public kindergartens, there are also several private institutions, for example, denominations, or associations, which provide kindergarten facilities. As there is no legal right to placement in a kindergarten, Austria, there is no guarantee that children with disabilities are accepted in kindergarten either.

Compulsory School
A concise overview of the Austrian educational system and its development is also provided in English by the Ministry for Education, the Arts and Culture: www.bmukk.gv.at/enfr/school/index.xml

Compulsory School for Children with Special Educational Needs
Since 1993 children with special educational needs have been legally entitled to attend primary school. Prior to this, children with severe disabilities had to stay at home or in hospitals. There were branded as “unable for education”. Through the 1996 amendment of the School Organisation Act, this option was also extended to lower secondary education (10 to 14-year-olds)
Legislation allowing for the inclusion of children and adolescents with special educational needs (SEN) has modified our school system decisively. Mainstream schools have been obliged since then to take organisational and didactical measures to meet the special needs of these children at school.
Parents are free to choose to send their children to a special school or to a mainstream school. Based on a special needs assessment the District School Board (District School Inspector) decides whether special educational needs are allocated to a child.

Job Orientation and Preparation at the End of Compulsory Education
After eight years of compulsory school, adolescents can choose between attending a pre-vocational school or a general or technical and vocational school of higher secondary education.
The curriculum of a pre-vocational school includes aspects of general education and information on different occupations with a specific syllabus. Pupils can also choose an area of specialisation and gain theoretical and practical experience in workshops. To this end, cooperation with local companies is sought. As a consequence, many adolescents are accepted into an apprenticeship programme for the coming year while they are still in school.
A pilot project is due to be launched at pre-vocational schools for pupils with special educational needs because there is still no legal framework for inclusion for this type of school. In Vienna, many pupils who had enjoyed inclusive education in pre-vocational schools have already successfully graduated there.
Provisions at Special Schools
Job orientation and preparation is an essential component of working with adolescents with learning disabilities or severe disabilities at the end of their compulsory schooling. For about 10 years, special schools have been providing programmes for job preparation which have proved very successful. Due to this success, the subject ‘job orientation’ has been incorporated in the curricula of special schools. This separate curriculum ‘job preparation year’, which can be adapted individually to the needs of the adolescents, has been developed for the ninth grade.

Clearing – A Link between School and the Labour Market for Adolescents with SEN
Thanks to a national support programme provided by the Social Services Offices in cooperation with the Provincial School Boards and the School Board of Vienna, a national Clearing concept has been developed that is implemented in the provinces by private organisations. Specially trained experts closely collaborate with parents, teachers and pupils to find the best possible career for adolescents with an impairment or disability. The ‘Clearing’ process starts with the preparation of a profile of the adolescent’s strengths and weaknesses, describes his or her interests, desires and needs for further training, and aims at a close cooperation between school and the regional labour market.

Vocational Training
In Austria, vocational training (apprenticeship) is provided in a dual form: adolescents work in companies and learn about their occupation in a practical, goal-oriented manner. In addition, they receive about 10 weeks of fundamental theoretical training at a vocational school. Pupils with special educational needs can take the final training exam after a longer apprenticeship (prolonged by max. 2 years) or go for a partial qualification. In the case of a partial qualification, which means one to three years of training, adolescents learn parts of a skilled trade in their training company and at vocational school. The contents, goals and time of the partial qualification are individually defined. This form of inclusive occupational training goes hand in hand with the inclusive occupational training assistance.

Programmes Provided by the Public Employment Service Austria (AMS), the Social Services Office, and Private Aid Organisations.

Courses
In the individual provinces courses are provided for adolescents with learning and/or behavioural disabilities who are not ‘disabled’ according to the provincial regulations, but have problems finding work. A low rate of school graduations, or no graduation at all, or lack of so-called ‘soft skills’ are often reasons for long-term unemployment.

Companies
Some companies provide supported employment. Despite this provision, the companies’ competitiveness has to be upheld, even if employees with disabilities are paid according to the bargained collective contracts.
Job Assistance
Adolescents who have already completed job preparation programmes can receive support from job assistants to find a job, and are provided with individual support to be integrated at their place of work if required. Adolescents are thus supported in case of problems or crisis situations directly in their company.

5.1.1 Assessment of legal situation and prescriptions
Special schools and centres for special education are still part of the mainstream Austrian school system. About half of the children with SEN – 27,745 – in the school year 2006/07 attended a special school. In Austria about 52% of children with SEN are included in mainstream schools. But this rate has remained the same since 2001. The rate of children included in mainstream schools in Austria varies widely across the 9 Austrian regions from 32% to 85%.

Children with SEN are entitled to attend mainstream schools between the age of 6 and 15. Parents have to be asked and can decide. But as the figures show, this entitlement depends very much on additional measures like accessible information and personal support during the decision-making process. School integration in Austria ends by law at the end of the 8th school year. In Kindergartens there are ambitions in some regions to include children with SEN, but there is no legal obligation.

By statutory legislation primary and secondary inclusive education is free for children between 6 and 15 years of age. This includes the inclusive education. The decision about an inclusive or segregated setting is officially in the hands of the parents. But how they are able to use their legal right is very much dependent on the commitment to inclusion of the school system of the Bundesland the child lives in. The rate of school inclusion differs in the Austrian regions between 32% and 85%. Another important precondition is the level of information parents receive and/or have already received about their rights.

In Austria the assessment procedures generally have to support inclusive education by law. Research shows that in the assessment procedure there are big differences between the Austrian regions about the number of children in inclusive education. In Austria children have to be labelled as children with special pedagogical needs (SEN) to make use of special support. That an inclusive school system should not need such a label was one of the critical points of the Austrian monitoring committee for the UN convention.

By law parents have the right to decide whether they choose the nearest school or another special or another inclusive school. There is only one barrier: communities have to pay extra money for schools not in their vicinity. So it is in the interest of the communities to have children in their own schools, in order to avoid monetary penalties. All community schools have to include children with disabilities. The reality shows big variations again between the Austrian Bundesländer. For example Styria supports with a special legislation the inclusion of children with disabilities with additional personal resources.

Communities are required to provide the required architectural conditions. There is a general law, the ‘Behindertengleichstellungsgesetz’ which obliges all public authorities to make their buildings accessible by the end of 2019, but this is a very long, drawn-out period of time. All new buildings are required to be constructed barrier free. But as an effect of the current economic crisis, almost all new projects are postponed.

If a child with SEN attends a regular school he or she should receive the same educational support as in a regular school according to the curriculum (‘Lehrplan’). However, currently there are not enough budgetary means to employ enough well educated staff. There is a lack of special education in regular schools. Only if four pupils with SEN attend one
school can this school open a so called ‘Integrationsklasse’. This implies that a special teacher is available the whole time.

It is not mandated by statutory legislation that staff support the learning process accommodated to individual’s requirements.

In Austria there are up to 25 children per classroom allowed by law. During the period of a testing phase of ‘integrative settings’ in schools the size was reduced to 20, maximum 4 with SEN. Currently, in the regular system these reductions are no longer in place. In secondary schools now up to 6 children with SEN are allowed in each classroom without reduction.

The system does not respect individual learning requirements. We have to say that accommodation of class sizes to individual requirements is not mandated by law.

There is no legislation in Austria which ensures that adaptive technology is provided to accommodate the requirements of a pupil with SEN. There are different possibilities to fund adaptive technology by social laws of the different Bundesländer. One possibility is to endeavour to secure charity money like the famous ORF Show ‘Licht ins Dunkel’. This is the responsibility of parents have to organise in most cases.

In some special schools like for pupils with hearing impairments, blind or physically impaired pupils there is sufficient technical support. Only in one Bundesland, in Styria, does legislation exist which assures the functional assistance and care provision to individual children with SEN and care needs. So there is no statutory legislation which assures that functional assistance and care provision are accommodated to individual’s requirements.

Individual educational measures are required generally by law for all children in the Austrian school system. But only children with severe disabilities require that a special educational plan be developed by law. For all other children with SEN this plan may be required by regional authorities.

The curriculum for children with hearing impairments still requires that spoken language be learned before sign language is learned. The curriculum for blind children requires Braille for all children. In the curriculum for children with high dependency needs there are rules for augmentative and alternative forms of communication, but there is no legislative regulation for funding of the associated tools for it.

Quality and content of teacher training is very different. It is not ensured by law that training of teachers is oriented to the requirements of inclusive education. Statutory legislation assures the employment of qualified teachers, but there are not enough teachers therefore it is not possible to provide the needed knowhow in several regions.

Since 2003 young people with disabilities have the right to supported vocational training without discrimination on an equal basis with others if they are able to reach the goals of ‘Lehre’ (apprenticeship) with special support, with prolongation or with reduction of the content of the ‘Lehrausbildung’.

All other people with disabilities are not entitled to vocational lifelong learning opportunities on an equal basis. They are labelled as ‘not able to work’.

So we have to say that it is not certain that persons with disabilities have access to vocational and lifelong learning without discrimination on an equal basis with others. In the general education state report the figures are not included, but there are reports of the Bundesländer with clear figures about students with SEN in mainstream classes and in special schools at all school levels.

**Conclusion**

Inclusive education in Austria has many legal preconditions, but on a practical level, daily inclusion needs more recognition.
Barometer assessment to part A:
Legal basis and prescription on inclusive education in Austria

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5.1.2 Assessment of given practice of inclusive education

It is a fact that Austria’s legislation provides a good framework for inclusive education, but on the school level, where inclusion has yet to happen, efforts can be stepped up. Very often the success of inclusive education depends on headmasters of schools, teachers and parents. The guidance of the school system in general and the availability of resources very often are low.

We can also read the figures which show that the number of pupils with SEN in regular schools has remained the same for many years. There are no targets to increase these figures.

According to the report of the ‘monitoring committee’ of the UN convention in Austria the percentage of children in preschools is very low. But as there is no national data available, the question cannot really be answered. Kindergartens are the responsibility of the 9 Bundesländer. Again there is are huge variations between the Bundesländer. There are no figures available, because there are no data about children with disabilities. In the field of kindergartens there is only a national regulation for the training of staff but not about the inclusion of children with SEN in kindergartens.

The national statistics available do not distinguish between the primary and secondary level. So this figure accounts for both. From 810,000 pupils in compulsory schools about 27,000 are pupils with SEN, about 14,000 attend regular schools. So we can say that the priority of inclusive schools for pupils with SEN on primary and secondary level is rather high.

There is no reference that explicitly states the costs parents are faced with when sending their child with SEN to primary schools. Besides normal costs for school material, parents should not have additional costs. But it does occur that parents have to bear the burden of additional costs for transport and for technical support tools.

It is up to the ‘district school inspectorate’ (Bezirksschulrat) to run the assessment process and to decide which school a child will attend. Although Parents have the right to decide about the school, the report of the monitoring committee for the implementation of the UN convention shows that parents often are not well informed about inclusive education. So the Bezirksschulrat will opt for a special school, if he or she is convinced about the necessity for special schools. But if they are informed and can involve experts to support their position, they are successful.

In some Bundesländer still the Bezirksschulrat is convinced of the priority of special schools as best for children with SEN. In some other Bundesländer like in Styria it works very well. F.e. in Styria there are 82% of children in inclusive settings, in other Bundesländer only 32%.
Special schools in Austria are also community schools, funded by the communities. If children of this community want to attend a school in another community, the first community has to pay extra schooling money. Communities want to avoid that. Therefore we can say that children with SEN have access to the schools in their community.

In many schools the architectural conditions are not accommodated to individual requirements of persons with SEN. It always depends on the community, where the school is situated. If there is a strong service provider supporting parents, it often happens that communities provide the associated requirements.

There is a regulation that per individual with SEN a certain number of hours per week an additional special teacher can support the individual learning process. As this decision is not related to the individual learning needs, we cannot say that staff to support the learning process are suited to individuals requirements.

The classroom size is not suited to individual requirements. Only in so-called integrated classes is a reduction of the number of pupils possible. But this status is related to a minimum number of four pupils with SEN per classroom and is also not inclusive.

The use of adaptive technology strongly depends on the individual motivation of the teachers and parents, who have to organise adaptive technology very often outside the school. It also depends on the financial power of the community responsible for the funding of the school and of headmasters, who find alternative funding arrangements often on a charitable basis.

There is a strong tendency of teachers against individual curricula, didactical adaptations and teaching methods. Many teachers see individual plans not as helpful, because there is more work associated with it and they cannot identify the additional value or they stand for plans for the whole yearly class group. There is also no guidance and support, parents are not involved, and so on.

Verbal language still is at the centre of the support for pupils with hearing impairments or deaf pupils. Most of them describe that they only later got access to the culture of deaf people and to satisfying communication. There is in schools only a very low number of teachers adept at sign language. There is also a dearth of deaf teachers as models and only few are available.

In terms of pupils with visual impairments the learning of Braille in regular schools is supported by support teachers. But their hours per week are not organised according to the individual needs of a child.

The knowledge and knowhow of teachers according to the use of augmentative and alternative forms of communication and orientation is very different. There are teachers and some special schools that are well trained and equipped, but in general we have to say that there is no guidance and training available. Additionally, in Austria no special sign system is used like the one which exists in the UK. Often teachers find individual solutions for communication.

Students of pedagogical universities report, that they are not well prepared for the education of pupils with disabilities, especially in an inclusive setting. In Austria many teachers are older, most are over 50 years of age and do not feel prepared for inclusive education.

There are teachers employed to provide effective inclusive education, but not enough. There are also a huge regional variations, in cities it is easier to employ well trained teachers than in some rural areas.

Persons with disabilities or SEN do not have equal access to tertiary education. Lifelong learning is not an option for them. The Behindertenbericht of the Austrian government shows that there are some measures to increase the opportunities for persons with disabilities to take part in LLL activities and also to attend universities, but there are no
figures which demonstrates success. The Austrian Bildungsbericht does not monitor the progress of inclusive education, only on a federal level are data available. But in most of the Bundesländer increasing the number of pupils in inclusive schools is not an explicit target so monitoring is also lacking.

**Barometer assessment to part B:**

‘Practice of inclusive education in the participating country’ in Austria

| In practice inclusive education can be assessed as | Not realized | Rather not realized | Rather realized | Fully realized |
|--------------------------------------------------|--------------|--------------------|----------------|

5.1.3 **Assessment of progression towards inclusive education**

There are significant differences in inclusive education on preschool level between the nine Bundesländer, but there is no comparable data available. The Bundesländer are responsible for regulations for pre-school education. Only in the Bundesland Styria does legislation give all children with disabilities the right to inclusive preschool education. But here as well no figures have been published, although they should be available.

There is no increase of the number of pupils with SEN included in primary schools since 2000 in Austria, but there has been a significant increase of the number of pupils with SEN in secondary schools since 2000. The research shows again variations between the nine Austrian Bundesländer: in Vorarlberg there is an inclusion rate of 32.5% of the children with SEN on secondary level and in Styria a rate of 77.5%.

Since the European Year of Persons with Disabilities (EYPD) in 2003 no developments of consistency in the relevant sectors can be seen in Austria. The last piece of legislation for pupils with SEN was the reform of the Berufsausbildungsgesetz, which allows both pupils with SEN and other educational problems to absolve a so-called ‘integrative Lehre’. This was a big step forward for pupils after compulsory school to enter the labour market. But since then, no further developments can be seen. According to the Schulorganisationsgesetz from 1993 it is the parents perogative to decide on the school in which their child is educated. As the data demonstrates in secondary schools more children with SPF are educated in an inclusive setting than 2003. That means that parents more often are better informed about inclusive education than before and can make an informed choice.

Since 2003 no changes have taken place in the inclusive orientation of assessment procedures. There is a development of the possibilities for persons with SEN to have access to the secondary schools in their community on an equal basis with others since 2003. For primary schools we cannot see a difference.

There was a clear target in the Behindertengleichstellungsgesetz, to reconstruct all public buildings by 2015 to make them barrier free. Many activities were started especially on the level of secondary and tertiary education; a lot of these schools are under reconstruction during summer holidays and these schools are under the responsibility of the state. On the level of compulsory schooling the situation has improved since 2003, now the process is slowing because of the budgetary situation of the communities, who own these schools.

As the government decided to postpone the target date by which all public buildings have to be barrier free to the year 2019 a lot of the impetus for change has been removed.
There is no development of accommodation of staff to the individual’s learning requirements seen in Austria. On the level of teacher training concepts are developed, but the effects of a better adaptation of teachers to individual pupils with Sonderpädagogischer Förderbedarf (SPF) needs cannot be seen up to now. There are still the same classroom sizes in inclusive settings since 2003.

The availability of adaptive technology in inclusive settings is regulated in most Bundesländer by the so called ‘Behindertengesetz’, a social law. There are still big differences between the Bundesländer, but there is no development to increase the funding of these technologies. And as previously mentioned, some of the special schools operate in favourable conditions. Since the EYPD 2003, no positive developments have taken place to provide functional assistance and care in inclusive settings.

Considering the longevity of the concepts of integration and inclusion in Austria, which date back to 1993, we can assume that schools and teachers increase their activities to practice concepts of more open and individual forms of teaching and learning. There are concepts available to orientate teacher training more to inclusive education. But these concepts are not realized at all pedagogical universities up to now. The concepts are available and are also part of teacher training.

It is still very difficult for regular schools to provide the reading technologies for Braille reading. Also the use of sign language in many schools is considered to be a second option. Although augmentative and alternative forms of communication and orientation are central for pupils with severe disabilities it is depending on the personal engagement of teachers and not of the school system, to practice them. Since 2003 the new Berufsausbildungsgesetz was implemented with the result that thousands of young people with SEN could enter the labour market with the needed training and support. The LLL programmes of the European Commission in particular brought many good initiatives to Austria including initiatives for people with SEN.

In particular, the National Educational Report shows that inclusive education is not important for the official monitoring of the educational system. The last years have not seen many efforts to promote inclusive education of professional bodies. There are no activities of awareness raising of the government to promote inclusive education in Austria. Only the ‘Behinderung Inklusion Dokumentation’ (BIDOK) database is very active and some other networks like BIZEPS and Lebenshilfe Austria.

Looking at the figures we can say that there has not been a marked improvement since 2003 in the number of children with SEN in inclusive education. We do not expect this situation will improve in the coming years.

‘Barometer assessment’ to part C:
‘Progression of inclusive education’ in Austria

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5.2 Belgium/Flanders:

The following assessments are based on a comprehensive review of the Flemish situation of inclusive education based on the national questionnaire developed in the P2I-project. The assessments refer to the legal situation and prescriptions (A), to the given practice (B), and to the progression (C), i.e. developments towards inclusive education in the meaning of Art. 24 of the UN Convention on Rights of Persons with Disabilities. All the references and precise data can be found in the following document:

- Vlaams Verbond van het Katholiek Buitengewoon Onderwijs (2010): P2I-Results of National Review on inclusive education, Brussels

Introduction

Early intervention
For families with a baby or very young child (under the age of six) ambulant early intervention support is possible, without costs. The financing of these services is guaranteed by the Flemish ministry for welfare and health. For children with severe and multiple handicap this support can continue after the age of six.

Kindergarten
Up from the age of 2½ year children can enter the ‘pre-primary’ school for free. Children with severe or multiple disabilities can have specialized support in the mainstream school, provided by ambulatory staff of a special school, or they can attend a special ‘pre-primary’ school till the age of six or eight.

Primary level
Primary school is accessible for all children from 6 till 11 year. For children with disabilities this period can be prolonged by one or two years. Children with mild, severe or multiple disabilities can have specialized support in the mainstream school, provided by ambulatory staff of a special school, or they can attend a special primary school for the same period. During that period they can apply for free also for adaptive learning aids and assistive technology provided by the ministry of welfare and health

Visually impaired children can get the learning material in adapted format (large letter type or Braille). Auditory impaired can apply for sign language interpreters till a limited amount of hours per week.
Regular schools can refuse to enrol the child with SEN if they estimate not to have the competence nor capacity to provide education in accordance to his/her needs. They can also enrol the youngster ‘under condition for a limited period (try-out period) after which the school carrier shall be evaluated before continuing the school attendance. Parents can appeal against the refusal or referral after the ‘try out’ period at an independent commission. SO the free choice by parents or youngster with SEN is limited

A child with disability, registered without additional conditions, has the right to stay in that school till the end of this school level.

Secondary level
Secondary school is mandatory till the age of 18 for all youngsters. At secondary level children can chose according their capacities and interest: in general academic education school - in technical training schools or vocational training schools. The two latest school
forms must provide also general academic education and not give just technical or vocational training.
Youngsters with mild, severe or multiple disabilities can have specialized support in the mainstream school, provided by ambulatory staff of a special school, or they can attend a special secondary school for the same period. During that period they can apply for free also for adaptive learning aids and assistive technology provided by the ministry of welfare and health. Visually impaired children can get the learning material in adapted format (large letter type or Braille). Auditory impaired can apply for sign language interpreters till a limited amount of hours per week.
Regular schools can refuse the learner with SEN if they estimate not to have the competence nor capacity to provide education in accordance to his/her needs. They can also register the youngster ‘under condition’ for a limited period (try-out period) after which the school carrier shall be evaluated before continuing the school attendance. Parents can appeal against the refusal or referral after the ‘try out’ period at an independent commission. SO the free choice by parents or youngster with SEN is limited.
A child with disability, registered without additional conditions has the right to stay in that school till the end of this school level.

Third level: Higher education & University
The third level education is accessible for all students. There is no segregated school system at this level. The social and educational special assistance is guaranteed on individual base for a limited amount hours per week. Assistive technology or learning aids and/or sign language interpreters are provided at this level.
At this level there is no formal enrolment restriction, nor appeal procedure foreseen. Strictly spoken there is no unequal treatment of students with a disability.

LLL: adult education
Adult education centres are accessible for all students. There is no segregated system at this level. No social or educational special assistance is guaranteed. Assistive technology or learning aids and/or sign language interpreters are also not provided at this level by the school system. Persons with a disability can apply for these aids or assistance at a special commission of the ministry of welfare and health.
At this level there is no formal enrolment restriction, nor appeal procedure foreseen. Strictly spoken there is no unequal treatment of students with a disability.

5.2.1 Assessment of legal situation and prescriptions
In Flanders the education system is characterized by a dichotomy: on the one hand the “mainstream school system” and on the other hand the system of “special education”. This dichotomy is clearly found in laws concerning education for pupils with specific educational needs. To bridge these dichotomy laws foresee the possibility to educate children with disabilities within the mainstream schools, namely by the law about Integrated Education (GON) and Inclusive Education (ION). It is essentially a collaboration between mainstream and special schools, where parents, pupils and the school psychological services are intensely involved. If a pupil in mainstream education experiences restrictions, inhibitions, etc. in the handling of the educational process, directly or indirectly as a result of his disability, support of a special school can be requested. Like GON, an ION-pupil receives in the mainstream school support from a staff member of a special school. An important difference is that ION has only the focus on children with a moderate to severe intellectual disability for whom they organize an individual-pathway support. However, GON-pupils have to reach the same objectives as the others in the class.
ION is therefore for the moment the only real form of inclusion possible in the legislation of Flanders. 

Art.8 of the Decree on primary education (1997) states that mainstream pre-primary and primary education is principally responsible for the education of all pupils (2.5 – 12 years). It must support as many children as possible by constant attention and broadening the care. This principle that mainstream primary school is open to all children of the mentioned age is however weakened by the Decree on equal opportunities in education, 2002. We explain this.

This Decree on equal opportunities in education applies to both primary and secondary education. On the one hand this Decree focuses on the rights of parents and their children on the enrolment in the school of their choice. In Flanders parents and their child have the right to choose a school or a division of a school of the following educational networks:

- GO! education of the Flemish Community (acting under the authority of the Flemish Community)
- Publicly funded, and publicly run education (municipal education - organised by local authorities - and provincial education - organised by provincial authorities).
- The publicly funded, privately run schools (organised by a private person or private organizations, mainly catholic schools).

The Decree on equal opportunities states explicitly that every child has the right to be enrolled in the school, chosen by the parents (when the child is 12 years and older, this happens in dialogue with him/her). However, this is not an absolute right of the pupil (and his/her parents). In a strictly limited number of cases, a school can refuse an enrolment. A mainstream school can dissolve the enrolment of a pupil with a disability, in case the ‘carrying capacity’ of the school cannot cope with the pupil’s demands with regard to education, therapy and care. In this sense the Decree on equal opportunities weakens the principle of the Decree on primary education that mainstream primary education is principally responsible for the education of all pupils (2.5 – 12 years).

Because of the possibility to refuse a child on the ground of the ‘carrying capacity’ of the school and the fact that ION is for the moment the only legal possibility of inclusion, we must say that there’s no regular and systematically monitoring of the number of pupils with special education needs in mainstream schools, at least not published by the Department of Education (at all levels). By statutory legislation primary inclusive education is free. This is guaranteed by art.24 of the Belgian Constitution.

The Decree on equal opportunities refers to the participation of persons with disabilities and their parents in the decision-making on inclusive education. The Board of the school can only dissolve the enrolment of the child in case of a dialogue with the parents (and the School Psychological Services). The decree states explicitly that a Board must involve intensively the parents in the decision making process on inclusive education. During this process it is mandatory to look at the expectations of the parents towards their child and the school; the concrete supporting demands in the field of the learning content, social functioning, communication and mobility; the description of the supporting power of the school and the capacity to answer adequately on the specific educational needs; and – finally – the available additional resources outside the school. The Decree on equal opportunities states explicitly that every child has the right to be enrolled in the school, chosen by the parents (when the child is 12 years and older, this happens in dialogue with him/her). However, this is not an absolute right of the pupil (and his/her parents). From legal perspective a school board can dissolve the enrolment of a pupil with special educational needs on condition that they follow during the decision-making process the
mentioned procedure. Therefore we conclude that by statutory legislation persons with disabilities don’t have access to the mainstream schools in their community on an equal basis with others.

In case of a refusal or a referral the school has to send a written statement to the parents as well as to the chairman of a local consultation platform (“Lokaal Overleg Platform”), in which also parents are represented. Although parents are heard by the Board of the school, the law permits the Board to take the final decision. Therefore *children with disabilities and their parents can’t participate effectively in the decision-making on inclusive education.* The Board of the school – and not the parents and/or the pupil - has the power to make the final decision about the enrolment of the pupil with special needs.

There is no prescription in Flemish law that promotes inclusion in the manner of categorization and assessment. In education a School Psychological Service has the task to assess and diagnose – in collaboration with others – disabilities and specific educational needs. A recent law applicable to all School Psychological Services refers to the principle of “action-oriented working”. A main characteristic of this principle is that the diagnostician looks at the manner how a school can *deal with* the person with a disability. The main focus is not to state a categorical diagnosis. This idea is important with regard to the fostering of inclusion in education.

However, this principle is not a guarantee to inclusion: e.g., the results of the test still have to be interpreted. The mentality of the diagnostician (inclusion or not?) has an important influence on the conclusions (see also for the practice of inclusive assessment in Flanders). Therefore by statutory legislation, the *procedure of assessment of SEN does not sufficiently support inclusion in education.*

Education is obliged to realise ‘reasonable adjustments’ to the infrastructure of the school. This criterion we find e.g. in the UN-convention on the Rights of Persons with Disabilities (Article 24, Education).

This criterion is also present in the Flemish law, namely in Art. 18 of the Decree “A framework for the Flemish equal opportunity and equal treatment policy” (2008). This article states that ‘reasonable’ means ‘no disproportionate stress’ or ‘that eventually disproportionate stress is compensated by existing measures’. The question rises if every adjustment to the infrastructure is a reasonable adjustment. There’s no objective criterion to judge this. There’s by statutory legislation no guarantee that the *architectural conditions* are accommodated to individual’s requirements. Art. 18 of the Decree “A framework for the Flemish equal opportunity and equal treatment policy” concerns not only material aspects (e.g. infrastructure) but also immaterial aspects (e.g. adjustments of the didactics, class room sizes, …). Like the discussion about the right on accommodation of the infrastructure, it is discussable which adaptations of the class room size can be considered as a reasonable adjustment. So it’s not guaranteed that the *classroom size* is accommodated to the needs of the individual. This conclusion is also the case for the accommodation of educational measures, the level of support by Braille, sign language and the facilitation of learning of augmentative and alternative forms of communication and orientation.

Pupils with a disability have however no juridical right that the staff is accommodated to the requirements of the individual. The local context (the policy of the school psychological service, the policy of the school, …) determines the level of agreement between the support and the individual requirements. So it is legally not assured that *staff* to support the learning process is accommodated to the individual’s requirements. For pupils with a severe intellectual disability, the government foresees a quota of 100 pupils who can make use of a staff support of 5,5 hours a week. **Staff-support is only partially assured.**
Another aspect that can be accommodated to the individual’s learning requirements concerns the adaptive technology. In Flanders pupils with a disability in the mainstream school (primary, secondary, tertiary) can apply for a so called “speciale onderwijsleermiddelen” (special learning aids or assistive technology). These are aids necessary for a child with a handicap to follow the lessons in the mainstream schools. The right on such an aid must be confirmed by a Committee of the Department of Education of Flanders. It is legally assured that adaptive technology is accommodated to the individual requirements.

The necessary qualification to start as a teacher includes the following and succeeding in a initial training (at least 3 years) which includes general information and basic knowledge on special needs education. Practical training has to be followed during those 3 years with a long term training during the last year. At the end of the initial training it is expected that teachers have the necessary competencies to work in a special school or the necessary knowledge and skills to deal with pupils included in mainstream education. However, by statutory legislation it is not assured that the training of teachers is oriented to the requirements of inclusive education. Postgraduate training oriented to the requirements of inclusive education is only optional and lasts for 1 to 2 years. It includes e.g. general knowledge about teaching techniques, curricular adaptations and specific knowledge on particular disabilities. Teachers who succeed in this postgraduate training receive a higher wage of the Department of Education.

By statutory legislation it is assured that persons with disabilities have access to tertiary education without discrimination and on equal basis with other. The decree “on the legal status of the student in higher education” (10-06-2004) states that students are treated equally. Authorities take - jointly or individually - measures to guarantee the accessibility of higher education - both material and immaterial - to students with disabilities. This measures are not guaranteed for persons enrolled in LLL-programs or centres for adult education.

There’s no regular and systematically monitoring of the number of pupils with special education needs in mainstream schools, at least not published by the Department of Education. Only the number of GON and ION children is collected at the different levels of the educational system.

As in Flanders the legislation does not assure free entrance in the regular school system for pupils with disabilities but that at a certain level assistive technology and support is only at a restricted level provided and that in the teacher training it is not assured that the training is oriented to the requirements of inclusive education we need to conclude that the legislation in Flanders is hindering progressive implementation of inclusive education.

**Barometer assessment to part A:**
Legal basis and prescription on inclusive education in Flanders/Belgium

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<th>The given legal basis for inclusive education can be assessed as</th>
<th>Hindering for progressive implementation</th>
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5.2.2 Assessment of given practice of inclusive education in Flanders/Belgium

A research - called ‘Praktijktest in het kader van Leerzorg’ (realized by the University of Antwerp, Artevelde Hogeschool-Gent, VCLB Gent, 2008) - examined the number of pupils with SEN. 78% of the preschoolers with SEN in the sample are present in a special school. So, a substantial number of preschoolers with SEN (22%) in the sample are present in the mainstream school but not all receive extra educational measures (e.g. GON/ION-pupils). According to the research ‘Praktijktest in het kader van Leerzorg’, 87% of the pupils with SEN aged 6 to 12 in the sample are present in a special school. 13% of the pupils aged 6 to 12 with SEN in the sample are present in the mainstream school and receive extra educational measures (e.g. GON/ION-pupils).

According to the research ‘Praktijktest in het kader van Leerzorg’, 83% of the pupils with SEN aged 12 to 18 in the sample are present in a special school. 17% of the pupils aged 12 to 18 with SEN in the sample are present in the mainstream school and receive extra educational measures (e.g. GON/ION-pupils).

According to a Flemish research about the costs of inclusive education (2008), parents of a disabled child spent more time to the practical organisation of the learning process of their child. The consequence is that certain parents work part-time to manage the learning route. In this sense, inclusive education is related to the finances of a family (indirect costs). There’s of course a certain variation in the level of adaptations parents have to finance. The level of adaptations of the curriculum and the level of ability to do things independently influence the level of financial stress to the parents. Parents of children with in SEN in mainstream schools have more directs costs. They have to pay for independent speech therapists, … because there’s no paramedical staff in a mainstream school.

According to a research (Schraepen, J. Lebeer & L. Vanpeperstraete, 2010, Eindverslag “Draagkracht ten aanzien van diversiteit en inclusief onderwijs in lagere scholen in de Provincie Antwerpen”) a majority of the interviewed teachers think that parents receive not enough information to be able to choose between mainstream and special education. So, if parents articulate a preference for inclusive education or special education, this preference is not based on enough information. Moreover, an important factor that influences the decision-making process of parents concerns the costs of the transport to the school. A free transport to the special school is a right on condition that the enrolment is realized in the school most nearby the official address of the pupil. This criterion is applicable in each of the educational networks. However, when a child with a disability goes to the mainstream school, this right of free transport is principally not applicable. For some parents this can be a reason to choose for special education (and not for mainstream education).

With regard to the relevant information that professionals and parents receive in order to the decision making process concerning the learning route of the pupil, current testing practice often “misses the point”, i.e. how to include children, how to understand how a child is functioning and how can we learn to make them learn (The “Assessment Re-assessed: Current Assessment Practice in Europe: Weaknesses, Strengths and Needs”-Report of the Daffodil Expert Meeting) More information (quotation of the mentioned report of the Daffodil Expert Meeting):

“It is striking how many people deal with functional diagnosis in various centres in Belgium, using a variety of testing methods. In the whole of a relatively small region of Flanders about 400 different tests appear to be used. Tests have a profound impact on the lives of children.”

Although one can still spot a territorial defence of professional competences (the psychologists protecting their exclusivity in being competent to evaluate a child’s
functioning), there are trends to cooperate more and evaluate in an interdisciplinary way. Parents request to have their voice heard more and to have more communication between the professionals.

Research (our own pilot research this year as well as the large 2001 survey) has shown that in assessment of a child’s functioning there is still a strong emphasis on “testing”. Professional field workers, and even more so their university tutors, strongly hold to a testing paradigm, which is characteristically individual child oriented, striving for objectivity (excluding as much as possible tester’s influence), norm references, criterion validity and content validity. The child’s functioning, by using the norm references, is plotted against a peer-aged population, and this leads to a listing of impairments and deficiencies. In this way the testing paradigm is based on a medical model of disability (equalizing disability to individual impairment). It becomes evident in the predominant use of the Wechsler intelligence tests. Similarly, the blooming expansion of - private as well as university based – diagnostic centres for specific learning disabilities, with a main purpose of delivering certificates of SLD and formulating advice, may be explained by the trend of school teachers to accept to take differentiating, compensatory or dispensatory measures only when an external expert has certified “a diagnosis”. This is also a highly medical, biological, individualistic, impairment-based view on functioning. Whether there is indeed an epidemic increase in developmental disabilities (more specifically ADHD, ASD, and SLD) or just an increase in the sensitivity of diagnosis, is still a matter of debate. In any case, the long waiting lists of child psychiatric services, the Centres for Developmental Disturbance and the Diagnostic Centres for SLD, are a sign of an increasing need for recognition of an impairment. It is by no means coincidental that the referrals to special education have risen 50% in the past 16 years in Flanders (Van Rompu, e.a, 2009), despite measures to keep the children in the mainstream.

The underlying philosophy of these testing practices is far from the cultural model of disability, which underpins e.g. the UN Convention of the Rights of People with Disability, the ICF-model of disability of the WHO (International Classification of Functioning, Disability and Health) and the Inclusive Education movement as is being advocated by association of people with disability. The social model of disability sees the degree of disability as a result of complex interactions between a child’s bodily or functional impairments and the barriers to learning and functioning which exist in the external world (barriers can be attitudes, physical, norms, rules, habits, etc.) or personal circumstances. However, no trace of this thinking can be found in the testing paradigm. Professional diagnosticians, at least in the way they use testing, seem to be hardly concerned with a child’s social and learning context. Only 1 instrument out of 400 was used in the 2001 survey, which explicitly takes into account a child’s functioning within its environment. Or rather, there seems to be a disparity in their habitual test use and the reality in the field, which calls for other forms of testing. In practice, professionals do observe children in their context, talk to parents and teachers and compare their results with findings by others, but basically, they try to convince others of the objectivity of their diagnosis. In many cases, however, test results indeed lead to exclusion from a regular learning environment. Professional assessors also seem to be hardly concerned with how the end-user (teachers, families, clinicians) experience test results (Hodges, 2004). Very few research has been done.

The evaluation of assessment and testing procedures depends largely on their purpose. Assessment is often used to obtain a kind of benefit (recognition, money, assistance, a placement) from a public instance. In that case, highlighting deficiencies and impairments, and measuring them in an objective way using “objective” tests, is more seen as an aid than as an impediment. Similarly, parents and teachers are satisfied when assessment is
thorough and comprehensive, when it gives them cues to understand a child’s functional impairments, and thus free speaks parents of pedagogical mischief. This is especially the case in the blooming diagnoses of children with social-behavioural difficulties, such as autistic spectrum disorder, ADHD, DCD, specific learning disabilities (dyslexia, dyscalculia).

On the other hand, when the purpose of evaluation is to design educational or therapeutic intervention plans or to assign a child to a special or a regular school, it becomes very important to highlight a child’s potential. This is the aspect which is most lacking, according to all parents, and some of the teachers. Because, in order to design intervention, or plan inclusion, to recommend teachers and parents what to do, how to make a child learn, how to make a child participate in a diverse group, one needs to understand a child’s learning-in-context. There are methods of assessment which specifically probe into a child’s actual learning and possible (potential) learning, which are summarized under the term “dynamic assessment”. But current practice hardly shows a trace of them; they are, at least in our region, in an embryonic stage. In fact, it is not so much the testing itself per se which constitutes the centre of the debate, but the place of testing in the whole of a comprehensive assessment and the way test results are used and interpreted, which is based on the purpose and the underlying paradigm. Clearly this is an area of friction between the culturally dominant “biological disturbance” testing paradigm and the emerging cultural, contextual, or ecological paradigm.

Severe fundamental criticisms to the testing paradigm have been formulated by Stephen Gould (1996), who denounced the 19th and 20th century testing practice as a “mismeasurement”, thereby creating negative cultural prejudice towards large groups of disadvantaged people, e.g. the Afro-Americans in the US. Feuerstein et al. (1989), following herein André Rey, state that (static) testing gives no information about learning and is based on a static conception of immutable intelligence as if this were a characteristic of a person’s biology. Static testing disadvantages lower functioning children, by denying them the proper educational programs and cognitive stimulation. Feuerstein et al. consider a child as basically modifiable, and modifiability as a result of a social-constructionist process of mediated learning experience. Assessment should be oriented at exploring the conditions of a child’s modifiability. If we want to transform schools towards inclusive education, then the concept of modifiability becomes crucial to trigger a child’s optimal learning processes. An even more fundamental criticism is made by Julie Allen (1999), who questions the practice of testing per se, as a “technique of surveillance”, a “disciplinary gaze”, reducing children with special needs to constantly observed “objects”, using techniques which are “inept, deficient and inconsistent” (Allen, o.c.p.75) and completely “missing the point” (p.84).

A mainstream school can dissolve the enrolment of a pupil with special educational needs, in case the supporting power of the school cannot cope with the pupil’s demands with regard to education, therapy and care. Pupils with special educational needs can like every child enrol in a mainstream school. In that sense they have access to the schools in their community on an equal basis with others. The difference with others is however that the enrolment of “not-disabled” children cannot be dissolved with the argument of ‘supporting power’. The enrolment of non-handicapped children can only be dissolved as a sanction.

In general we can say that schools can relatively easily dissolve the enrolment of ‘difficult pupils’ in the school and refer them to another school. The practice is that parents of pupils with a disability have the right of enrolment in a mainstream school, but the school can refuse if its supporting-power is not enough. This situation is not compatible with international regulations (like the UN-convention of 13 december 2006). Parents should have the absolute right on inclusion and the policy of the government should create
the conditions to offer a qualitative education to all. It is not our education systems that have a right to a certain type of child (dixit UN Special Rapporteur Dr Bengt Lindqvist, *Policy guidelines on inclusion in education UNESCO*).

Principals of schools consider the actual infrastructure and the lack of specific staff as the biggest obstacles to inclusive education (Schraepen et al., 2010). So in practice, architectural conditions in schools and staff to support the learning process are rather not accommodated to individual requirements of persons with SEN. The accommodation of the existing school building (e.g. the installation of an elevator) to pupils with special educational needs is very expensive and only partly financial covered by the government. On level of the province there are accessibility agencies active that give advice- whether or not for payment - regarding the accessibility.

In Flanders pupils with functional impairment (visual, physical or auditory) can receive – after approval by the Department of Education – a special learning aid. Following aids can applied for

- technical means (e.g. a Braille scope, furniture, a.o. assistive technology) (also the repairing of these means can be financed).
- conversion of study books and other material necessary in the learning process of a child

Therefore we conclude that in general adaptive technology is accommodated to the individual’s requirements.

Schraepen et al. (2010) states that schools and teachers need specific didactical adaptations and aids. However, more specific didactical material could lead to more stress if the efficiency, usefulness, … is not in proportion to the time and efforts to learn to handle with it. This is important if we want to improve the accommodation of educational measures. Schraepen et al. (2010) found that teachers often feel not able enough to guide pupils who learn on a different cognitive level or to foster their social integration in the class.

Teachers think that their initial training is poorly oriented to the requirements of inclusive education (Schraepen et al., 2010). Students get too less opportunities to deal with the diversity in the schools of today. This initial training pays also too less attention to the interaction with the parents of pupils with special educational needs. If teachers don’t follow specific courses about pupils with special educational needs, they probably lack the necessary competencies to deal with the actual diversity in schools. Research of Mortier et al. (2008) confirm that teachers are afraid that their initial training is not enough to cope with inclusion. They conclude however that the addition of specific courses to the initial training is not enough. It’s a different way of thinking that’s important. Schraepen et al. (2010) refer also to Cook (2004) who emphasizes that the initial training cannot be limited to technical competencies. It’s more important to focus on critical and reflective competencies.

By statutory legislation it is assured that persons with disabilities have access to tertiary education without discrimination and on equal basis with others. The decree “on the legal status of the student in higher education” (10-06-2004) states that students are treated equally. Authorities take - jointly or individually - measures to guarantee the accessibility of higher education - both material and immaterial - to students with disabilities. However, in practice, there are still some problems with it. Therefore, the Centre for Inclusive Higher Education (SIHO) was in 2008 established, for a period of five years to improve inclusion in higher education.
There is no systematically monitoring of the progress of inclusive education on national level. The government collects only systematically data about the number of GON/ION-pupils in the mainstream schools and the number of pupils with SEN in the special schools.

**Barometer assessment to part B:**
‘Practice of inclusive education in the participating country’
in Flanders/Belgium

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<thead>
<tr>
<th>In practice inclusive education can be assessed as</th>
<th>Not realized</th>
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5.2.3 **Assessment of progression towards inclusive education in Flanders/Belgium**

The number of children on mainstream pre-school level (age 2.5-6) was in 2000, 2003, 2006 and 2008 respectively 238881, 234951, 233344 and 243482. The number of children on special pre-school level (age 2.5-6) was in 2000, 2003, 2006 and 2008 respectively 1701, 1720, 1907 and 1977. So, the percentage of children not on mainstream preschool level was in 2000, 2003, 2006 and 2008 respectively 0.71%, 0.73%, 0.81% and 0.81%. This means approximately a status quo of the percentage of pre-schoolers in the special schools in Flanders.

The number of children on mainstream primary level (age 6-12) was in 2000, 2003, 2006 and 2008 respectively 409323, 399615, 387157 and 381882. The number of children on special primary level (age 6-12) was in 2000, 2003, 2006 and 2008 respectively 26212, 26952, 26794 and 27543. So, the percentage of children not on mainstream primary level was in 2000, 2003, 2006 and 2008 respectively 6.02%, 6.32%, 6.47% and 6.72%. There’s growth of 0.7% of pupils in 2008 comparing with 2000.

The number of children on mainstream secondary level (age 12-18) was in 2000, 2003, 2006 and 2008 respectively 413343, 427982, 439338 and 436146. The number of children on special secondary level (age 12-18) was in 2000, 2003, 2006 and 2008 respectively 15763, 16792, 18189 and 18548. So, the percentage of children not on mainstream secondary level was in 2000, 2003, 2006 and 2008 respectively 3.67%, 3.76%, 3.98% and 4.08%. This means approximately a status quo of the percentage of pupils in Flemish special schools on secondary level.

Since 2003 some initiatives have been taken with regard to the legislation in Flanders to favour inclusive education. We mention the most important:

- Ministerial Letter “Geïntegreerd onderwijs” (publication date: 11/09/2003): Integrated Education (GON): a staff member of a special school offers support in the mainstream school with regard to the approach.
- Ministerial Letter “Integratie van leerlingen met een matige of ernstige verstandelijke handicap in het gewoon lager en secundair onderwijs (ION)” (implementation of the law about Inclusive Education). This law has the focus on children with a moderate to severe intellectual disability for whom one organizes an individual-pathway support. There are 100 places for ION-pupils in Flanders.
The Decree “A framework for the Flemish equal opportunity and equal treatment policy” (2008): a person with a handicap has the right on reasonable adjustments. By statutory legislation the refusal to realise these adjustments is a form of discrimination to people with a handicap.

Not only legislation, but also policy planning (legislation preparation) had – however limited - attention to a more inclusive education: e.g.:

- 2003: A former minister (minister Vanderpoorten) wrote the project “Maatwerk in Samenspraak” (Tailor-made Care). She proposed some legal changes with regard to the cooperation between mainstream and special education. In June 2004 after the election it was clear that Minister Vanderpoorten would no longer continue, and thus remained "Customized consultation" a measure of nothing.

- A concept note about Adapted Educational Support was adopted by the Flemish Government on 30 March 2007. It builds on a discussion note entitled ‘Leerzorg in het onderwijs. Een kader voor zorg op maat van elke leerling.’ (Adapted Educational Support. A framework for customised support for each pupil.). This note was published on 19 December 2005 following a joint policy development process within the Flemish Education Council. The adapted educational support framework and the concept of adapted educational support have caused a great deal of controversy in the Flemish education sector. For the moment there’s no decree about the Adapted Educational Support. The current minister of Education (minister Smet) will started the policy planning again at the beginning of the school year 2010-2011. In April 2011 these consultations on a policy planning was ended. The final conclusion made by the government in May 2011 was, that there is no support for the model of “Adapted Educational Support”, mainly by the teachers unions. They fear that this plan could be implemented without additional financial means and supplementary staff for the regular schools (because of the financial crisis, that gives government no extra budgets to implement this plan).

Recently published research on the annual progress of pupils in primary education, revealed that in 2008-2009 of the 11 year old boys 9.1% were educated in Special schools and that of the 11 year old girls 5.8 % were educated in Special schools.

**In general there were during the past years some initiatives aiming to increase inclusion in the legislation, but the level of inclusion in the legislation still remains very limited.**

The principle of “action-oriented working” is more and more known by schools and school psychological services. There are more and more trainings about this topic. Although this is – from the point of view of more inclusion – a positive tendency, it’s not a guarantee.

The “Assessment Re-assessed: Current Assessment Practice in Europe: Weaknesses, Strengths and Needs"-Report of the Daffodil Expert Meeting“ states that “There are signs that in 2009 things are beginning to change. A working group has been formed, PRODIA, instigated by the Ministry of Education, to reform school psychological assessment, and design a new protocol. Another working group has been formed on the initiative of school psychologists, to study an alternative, more contextual and needs-based assessment, which purpose is to be really educationally informative and not only deliver a “classifying diagnostics”.
The access for persons with disabilities or SEN is still regulated by the Decree on equal opportunities in education I (28 June 2002). This decree needs refreshment on the basis of the UN Convention on Rights of People with disabilities (2006), in particular with regard to the concept of ‘supporting power’. This concept has a central role in this decree. As a consequence of the ratification of the UN-convention the concept of ‘supporting power’ should be replaced by ‘reasonable accommodation’. The level of supporting power can’t be the only element in the question if a certain accommodation can be considered as ‘realistic’.

Pupils with SEN have probably nowadays a better access to the mainstream school because of the possibility of GON and ION. The mainstream school has more support to deal with these pupils by specific experts (namely by the special schools).

**We conclude that for pupils with SEN there’s a rather little development with regard to the access to the schools in their community on an equal basis with others since 2003.**

Flanders invested the past years too little in school infrastructure. As a result, many schools never were adapted to the increased number of pupils and new educational needs. The Agency for Schoolinfrastructure (AGION) is a public institution under the supervision of the Flemish Minister of Education. AGION took in 2008 a survey of all school buildings in Flanders about the quality of their school infrastructure. These data shows that in general school infrastructure fails to answer the social and educational challenges facing schools of the 21ste century. Only 30% of the school buildings are accessible for disabled students or teachers.

In the past there were a number of initiatives to raise the awareness of schools to pay attention to the accessibility of the school buildings. The focus was first on the pupils with a physical impairment and later also on the pupils with visual and auditory problems.

On the statutory level there are recently some changes by the realisation of the Decree of the Flemish Government of 5 June 2009 establishing a regional planning regulation on accessibility. In many cases the installation of an elevator in school building with more than one storey is nowadays an obligation. **In general we conclude that there’s a rather positive development with regard to the architectural conditions to realize more accessibility for persons with SEN (although there’s still al lot of work to do!).**

**Integrated Education (GON) - as it is today organized through the Ministerial Circular of 11 September 2003 - creates an overlap between special and mainstream education on a rather unique way.** Like GON, an ION-pupil receives in the mainstream school support from a staff member of a special school.

The Knowledge and Support Centre (KOC) of the Flemish Fund of Persons with Disabilities (VAPH) distributes information about specific assistive tools and technology for persons with disabilities, and supports consultants in their advice. The VAPH is not situated on level of the ministry of education, but on level of the Flemish ministry of Welfare. In 2004 there were 770 questions to the KOC. That is an increase of 20% over 2003 and 65% over 2002. That surge is caused by the devices market which is in full swing (more advanced tools have been developed recently). In education, students with disabilities can ask for special education aids (assistive tools and technology). The target group of these aids are students with disabilities in mainstream primary, secondary, higher or university education. From January 1 2008, students with auditory or visual impairments in adult education are added to the target group. The budget for special educational aids is increased since 2003. Moreover, recently the Flemish government supports the distribution of special software for pupils with dyslexia. By this support parents and schools of these children must pay less for the software. Therefore **we assess**
the development of the availability of assistive technology in inclusive settings as rather positive since 2003.

The availability of functional assistance and care provision developed positively. The so-called Personal Assistance Budget (PAB) started in 1997, as a responsibility of the Flemish Fund of Persons with Disabilities (VAPH). Since then the available budget has grown. The person with a disability can hire assistance by the PAB at home, school or at work. This assistant helps the person with a disability to organize their daily living. More and more parents let this assistant function during schooltime, not to give educational assistance (what they are not allowed to give) but to improve the chances of their child to ‘survive’ in the mainstream school. Therefore we assess the development of availability of functional assistance and care provision as rather positive.

Findings of the European Agency for Development in Special Needs Education regarding classroom practice suggest seven groups of factors that are thought to be effective for inclusive education:

– Co-operative teaching: Teachers need support from, and be able to cooperate with a range of colleagues within the school as well as professionals from outside the school.

Today support is given by GON and ION teachers, coming from special schools to the regular school where a pupil with a disability is integrated or included. The given support is partly by taking the pupil aside, partly by counselling teachers and parents. In this support formula is rel co-operative teaching not yet generalised.

We state an increase of possible support by professionals from outside the mainstream school. The availability of support by the special school has grown, by an increase of the budget for GON/ION-support. E.g., since 2009 the number of pupils who can be supported by ION have been doubled. There are now 100 available places for these pupils.

– Co-operative learning: Peer tutoring is effective in cognitive and social-emotional respects. Students who help each other, especially within a system of flexible and well-considered pupil grouping, benefit from learning together.

In Flanders: co-operative learning is not better known in primary mainstream schools, but not yet frequently practiced.

– Collaborative problem solving: For teachers who need help in including students with behavioural problems, a systematic way of approaching undesired behaviour is an effective tool for decreasing the amount and intensity of disturbances during the lessons. Clear class rules, agreed with all the students (alongside appropriate incentives) have proven to be effective.

– Heterogeneous grouping: Heterogeneous grouping and a more differentiated approach to education are necessary and effective when dealing with the diversity of pupils/students of the same age in a classroom.

In Flanders: the grouping of pupils is rather on basis homogeneous learning levels. This hinders heterogeneous grouping.

– Effective teaching: The arrangements mentioned above should take place within an overall approach where education is based on assessment, evaluation and high expectations. All students - including students with SEN – demonstrate improvements in their learning with systematic monitoring, assessment, planning and evaluation of their work. The curriculum can be geared to individual needs and additional support can
be introduced adequately through the Individual Educational Plan (IEP). This IEP should fit within the normal curriculum.

**In Flanders: in general, mainstream schools are not so well known with Individual Educational Plans. In mainstream schools, such a plan is only the right of GON and ION-pupils.**

- **Home area system:** In some schools the organisation of the delivery of the curriculum has been changed drastically: students stay in a common area consisting of two or three classrooms where nearly all education takes places. A small team of teachers is responsible for the education provided in the home area.

**In Flanders: this system does not exist.**

- **Alternative ways of learning:** To support the inclusion of students with special needs, several models that focus on learning strategies have been developed over the past few years. Such programmes aim to teach students how to learn and to solve problems. Furthermore it can be argued that giving students greater responsibility for their own learning can contribute to the success of inclusion in secondary schools.

Sign language interpreter assistance may be awarded to full-time students in mainstream secondary education, students in higher education (and students in adult education) with a hearing impairment, through a tonal audiometric test showing a loss of 90 dB or more in both ears, the pure tone stimuli of 500, 1000 or 2000 Hz (mean Fletcher value index). There’s a growth of the budget available for interpreters competent in the Flemish Sign Language and for interpreters from spoken to written language.

The most urgent problem during the last years concerns the completion of the available hours. There are not enough interpreters who are competent in the Flemish Sign Language. From September 2008, the Centres for Adult Education also organize trainings in the Flemish Sign Language. In this way it is tried to reduce somewhat the shortage of Flemish Sign Language interpreters.

More flexible forms of education and the recognition of the competencies which were acquired elsewhere, are important for an equal access to lifelong learning and higher education. These competencies encompass the knowledge, understanding, skills and attitudes acquired through learning processes that are not endorsed with a certificate of study. The recognition of these competencies results in a certificate that can be used to obtain exemptions. This is possible by a law in 2004 (Decree on the flexibility of higher education in Flanders, 30 April 2004). Although this is a positive evolution, there are still some problems with regard to the level of inclusion in higher education. Therefore, the **Centre for Inclusive Higher Education (SIHO)** was established in 2008. The foundation of this expertise centre is a positive element in the development of equal access of persons with SEN to higher vocational training and lifelong learning services since 2003. Moreover there are some limited private initiatives (however, not financed by the government) to increase further the level of inclusion in lifelong learning services. So, in general **we conclude that the development of equal access to higher vocational training and lifelong learning is rather positive.**

In mainstream schools, only the number of GON- and ION-pupils are systematically registered by the Department of Education (and of course the pupils without any special educational need). There’s no other systematically registration of pupils with special education needs. In contrast, the number of pupils in special schools is well known. Therefore **we conclude that the development of the monitoring systems on inclusive education is rather negative.**
Trade unions have in Flanders in general a rather conservative attitude to innovations of the educational system. This is also the case with regard to a more inclusive educational system, e.g. during the past discussion about the Adapted Learning Support (Leerzorg).

The commitment and activities of education umbrella’s to promote inclusive education is growing. E.g. the Flemish Association of Catholic Special Education (VVKBuO), department of the umbrella of all Catholic schools in Flanders (covering 65 - 70% of all schools in Flanders) states that a special school is an element of an intense network of educational and welfare services to support pupils with special educational needs and their mainstream schools. The Flemish Association of Catholic Special Education attributes to the special schools a very important role in the support of mainstream schools to deal with pupils with special educational needs.

During the recent discussions about the Adapted Learning Support (Leerzorg), the Flemish government stated that they are “not for or against inclusive education, but want to create only more opportunities.” (so that parents and their pupils with special educational needs have the choice between mainstream and special education). Therefore we conclude that the government doesn’t promote inclusion, but wants to facilitate it.

Like mentioned above, the current minister of Education (minister Smet) started the policy planning of the Adapted Educational Support again at the beginning of the school year 2010-2011. Up till now with no positive result. The realisation of the Adapted Educational Support would be a step forward with regard to more inclusion in education in Flanders. Because of the ratification of the UN-convention on the Rights of Persons with Disabilities by Belgium, Flanders is obliged to realise some progression with regard to inclusion. Because the Adapted Educational Support caused in the past some controversy in the Flemish education sector, this decrease will be probably the result of a slow development. However, because of the impact of the UN-convention, we expect that by 2015 the percentage of persons with SEN that are not included in regular schools will be less as today, even without a new decree on the Adapted Educational Support.

‘Barometer assessment’ to part C: ‘Progression of inclusive education’ in Flanders/Belgium

<table>
<thead>
<tr>
<th>Progression of inclusive education can be assessed as</th>
<th>No development</th>
<th>Slow development</th>
<th>Significant development</th>
<th>Very significant development</th>
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</table>
5.3 Finland:

The following assessments are based on a comprehensive review of the Finnish situation of inclusive education based on the national questionnaire developed in the P2i-project. The assessments refer to the legal situation and prescriptions (A), to the given practice (B), and to the progression (C), i.e. developments towards inclusive education in the meaning of Art. 24 of the UN Convention on Rights of Persons with Disabilities. All the references and precise data can be found in the following document:

- Rauhala, Sisko; Sinervuo, Veli-Pekka (2010): P2i-Results of National Review on inclusive education, Helsinki

Introduction

The main objective of Finnish education policy is to offer all citizens equal opportunities to receive education, regardless of age, domicile, financial situation, sex or mother tongue. Education is considered to be one of the fundamental rights of all citizens (Constitution of Finland). Firstly, provisions concerning fundamental educational rights guarantee everyone (not just Finnish citizens) the right to free basic education; the provisions also specify compulsory education. Secondly, public authorities are also obliged to guarantee everyone an equal opportunity to obtain other education besides basic education according to their abilities and special needs, and to develop oneself without being prevented by economic hardship.

A major objective of Finnish education policy is to achieve as high a level of education and competence as possible for the whole population. One of the basic principles behind this has been to offer post-compulsory education to all age groups. A high percentage of each age group goes on to upper secondary education when they leave comprehensive school: more than 90 per cent of those completing basic education continue their studies in general upper secondary schools or vocational upper secondary education and training.

The Finnish National Board of Education is responsible for both general education and vocational education and training, with the exception of higher education. The Ministry of Education is the responsible body for the higher education institutions. The State Provincial Offices and local authorities have a strong command of the implementation of legislation.

According to the Basic Education Act (628/1998), all children permanently residing in Finland are subject to compulsory education. Compulsory education starts in the year when a child turns seven and ends when the syllabus of basic education has been completed or 10 years after the beginning of compulsory education. The parents or guardians of children of compulsory school age are required to ensure that children comply with this obligation. The local authorities are obliged to organize basic education free of charge for school-aged children living within their respective areas.

General educational support for all pupils includes guidance and counseling, social welfare services, cooperation between home and school, the use of a learning plan, and remedial teaching. General support for studies is provided equally to all pupils, but schools must be prepared to focus support in a flexible manner to address the special needs of individuals. Co-operation between pre-primary education and basic education and between basic education and upper secondary education is an important part of the work that supports education. Issues concerning the provision of guidance and counseling services, studying,
pupil welfare services, and support services are to be explained to pupils and their parents or guardians.
In addition to organizing instruction, each local authority (municipality) is generally responsible for social welfare services for pupils and students. A local authority must, in certain circumstances, organize such services as transportation for pupils who need it. Pupils in basic education living some distance from their school (more than 5 km) or for whom the journey is considered dangerous are entitled to free transport. Welfare services also include free school meals, school health care, dental care as well as the services of student welfare officers and school psychologists.

5.3.1 Assessment of legal situation and prescriptions

The Finnish school system is structured by a nine-year comprehensive curriculum for the whole age group. Teaching is provided by schools situated near the home. In terms of basic education it includes a one-year period of voluntary pre-primary education in a school or day-care centre, with voluntary morning and afternoon activities for pupils. This is provided by local authorities. School education, text books and teaching materials, school transport and school meals are free. At the end of the school career, no degree but a final certificate will be given to students for completion of the syllabus. By statutory legislation, persons with disabilities are assured of access to vocational training and to lifelong learning without discrimination and on an equal basis with others. Local authorities provide the necessary prerequisites for all upper secondary education.

The national core curriculum is determined by the Finnish National Board of Education. It includes, besides the objectives, core contents of different subjects and the principles of pupil assessment, provisions on special needs education, pupil welfare and educational guidance.

Each pupil of compulsory school age has the right to receive remedial instruction and special needs education, where necessary. Special needs education is provided primarily through inclusion into mainstream education. If learning difficulties are considered to be minor, special needs education is provided as part-time special needs education in conjunction with mainstream instruction.

If a child cannot cope in mainstream education due to disability, illness, delayed development, emotional disorder or some other reason, she/he may be admitted to special education during pre-primary education and upon commencement of compulsory education or she/he may also be transferred to special education later during comprehensive school. In such cases, special needs education may also be provided in a special group, class or school. The study curriculum can be either by subjects or by sphere of activities (communication, motor skills, cognitive skills, social skills and everyday skills and readiness of learning).

A psychological, medical or social examination of a pupil and his/her growth environment may be conducted as early as during early childhood education and care and also, where necessary, later during pre-primary and basic education. In addition it is possible to obtain statements from different therapists (such as occupational therapists, speech therapists or physiotherapists), other experts (psychologists, doctors) and the child’s teachers (such as a special needs teacher specializing in speech, reading and writing).

The decision to transfer a pupil to special needs education is made by the school board of the pupil’s municipality of residence. According to the Basic Education Act, admission or transferal of pupils to special needs education always requires consultation with the parents or other guardians. Where the decision on transfers to special needs education is made against the consent of a parent or guardian, the parent or guardian may appeal against the decision to the Provincial State Office.
Each pupil admitted or transferred to special education is to be provided with an individual education plan (IEP), which is based on the curriculum and enables individualization of the general syllabus.

**New Education Law - Inclusive Education**

The new Basic Education Law of Finland (starting in 2011) has a new approach which is a good example of taking inclusion further. The decision of giving special support to a pupil should be taken according to the pedagogical point of view, not just based on medical science. Students with any learning difficulties must be given support as early as possible. There are three support steps:

1. general support given by the teacher.
2. intensive support given by teachers and special teachers
3. special support can be given, if these supports did not suffice

An individual education plan (IEP) is needed if a pupil receives special support. IEP will be more like a pedagogical document than an administrative document. The decision to provide special support to the pupil is no longer going to be permanent. The pupils learning difficulties will be re-evaluated after a certain period of time during his/her school life. If the learning disability and the need for special support are permanent, the decision for special support can also be made beforehand. At the same time the length of the compulsory education can be lengthened.

According to the new law, we will no longer talk about special education students or students with special needs, instead we will be talking about individual needs. This includes not only those who need extra support, but also gifted students. Special education will be a service, not a place to go to. The need is no longer based on a medical examination; it’s based on a pedagogical need with three steps of support and a possibility to lengthen the education.

The Finnish school system will continue to give teachers an enormous amount of freedom, but also lots of responsibilities. There is neither annual testing nor any key stage examinations planned in the schools, apart from the matriculation test at the stage of finishing of High School / Sixth Form. Nor will there be any plans to returning inspectors to inspect the tuition or school. It will be in the principals hands to elect qualified staff members and to follow up on the quality of the tuition.

**Vocational training**

Students in need of special support may apply to ordinary vocational institutions within the national joint application system or through the related flexible application procedure. They may also apply to educational institutions with special educational tasks directly or, in some cases, through the joint application system. Pupil counselors in basic education and student counselors in vocational education and training both aim to find a suitable place for each student according to the student’s wishes.

In vocational education and training, students with special educational needs are integrated into the mainstream education system if possible, or in special needs groups or both. In the case of students with severe disabilities, vocational special education institutions provide training and rehabilitative instruction and guidance. Vocational special needs education can be also provided through apprenticeship training.

In vocational education and training, students in need of special educational or student welfare services are provided with instruction in the form of special needs education and
training. An individual education plan (IEP) is to be drawn up for each student receiving special needs education and training. This plan must set out details of the qualification to be completed, the national core curriculum or the requirements of the competence-based qualification observed in education and training, the scope of the qualification, the individual curriculum drawn up for the student, grounds for providing special needs education and training, special educational and student welfare services required for studying as well as other services and support measures provided for the student.

Each education provider is responsible for organizing special needs education and training and services for students in special needs education and training.

In 2009 all small Vocational Education providers were united. Now there are six main providers in Finland that offer training, rehabilitation education and vocational training.

(Source: The Finnish Board of Education)

### Barometer assessment to part A:
**Legal basis and prescription on inclusive education in Finland**

<table>
<thead>
<tr>
<th>The given legal basis for inclusive education can be assessed as</th>
<th>Hindering for progressive implementation</th>
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<th>Rather supportive for progressive implementation</th>
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5.3.2 **Assessment of given practice of inclusive education in Finland**

In practice, the situation of inclusive education varies in different parts of Finland. Big cities have more resources to organize education based on individual needs while small municipalities, for example, in Northern Finland have more challenges with long distances and old school buildings (physical accessibility), not to mention the current financial situation of municipalities.

Access to community schools is easier for pupils with mild learning disabilities, pupils with visual impairments and for children with physical disabilities when the school is physically accessible. The most challenging groups are autistic pupils and children with intellectual disabilities because of their complex support requirements. When mapping out possibilities of inclusive solutions for a disabled child, a lot is contingent on parents’ activity and capability of lobbying the local authorities.

In some parts of Finland there is also a lack of qualified school assistants and lack of information on, for example, alternative communication methods.

The most difficult obstacle, though, regarding inclusion is the **lack of coordination in services** (social, rehabilitation, school) (a comment by professor Markku Leskinen, University of Jyväskylä). Inclusion is challenging because some resources/services are still based on medical diagnosis. It is just a matter of waiting see how the new law will change, for example, assessment practices and thinking about inclusive education in general.
Barometer of Inclusive Education in Selected European Countries

Barometer assessment to part B: ‘Practice of inclusive education in the participating country’ in Finland

<table>
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<th>In practice inclusive education can be assessed as</th>
<th>Not realized</th>
<th>Rather not realized</th>
<th>Rather realized</th>
<th>Fully realized</th>
</tr>
</thead>
</table>

5.3.3 Assessment of progression towards inclusive education in Finland

The number of persons with SEN not included in regular schools has rapidly decreased since 2000. The current number is 7000 persons which is about 1.4% of the age group. At the same time the total number of SEN students has rapidly increased due to possibilities for more detailed diagnosis but maybe also because of states’s policies for municipalities (local authorities get an extra allowance for SEN pupils). Special schools are developing their work towards resource centers for regular schools.

The Finnish government and authorities are also actively promoting progression of inclusive education: new initiatives, a new law, a strategy of special education— all promote inclusive education. In the new Finland’s Disability Policy program 2010-2015 (Ministry of Health and Social Affairs, [www.stm.fi/julkaisut](http://www.stm.fi/julkaisut)) in the spirit of UN convention of the rights of Disabled People, inclusive education is also stressed.

Teacher training has still some challenges ahead. The attitudes in central trade unions are changing slowly because of its advocacy role. In the field, though, teachers are now quite open to new ideas. There are also some challenges in teacher training. The content of the training is currently too general. In the future, it seems that teacher students themselves will be oriented more towards inclusive education and in that way have an impact on content of the training, municipalities’ practices and the union of teachers.

Attention should also be given to the whole community. The level of awareness among headmasters/principals varies depending on which part of Finland we are talking about. It is also very important to pay attention to attitudes and the various means of addressing disability as such. The perspectives of progression seem to be quite good but the whole school system in Finland should perhaps be re-evaluated – is the model ‘the teacher is teaching’ the only alternative for good learning results? (a comment by professor Markku Leskinen, University of Jyväskylä).

‘Barometer assessment’ to part C: ‘Progression of inclusive education’ in Finland

<table>
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<tr>
<th>Progression of inclusive education can be assessed as</th>
<th>No development</th>
<th>Slow development</th>
<th>Significant development</th>
<th>Very significant development</th>
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5.4 France

The following assessments are based on a comprehensive review of the French situation of inclusive education based on the national questionnaire developed in the P2i-project. It is structured in an assessment of the legal situation and prescriptions (A), in an assessment of given practice (B), and an assessment of the progression (C), i.e. developments that can be identified in the direction of Art. 24 of the UN Convention on Rights of Persons with Disabilities.

- Mutualité Française Indre-Touraine, Institut d’Education Motrice (2010): P2i-Results of National Review on inclusive education, Tours

Introduction

The French educational system is founded on great principles, some inspired by the Revolution of 1789, laws voted between 1881 and 1889 and under 4th and 5th Républiques as well as the Constitution of October 4, 1958: ‘the organization of the free and laic obligatory state education to all the degrees is a duty of the State’.

In France, the public utility of teaching coexists with private establishments, subject to the control of the State and being able to be given aid (on the other hand of a contract signed with the State).

Approximately 12 million pupils are accommodated in primary education and secondary education. The 67,000 establishments are distributed as follows: 57,000 public establishments and 9,000 private establishments.

In the department of the Indre-and-Loire, 105,000 pupils are provided education in 584 establishments, public or private.

Levels of teaching

The nursery school:
The nursery school accommodates the children before the compulsory schooling which begins at 6 years. It is generally organized in small, average and large sections, according to the age of the children.

The elementary school
Mixed, free if it is public, the elementary school accommodates the children from 6 to 11 years.

The secondary school (collège)
The college is the secondary level which accommodates all the pupils at the end of the elementary school for four years (between 11 and 15 years of age.) As buildings themselves, the colleges fall under the remit of local authorities. The laws of decentralization attached the colleges to the ‘department’ (the ‘department’ is an administrative division, there are one hundred ‘departments’ in France).

The secondary school (lycée)
Upon leaving college, the pupils can continue their schooling for three years in a lycée of general and technological teaching or in a professional college.
Higher education
The French higher education system is composed of universities and ‘grandes écoles’ for engineering and management formation. The universities offer many possibilities for progression. Universities are controlled by the central government.

The center of apprentice training (C.F.A.)
The apprentices receive, in the centers of apprentice training, a general training and technique which supplements the formation received in private companies.

Fields of competences
Organized by the State, the French education system nevertheless was subject, at the beginning of the Eighties to policies of decentralization which entrust certain missions to the local communities.

The distribution of competences between the various actors can be synthesized by the following table:

<table>
<thead>
<tr>
<th>Field of competence</th>
<th>School</th>
<th>College</th>
<th>Lycée</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definition of the programs</td>
<td>State</td>
<td>State</td>
<td>State</td>
</tr>
<tr>
<td>Definition and delivery of the diplomas</td>
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<td>State</td>
</tr>
<tr>
<td>Investments and operation</td>
<td>Commune</td>
<td>Department</td>
<td>Region</td>
</tr>
<tr>
<td>Acquisition of the teaching equipment</td>
<td>Commune</td>
<td>State</td>
<td>State</td>
</tr>
<tr>
<td>Teaching staff management</td>
<td>State</td>
<td>State</td>
<td>State</td>
</tr>
<tr>
<td>Administrative staff management</td>
<td>State</td>
<td>State</td>
<td>Region</td>
</tr>
<tr>
<td>Working staff management</td>
<td>Commune</td>
<td>Department</td>
<td>Region</td>
</tr>
<tr>
<td>Management of the personal assistants</td>
<td>State</td>
<td>State</td>
<td>State</td>
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</table>

The school inclusion of children with special needs
The law of February 11 2005 for the equality of chances and rights, the participation and the citizenship of people with disabilities reinforces the actions in favour of the schooling of pupils with disabilities. It affirms the right for each individual to schooling in a traditional medium closest to its residence, with a continuous and adapted school course. The parents moreover are more closely associated to the decision of orientation of their child and the definition of his or her personalized project of schooling (P.P.S.).

In 2010, 197,000 pupils with disabilities were provided education in a traditional educational establishment.
5.4.1 Assessment of legal situation and prescriptions

The inclusion of disabled children in mainstream schooling in France is governed by two types of texts:
- The general texts on disabled persons, and in particular the law of 11 February 2005 for equal rights and opportunities, and the participation of disabled persons.
- The texts specific to education that concern either the organization of specialized education or the conditions under which disabled children are included in mainstream schools.

The law of 11 February 2005 recognizes the right to compensation for the consequences of a disability. Compensation is a term that must be taken in a very broad sense: compensation consists in meeting the needs of disabled persons and their families, who should not have to bear the costs resulting from this situation, and it aims at ensuring that the disabled child, adolescent or adult has access to the institutions open to the population as a whole and can be kept in a normal schooling, working and living environment. The right to schooling is therefore just one of the aspects of this law.

This law defines the disability in a way that does not equate disabled persons with their disability, but attributes their difficulties to the obstacles and limitations they face in their educational, social or professional environment. For children or adolescents of schooling age, this means that one cannot prejudge their ability or inability to follow a normal schooling path: the success or failure of schooling is determined not by the persons' impairment but by the ability of the educational environment to recognize their particular needs and to develop an appropriate response that enables them, like the other pupils, to progress in the learning process and prepare their future.

Secondly, the law makes schooling obligatory. In this sense, the child has not only the right to be enrolled in a mainstream school, but must also be supervised by a competent educational team capable of working with medico-social partners to prepare the developments and adaptations that are necessary for schooling that is worthy of its name.

Whenever possible this schooling must take place in a normal learning environment, if necessary with specific assistance or technical aids, on condition of course that the enrolment in a school or educational establishment is not taken as being "for definite" and that the child is not deprived of any necessary care and medical follow-up. Schooling in a specialized school or hospital environment may be appropriate if it seems to be the best solution for the child and if the child's education is correctly ensured. In this case the child's schooling must be monitored and checked by Ministry of Education referral agents, particularly the inspectors in charge of educational adaptation and the schooling of disabled children (IEN-ASH), who are the guarantors of the quality, conformity and continuity of the teaching.

For each child or adolescent concerned, the individual compensation measures are decided by the CDA (Commission des Droits et de l'Autonomie – Committee of Rights and Autonomy) of the MDPH (Maison Départementale des Personnes Handicapées – Local Centre for Disabled People), and involves the implementation of specific means and financing. The French Ministry of Education is obliged to include the material and human resources specified by the CDA and falling within its area of competence.

A multidisciplinary team evaluates the needs of each disabled child or adolescent and proposes the CDA a personalized education path, the conditions of which are defined by
the "personalized schooling plan" (PPS). This path includes the necessary compensations and plans for the adaptations that render schooling possible. The monitoring team, coordinated by a referring teacher, implements and monitors this project in close collaboration with the pupil and his or her parents.

In parallel with this new text that sets the general framework for educational inclusion, the regulations specific to the French Ministry of Education subsist, whether they concern the texts governing the specialized institutions (Annexes XXIV) or those concerning the acceptance of disabled children in mainstream schools, whether in normal or integration classes.

The duality of the legal references undoubtedly maintains a marked division between the mainstream and specialized schooling environments. There can be a strong temptation to consider that the education of "special" children is the responsibility of "specialized" schools.

It should be noted that "specialized schools" for the disabled do not exist in France, where the specialized institutions are "medico-social establishments" whose chief role is medical care. By way of example, in an institution accommodating sixty children with a physical disability, there are sixty qualified staff members, of whom only four are teachers. The others are healthcare professionals (doctors, nurses, physiotherapists, psychologists, speech therapists, occupational therapists, etc.) or educational workers (educational therapists, mental health care workers).

### Barometer assessment to part A:
#### Legal basis and prescription on inclusive education in France

<table>
<thead>
<tr>
<th>The given legal basis for inclusive education can be assessed as</th>
<th>Hindering for progressive implementation</th>
<th>Rather hindering for progressive implementation</th>
<th>Rather supportive for progressive implementation</th>
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</thead>
</table>

5.4.2 **Assessment of given practice of inclusive education in France**

**Accessibility**

**Financial accessibility**

Financial accessibility does not pose major problems in France. Access to the public education system is free, and the private system is highly accessible. Parents have to purchase stationery and sundry material, but these expenses are normally covered by a government subsidy paid to parents for this purpose.

**Physical accessibility**

The maintenance of educational establishments in France is entrusted to the local governments: village and town councils for primary schools, general councils for junior secondary schools, regional councils for senior secondary schools. Situations can therefore vary widely in the same geographical sector depending on the establishments.
Accessibility for disabled persons is obligatory in newly constructed public buildings, but this is not yet the case for old buildings (the obligation will normally become effective in 2015.) The main problems encountered in old buildings concern access to the upper floors and the presence of steps at the building entrance or inside it.

**Teaching accessibility**

The French educational tradition does not favour the adaption of school curricula to the individual needs of children. This is particularly true in secondary teaching where the demand for a single programme for all the pupils leaves little room for the necessary individual adaptations. Since the law of 2005 was introduced, the appointment of a referring teacher for each pupil with a disability and the development of a Personalized Schooling Plan (PPS) enable the schooling to be adapted to meet the needs of the pupil, notably by tailoring the timetables and study programmes.

**Human and technical aids**

The principle of the right to compensation laid down by the law of 2005 theoretically allows access to the human and technical aids that the child needs. However, application of the law is still contingent on its local implementation by the MDPH's. Consequently, there can be disparities in the times required for administrative processing of the files and the financial resources granted.

The human aids within the educational establishments are provided by people recruited by the French Ministry of Education. Not all the needs are covered at present. Some children receive no assistance whatsoever, while for others it is insufficient. Furthermore, people providing assistance are not qualified professionals but persons hired on fixed term contracts to whom basic training is dispensed to the best possible extent. Legal modifications are currently being made to improve the "professionalization" of these employees.

The technical aids are provided either by the educational establishments or by the parents, who obtain funding from the MDPH for this purpose. As a general rule, the children have the technical aids they need.

**Training of teachers**

Until very recently, teacher training was carried out by the IUFMs (Teacher Training Institutes). A special system with a national training centre, the INSHEA, has been set up for teachers working with disabled children. The existence of these two modes of training tended to accentuate the idea that the training of teachers in the teaching of disabled children was not the responsibility of the standard teacher training paths. A recent study has thus shown that out of some one hundred IUFMs existing in France, only two included specific training in the teaching of disabled children. The beginning of the 2010-2011 academic year this autumn has seen changes in teacher training conditions. Teachers are now recruited at master's degree level and start their teaching functions in an educational establishment immediately without going through the IUFMs. Teacher training is therefore now dependent on the universities in the framework of the master's degree in "Educational Sciences". To date, there is no obligation for the teaching of disabled children to be addressed in these training courses. Nevertheless, some of them have already done so.
Barometer assessment to part B: ‘Practice of inclusive education in the participating country’ in France

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<th>In practice inclusive education can be assessed as</th>
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5.4.3 Assessment of progression towards inclusive education in France

The inclusion of disabled children in mainstream schools has evolved considerably since 2003, and for the better. The longstanding idea that the schooling of disabled children was the sole responsibility of specialized institutions has gradually given way to the principle of schooling in the mainstream environment near the child's home.

Inclusive education is becoming the norm and enrolment of a child in a specialized institution can only be envisaged as an exceptional measure and in situations where this corresponds to the needs and the demands and is in the interest of the child and the child's family.

That being said, much remains to be done to attain truly "inclusive" education.

Accessibility

Physical accessibility

We have seen that the material situation has changed considerably. Since 1975 all new buildings are accessible, but in a "primary" manner, meaning that it is possible for mobility impaired persons to gain access to the premises as a whole. Often, however, other types of disability are not taken into consideration and internal adaptations remain inaccessible (switches, door handles, special facilities in school canteens, computer rooms, science laboratories, etc.).

Local governments have also made major advances in the older buildings in the framework of rehabilitation programmes or when a disabled child has to be accommodated (installation of wheelchair ramps, lifts, etc.).

Difficulties nevertheless remain and small parishes sometimes struggle to provide the necessary facilities.

As a general rule the educational teams try to get round the problems of accessibility. Thus, if a ground floor classroom is available, it will be assigned to the class that accommodates a disabled child.

Teaching accessibility

For the education of disabled children, the notion of accessibility covers not only the access and safety of the premises and equipment, but also and more particularly the adaptation of the program and the teaching methods and aids. Teaching approaches have to be adapted to the particular identified needs of the pupil, using his or her specific capacities and getting round the deficiencies so that the child can truly progress. This notion of "teaching" accessibility is essential for understanding the implications of the law in a schooling context. Application of the law implies above all a change in the general attitude of all stakeholders in the education system. They must endeavour in particular to consider the disabled child as a pupil capable of succeeding and, perhaps more than for the
other children, look ahead to his/her future: the questions of evaluating what has been learned, and of occupational orientation and integration are therefore particularly crucial for the disabled child. Furthermore, the teachers have to learn to work with new partners (the Ministry of Health, the regional authorities, the families, the professional environment, etc.) and integrate new skills and viewpoints.

Much has been done in this respect, but the task is far from over. For some teachers, taking on disabled children is not part of their "normal" duty. Consequently, the inclusion of disabled children can only be conceived if they do not pose any "problems" in terms of either behaviour or ability to follow the mainstream teaching programme. This is why the inclusion of disabled children in integration classes is often more easily accepted than inclusive education in the strict sense.

This can also result in over-protection of the disabled child who will, for example, receive human aid that is not necessarily needed. This will nevertheless be requested by those teachers who are reassured by it.

**Relations with the other children**

Relations with other children is key to the success of inclusive education. In our society the attitude towards disabled persons is still marred by a feeling of fear and reserve, and children are no exception to this rule. The progressive inclusion of disabled children from the infant stage in nursery schools and then primary schools is gradually changing this attitude. Nevertheless, parents clearly state that when they reach adolescence, disabled children are no longer included in the activities, particularly extra-curricular, of the other children.

**Evolution of specialized establishments**:

Specialized establishments have greatly evolved since 2003. By way of example, there is virtually no more schooling of children suffering from sensory impairment in specialized establishments. After the first years devoted to learning the compensation techniques (reading braille, sign language, etc.), all children are placed in a mainstream school environment and the former specialized establishments have been transformed into expert centres to favour educational inclusion.

For other types of disability, progress is also considerable: creation of inclusive education support services, creation of gateways to the mainstream educational establishments, part-time schooling of some children, etc. That being said, the "cultural revolution" that will ensure prioritisation of mainstream schooling is still to come.

**‘Barometer assessment’ to part C:**

**‘Progression of inclusive education’ in France**

<table>
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<tr>
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5.5 Germany:

The following assessments are based on a comprehensive review of the German situation of inclusive education based on the national questionnaire developed in the P2i-project. Sometimes the situation and data of the biggest German Bundesland Northrhine-Westfalia (NRW) are taken as a reference region. The assessments refer to the legal situation and prescriptions (A), to the given practice (B), and to the progression (C), i.e. developments towards inclusive education in the meaning of Art. 24 of the UN Convention on Rights of Persons with Disabilities. All the references and precise data can be found in the following document:

- Zentrum für Planung und Evaluation Sozialer Dienste, Universität Siegen (2010): P2i-Results of National Review on inclusive education, Siegen

Introduction

Germany is a federal republic of 16 federal states (Bundesländer). Development in the different Federal States of Germany is diverse. According to constitutional rules political responsibilities are shaped by the Federal structure of government. Each Federal State has its own responsibility for the education system (Sovereignty of Culture; Kulturhoheit). Coherence is ensured by the ‘Standing Conference of the Ministers of Education and Culture Affairs of the Federal Republic of Germany’ (Kultusministerkonferenz, KMK), that has produced a framework of agreements to assure common standards and a certain degree of convergence. Educational legislation and administration of the educational system are primarily the responsibility of the Länder. This particularly applies to the school system, higher education and the tertiary education sector. Under the Basic Law and the constitutions of the Länder, the entire school system is under the supervision of the State. The right of disabled pupils to education and training appropriate to their needs is stated in the Länder constitutions and more detailed provisions are set out in the educational legislation of the Länder.

The right of disabled children to education and training appropriate to their needs is stated in the Basic Law (Grundgesetz, Art. 3), in Book Twelve of the Social Code (Sozialgesetzbuch XII – Sozialhilfe) and in the Länder constitutions. More detailed provisions are set out in the school legislation of the Länder. In 1994 the right to non-discrimination of persons with disabilities was formally introduced in the German Grundgesetz. Since then, Art. 3, contains the sentence:

‘Nobody must have disadvantages due to his/her disability’.
(Niemand darf wegen seiner Behinderung benachteiligt werden).

Based on this Article in the Basic Law, in April 2001 the new Social Welfare Code IX (SGB IX) has come into force. It summarises the legal bases of medical and vocational rehabilitation, and reflects international concepts of disability. The main focus is not only welfare and care of disabled people, but autonomous participation at the social level as well as the elimination of obstacles and the establishment of equal opportunities. The law SGB IX focuses on ‘Rehabilitation and Access’ and has two parts:

- Regulations for disabled people and people at risk of exclusion
- Special regulations to enable the participation of severely disabled people.
All Länder have changed their school laws in respect to inclusive education by adapting them to the recommendations of the KMK, from May 1994. These Recommendations on Special Needs Education in the Schools of the Federal Republic of Germany (Empfehlungen zur sonderpädagogischen Förderung in den Schulen in der Bundesrepublik Deutschland, Resolution of May 1994) still apply to pupils with special educational needs, regardless of whether support takes place at a mainstream school or at a special school (formerly: ‘Sonderschule’ now ‘Förderschule’).

The responsibility for early childhood education of children with special educational needs (SEN) resides mainly with the Ministry for Social Affairs that has to cooperate with the Child and Youth Welfare sector that is responsible for regular pre-school facilities. This controversial issue is currently raised in the perspective of inclusive education. In most Länder early childhood education is not part of the public school system.

As far as the transition period from school to vocational training is concerned legal provisions for vocational training are contained in the Vocational Training Act Berufsbildungsgesetz. The Vocational Training Promotion Act (Berufsbildungsförderungsgesetz) of 1981 governs the planning and statistics of vocational training as well as the terms of reference and organisation of the Federal Institute for Vocational Training (Bundesinstitut für Berufsbildung). According to the SGB III (German Social Welfare Code III) the provision of vocational training is the duty of the Federal Agency of Labor (Bundesagentur für Arbeit).

### 5.5.1 Assessment of legal situation and prescriptions

Due to the various educational systems and school laws of the 16 Federal States (Bundesländer) there is **no consistency with regards to the right to inclusive education**. Inclusive education is possible in all German Federal States (‘Länder’), however rather than being priority it is only one option whereas segregated education is another one, and usually the option most frequently chosen.

Education in general is free in all public schools. This applies to inclusive education in primary and secondary schools as well; however, currently the school laws of the Länder include a so-called Haushaltsvorbehalt, which means if the state’s budget is exhausted inclusive education can be denied.

Although several variations can be found between the Bundesländer, it can be said for Germany that pupils with disabilities do not have access to primary and secondary inclusive education like their peers in their community. Pupils with SEN can enroll in a regular school but only under certain circumstances, i.e. the conditions at the school (e.g. group size of the class, enough teachers, funding) must be facilitative. §20 Abs. 8 of the NRW school law for instance specifies this caveat unambiguously.

All German Länder have established procedures for assessing school children with SEN, e.g. in Northrhine-Westfalia (NRW) the assessment process is explained in detail in the AO-SF prescription (Ausführungsordnung zur Sonderpädagogischen Förderung, AO-SF).

During this process the diagnostic team, consisting of a special teacher and a regular school teacher cooperatively write a report about the child’s needs on behalf of the school authorities. In the assessment process parents must be involved at all stages. Giving the child a chance to actively participate in placement and in other important decisions affecting him or herself is not mentioned in there commendation. The parents’ expertise with regard to their child and their wishes concerning the school placement are important parts of the decision-making process. However, AO-SF permits the school board to take the final decision even if the decision does not correspond with the parents wishes.
Therefore children with disabilities and their parents cannot participate effectively in the decision-making process on inclusive education. Currently inclusion is not the primary goal of the decision-making process during assessment procedures facilitating. As stated in the AO-SF as well as in the Richtlinien für die Grundschule (guidelines for primary school) in the state of NRW inclusive education is only one of several options and is not a priority.

There is no statutory legislation in Germany which ensures that persons with disabilities have access to schools in their community on an equal basis with others. If at the end of an assessment procedure inclusive education is recommended this does not necessarily imply that a child with SEN may enroll in the school in his or her neighbourhood. Sometimes the only option is to go to a school in another part of town which has a special focus on inclusive education.

Although in principle the building codes promote barrier free access to public buildings (this is especially true for new buildings) for persons with disabilities several restrictions can be found. If, for instance, a building already exists or if it is constructed on unsteady ground it is not necessary to guarantee access to the building to everybody, i.e. it is not mandatory for a school to be barrier free. Therefore, in many cases it is a question of good will in the case of the school authorities whether the architectural conditions are accommodated to the individual’s requirements or not.

Generally, if a pupil with SEN attends a regular school he or she should receive the same educational support as in a special school. However, there is a lack of special educators in NRW who are willing to work in inclusive school settings. Hence there is a lack of special education teachers in regular schools.

The Social Code Book XII (SGB XII) regulates the procedures and financing of individual school assistants for a child with SEN. Such personal assistants can be paid for by the local authorities (social welfare office or youth office) under certain circumstances but depending on the individual special needs financing of an assistant is often rejected. This means: There is no statutory legislation which ensures sufficient support of special educators and inclusion assistants for students with SEN in inclusive schools.

Class sizes vary in German schools, depending on recommendations of the various federal states. It is common practice to reduce the group size of inclusive education classes; however, this accommodation of class sizes to individual requirements is not assured by law.

Statutory legislation in Germany does not ensure that adaptive technology is provided to accommodate the requirements of a pupil with SEN. In most cases parents must try to receive funding for specialized technology for their child via their health insurance company. While this individualized funding depends on the support of the parents’ health insurance adaptive technology can also be paid for by the school owner if several pupils and/or staff benefit from the technical aid (e.g. a lift, height adjustable furniture or a special sound system for hearing impaired pupils); however, this is much more likely to happen in a special school for physically, visually or hearing impaired pupils rather than in a mainstream school.

Educational measures for pupils with SEN depend on several factors such as the Lehrpläne (curricula), in NRW the AO-SF and other local regulations set up by the school authorities. Pupils with special needs can be taught and graded on the basis of the same or different educational goals as their classmates. This is true no matter whether a child attends a special or a mainstream school. Statutory legislation does not ensure that educational measures are suited to all individual requirements.
In NRW the AO-SF describes the necessities for visually and for hearing impaired pupils. According to the recommendation those who are in need of learning Braille or sign language should receive specialized training – in special schools as well as in regular schools. In reality this does not occur in a uniform fashion in all schools and even special schools cannot always ensure that Braille or sign language is taught.

Augmentative and alternative communication (AAC) is a non-mandatory part of the initial training of future special educators at several but not all German universities. It is most likely that special education teachers who specialized in the area of physical disability or intellectual disability have gained at least some basic information about the needs of those who benefit from AAC. Other special educators are for the most part, not well informed about AAC. Right now, statutory legislation in Germany does not ensure that AAC and orientation are tailored to all individual requirements.

A recent survey has shown that less than 50 percent of the 43 German universities with teacher training programmes for primary school teachers offered lectures or seminars which focus on inclusion/inclusive education. When courses took place the content differed remarkably: in several courses inclusion was only a minor topic amongst several others, some courses had a strong theoretical bias and in most cases practical experiences in inclusive school settings where not a part of the course curriculum. Not one German university could be found where an introductory course on inclusion is mandatory for all primary school teacher students. In academic training programs for special education the situation is quite similar i. e. students are not obliged to sign up for courses on inclusive education. With the exception of two universities (Bremen and Bielefeld) where inclusive education forms the central part of the study program of special education students, studies in special education at German universities are still focused mainly on different subject areas which are related to certain types of deficiencies (e. g. mental retardation or blindness). Currently, in neither part of teacher training is foreseen that teachers are prepared for the requirements of inclusive education.

Statutory legislation does not ensure that qualified teachers and staff are employed to provide effective inclusive education. In the Bundesland NRW it is difficult to find enough special teachers who want to work in inclusive educational settings. Although the number of open posts for teachers in such schools has increased gradually over the last years young special educators still prefer to apply for a job in a special school. As a result, it is often difficult to find a special education teacher in the context of an offer of employment in a mainstream school or those teachers that are interested have previously encountered difficulties in finding a ‘better offer’ in his or her point of view. While it is difficult to recruit enough highly qualified special educators for inclusive education it is even much more problematic to enlist regular school teachers who are not only willing to face the challenge of inclusive education but who are also trained for this job. Statutory legislation does not ensure that persons with disabilities have access to vocational training and lifelong learning without discrimination and on an equal basis with others.

At this time there are several ways of monitoring the development of inclusive education; however, there is no systematic approach. The Kultusministerkonferenz (KMK, Standing Conference of the Ministers of Education and Culture Affairs) regularly collects and publishes statistical data on the present situation and developments e. g. with regards to the numbers of schools, teachers, pupils with SEN and pupils in special schools and integrated settings. The state offices of statistics provide comparable figures on a
Bundesland level as well as the regional governments for the part of the state they are responsible for. In NRW the ministry of schools has established SchiPs (Schulinformations- und –planungssystem), an internet-based information and planning system which has become an important source of state-wide data relating to educational establishments. On a local basis, regular collection of inclusion-related-data. Inclusive education in Germany is slowly developing even though there is no robust legal background to support this process.

Barometer assessment to part A: Legal basis and prescription on inclusive education in Germany

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5.5.2 Assessment of given practice of inclusive education in Germany

Even though there seem to be positive steps taken towards a less segregational school system in Germany, the situation in practice requires much improvement especially considering the fact that education has yet to become a priority. Recently, the KMK published a report that states that in 2008 only 18.4% of all pupils with disabilities or SEN were integrated into mainstream schools. This means that the percentage of all pupils with SEN excluded from regular education stands at almost 82%, which is 4.8% of all German pupils below 16 years of age. Compared to other European countries and with regards to the UN convention on the rights of persons with disabilities this is a very high percentage. However, the percentage of segregation varies widely depending on the different levels of education systems as well as on the different education systems of the 16 German federal states.

(Whereas at pre-school level about 65% of all children with disabilities or SEN have access to regular kindergarten or pre-schools settings in Germany, the percentage of integration at primary education level is only ca. 33%. The percentage of children in special schools at primary education level has been increasing constantly and now stands at 4.6%. The number of students with disabilities or SEN in regular secondary schools is less. Only 12.5% have access to inclusive education, which means that almost 87.5% of disabled students attend special schools at secondary school level. The percentage of all pupils in special schools in 2009/10 was 5% at secondary level.

By law, there should be no direct or indirect costs associated with primary inclusive education in Germany. Neither parents of students without disabilities nor parents of students with disabilities should be confronted with direct or indirect costs for their child’s primary education. However, there are no data available that would prove if the situation in practice really adheres to this philosophy or if parents are in fact confronted with costs.
The decision-making process highly depends on the local education authority and the parents’ preferences are not always taken into account. The final decision is always based on the authority’s judgment, regardless of parents’ preferences.

The AO-SF recommendations of the school ministry in NRW as well as most other federal school authorities do not fully support inclusive education yet. There are still recommendations of the KMK that emphasize special schooling for students with disabilities or SEN. Therefore it depends on what the authorities decide to promote and if they enable inclusive education. In practice, this varies greatly from community to community and from federal state to federal state. Furthermore, in North Rhine-Westphalia the school laws still promote special schooling. As previously mentioned the situation may be different in another federal state. In NRW parents have to fill out a special form in order to apply for inclusive education for their children. Even though assessment teams are obliged to inform parents about the process of applying for inclusive education for children with disabilities or SEN, the realization very often depends on their parents’ initiative.

Another problematic aspect families of children with disabilities or SEN have to face is the fact that not all schools in Germany allow barrier-free access. In practice, many schools are not architecturally and substantially prepared for inclusion. Many schools are not equipped with elevators, handicapped accessible doors, adapted bath rooms, appropriate classroom sizes, adaptive technology and so on. Children with disabilities do not have equal access to the same schools in their community as children without disabilities do. Transport and personal assistance in the form of special education teachers / integration assistance must be available for students with SEN on an equal basis. The school laws from NRW from 2007 assure that all costs for a special individual assistance have to be paid by the institution for social welfare (Sozialhilfeträger) or the communal youth offices. Nevertheless, inclusive education is still problematic in practice as special education teachers are usually only employed for a certain amount of lessons per week and are not present throughout the day. Furthermore, the application for special staff is quite often rejected due to financial constraints and is contingent on the degree of disability of a child.

In practice, if inclusive education is realized class sizes are usually accommodated to individual requirements. In most cases, there are fewer students in an integrative class than in a mainstream class. Each citizen under the health insurance system has entitlements to health care and thus, to adaptive technology. Therefore, persons with disabilities or SEN are usually accommodated to suit their individual requirements. In NRW there are different curricula for each type of school. This means there are also curricula for the special system. However, the problem is that there are no individual curricula that cater for the individual needs of the children with disabilities or SEN in regular schools in the majority of cases.

Neither regular schools nor the teacher training programs are prepared for inclusive education. The teacher training differs remarkably between the federal states. Following the idea of a ‘primary defect’ the training of special teachers is still designed alongside the various types of special schools. Furthermore, it is not obligatory for future teachers to learn Braille or sign language or other alternative forms of communication and orientation. University students are barely acquainted with the issue of the inclusion of pupils with disabilities or SEN in mainstream schools. Only very few universities offer lectures concerning inclusive education and the sensitization of students.

Persons with disabilities or SEN are not only faced with high risks of exclusion in the German school system but also in universities and other institutions of tertiary
education. The small number of disabled university students is an indicator of the fact that they do not have equal access to lifelong learning.

In Germany, there are several statutory or semi-statutory institutions that systematically monitor progress on inclusive education and regularly publish data. The KMK, the German institution for civil rights and others are commissioned to monitor the realization of the Convention on the Rights of Persons with Disabilities.

Barometer assessment to part B: ‘Practice of inclusive education in the participating country’ in Germany

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5.5.3 Assessment of progression towards inclusive education in Germany

Due to differences in education systems between German federal states there are significant differences in progression of inclusive education among children with SEN in pre-school age. The Federal Government in its official Disability Reports but also the German Institute of Youth (Deutsches Jugendinstitut, DJI) and the official Report on Education in Germany (Autorengruppe Bildungsberichterstattung) offer data. There are no data that aggregate children in pre-school services into the framework of Social Code Book VIII (SGB VIII) and SGB XII on the one hand with data concerning children in special kindergartens (Förderschulkindergarten) in the special school system. In the context of a tradition of special kindergarten/pre-school provision starting in the 1960s, now there are three types of pre-school education for children with SEN in Germany:

Type 1: Special day services and special groups exclusively for children with SEN (Sonderkindergarten)

Type 2: Integrative day services offering education and care for children with and without SEN, mostly comprised according to the ratio: two thirds of children without SEN and one third with SEN (Integrative Kindertagesstätten/Kindergärten)

Type 3: Inclusive education of individual children in normal pre-school services with suitable settings (Einzelintegrative Maßnahmen)

Whereas integrative services (Type 2) and individual integration (Type 3) are subsumed as inclusive, type 1 is viewed as segregational. The number of integrative pre-school facilities has been continuously increasing from ca. 7,800 in 1998 to 14,300 facilities in 2009. Special day care facilities (Kindertagesstätten für behinderte Kinder) have also increased since 2002 from 307 to 378 in 2008 (cf. Bericht der Bundesregierung 2009: 31, Autorenguppe Bildungsberichterstattung 2010: 52, 66; Riedel 2008: 6).

We assume that percentages of children with SEN in segregated services decreased from 1998 – 2002 to around 50% and in the following years to ca. 30% in 2009. But we also assume that the absolute number of children in special kindergartens has not decreased in
this period. The explanation of this paradox is that the total number of children diagnosed as having SEN has increased. This is a familiar phenomenon in the development of German disability services and can be called an ‘additive pattern of change’ (dt. ‘Additives Veränderungsmuster’). This assumption is based on data on children in special services in the framework of Social Code Books VIII and XII (SGB VIII/XII) and on those in special kindergartens in the framework of special school systems (i.e. Förderschulkindergarten in Baden-Württemberg). But again, it is important to recognize the wide variations between federal states especially on pre-school level.

Government statistics for compulsory school education show for 2006 that 5.8% of all pupils aged between six and sixteen are identified as having SEN compared to 4.4% in 1998. The percentage of pupils in special schools rose from 4.4% in 1998 to 4.8% in 2006. The ‘segregation percentage’ remained stable at that level by 2008. In 2009 around 4% of children in Germany started their school career in a special school. 46.5% of pupils in special schools were in special schools for slow learners. Their numbers increased in addition to those in special schools for intellectual disabled children and for those with language disorders.

The percentage of children with SEN in integrative school settings has increased from 12.8% in 2003 to 15.7% in 2006. This is best illustrated by the fact that in recent years most federal states have changed their school laws. Now in 11 out of 16 federal states school law gives inclusive education a clear priority compared with segregated education. This priority is de facto limited by cost caveats or caveats concerning concrete conditions of environment and learning, which de facto excludes children with more severe educational needs.

According to Art. 7 of German Basic Law in the constitution it is the right of the state to decide on the school in which a child is educated. In cases of special educational needs this meant that in most federal states parents have had very little influence over the type of school their SEN child was placed. In recent years the degree of parents’ rights and influence on this decision-making process in all federal states has been strengthened. When parents apply for inclusive education, their wish should be granted. But in most federal school laws this falls under the caveat that appropriate educational and material conditions can be provided by the local school agency (i.e. cf. §§19 NRW-SchG).

To strengthen the rights of parents to choose between special and inclusive education is also forms the focus of policies on inclusive education formulated by the important Kultusministerkonferenz (KMK).

There have been no effective changes in assessment procedures in recent years. The Recommendations on Special Needs Education in the Schools of the Federal Republic of Germany from 1994 proved to be extremely important (Empfehlungen zur sonderpädagogischen Förderung in den Schulen in der Bundesrepublik Deutschland, Resolution of May 1994). The recommendations of the Standing Conference apply to pupils with special educational needs, regardless of whether support takes place at a mainstream school or at a special school. As inclusive education was still not practiced for ca. 5% of pupils with SEN in 2008 as in previous years, we cannot state more than little progress in respect to equal access to community schools. Whenever inclusive education is expanded in the future, there will be a potential risk that pupils with SEN will be offered centralized schools with inclusive orientation but outside their community.

In §4 BGG, the Act on Equal Opportunities of 2002 (BGG, Gesetz zur Gleichstellung behinderter Menschen) prescribes the obligation to ensure barrier-free education in a statutory infrastructure. We can observe a growing political sensitivity centred around the
importance of barrier-free school buildings and other educational settings in the context of inclusive education. The legal prescriptions in the Landesbauordnungen (federal state building laws) do not clearly demand accessibility (eg. § 55 Landesbauordnung NRW). In nearly all federal states there are concepts and practices that enable special school staff to support inclusive education of pupils with SEN or to prevent segregation in cases of children at risk. In some federal states this has also led to legal prescriptions e.g. like in Northrhine-Westphalia the effort to implement ‘competence-centers for Special educational needs’ (cf § 20 Abs. 5 Schulgesetz NRW). The effects on supporting inclusive education have remained very limited, this might be due to the fact that the competence centers have been up to now predominantly led by special schools. But one can acknowledge at least a little development.

The decisions of school authorities to reduce classroom sizes in inclusive settings have been handled very restrictively in most Federal States. Due to demographic changes, classrooms in preschool facilities and primary schools have become smaller especially in rural areas, thus creating more favourable conditions for inclusive education.

The provision with adaptive technology is regulated under the Health Care Law (§33 SGB V). Adaptive technology is not restricted to special schools and in principle is also available in inclusive settings. But knowledge, competence and creativity to apply, adapt and use technological means is still difficult to find in inclusive education.

On the basis of §53 SGB XII pupils with SEN can apply for an integration assistant (‘Integrationshilfe’) to support their integration in schools. This opportunity is increasingly used in special schools but is also available for inclusive education. There is a tendency to use this more frequently for inclusive education, which is a positive and important future option. However, budget constraints affecting social welfare and youth offices are currently an obstacle for the approval of individual inclusion assistants. Within the increasingly prevalent practice of inclusion the conditions for learning have changed. It can be assumed that schools and teachers increasingly practice concepts of more open and individual forms of teaching and learning. These individualizing teaching concepts are available at a high level. However, there is a strong demand for teacher training at all levels of their education to improve knowledge and implementation of adequate educational measures in inclusive settings.

Parent’s organizations indicate that it is often very difficult for regular schools to provide reading facilities, hardware and Braille software. If the necessary conditions are not provided, the principle of parent’s choice can be perceived as a terrible joke. In recent times, the ISaR project at Dortmund University has provided much-needed impetus, which developed very helpful databases and training concepts with regard to inclusive education of visually impaired pupils. The very well structured website maintains that the information provided is increasingly used. Another positive example is the addition of new practices in Schleswig-Holstein, where the federal state has created support centers for assistive technology. But altogether, one cannot state more than little progress; development, professional experiences and creativity have been mostly restricted to the special school system.

Augmentative and alternative forms of communication are very often crucial for pupils with severe disabilities and complex needs. On the national, federal and regional there are networks of special educators and therapists developing concepts for alternative and augmentative communication. These networks are organized in the German branch of the International Society for Alternative and Augmentative Communication (ISAAC). The focus of these networks is centered around special school settings, especially those for pupils with mental or physical SEN.
There are clear differences in the teacher training orientations between the federal states. In general one can state that most academic teacher training curricula still differentiate between the regular and the special school sector. Education of teachers for children with SEN is still dominated by the special school’s perspective. Inclusive education has not become a mandatory topic for teacher training yet – neither for future special educators nor for future regular school teachers.

While the percentage of pupils in specials schools increased between 1997 and 2007 the percentage of those who left special schools without a school certificate also increased. This means an additional handicap for individuals wishing to access vocational training and the labour market. New concepts of vocational training for youngsters and young adults with intellectual disabilities have been developed and are currently in place in some parts of Germany. Another factor is the provision of alternatives for employment in sheltered workshops and additional future options. Lifelong learning has become an increasingly important issue for people with disabilities, especially for adult people with intellectual disabilities. The ‘Volkshochschulen’ in many German cities and districts are clearly more aware of learning interests and needs of disabled persons than in previous decades.

The monitoring instruments and results for inclusive and segregated education of children with SEN have been radically improved and new instruments have been created. This more systematic and detailed data collection and statistical information is a positive development.

The teacher union GEW very strongly supports inclusive education. Recent official statements from more conservative professional associations like the Verband Bildung und Erziehung (VBE) have changed their traditional outlook and are now more open and in favour of inclusive education than in former years. But the majority of statements also reveal skepticism and express fears that inclusive education may be misused for spending cuts. They also show a certain hesitation to give up traditional and familiar organizational settings. Strong pro-inclusion statements come from national parent’s organizations. The federal government in its last disability report explicitly welcomed an expansion of inclusive education. In 2009 the ombudswoman of the federal government created a national prize contest for inclusive education (the ‘Jakob Muth-Preis’) together with the German UNESCO commission and the Bertelsmann Foundation. The first prizes went to inclusive schools in Berlin, Hessia and Lower Saxonia.

In a number of statements and public activities in the last few years the former federal president Horst Köhler has strongly supported inclusive education. On the federal, state and local level the movement for inclusive education is increasingly supported by politicians. In particular, the new disability ombudsmen/women movements developed supporting activities at a local level.

There are serious indicators on different levels that give good reason to assume that the German education system will become less segregational and more inclusive by 2015. On the one hand this reflects growing sensitivity for human rights issues in German society: This is a result of strong campaigning for non-discrimination and equal rights of people with disabilities e.g. supported by Aktion Mensch, Deutsche Behindertenhilfe (‘Die Gesellschafter.de’), and of accusations of violations of human rights by the special school system set by the UN Commissioner of Human Rights Mr. Vernor Munoz Villalobos in 2006, This sensitivity is also the result of the surprisingly intensive reception of the UN Convention on Human Rights of Persons with Disabilities in Germany (ratified in March 2009). On the other hand the German educational system came under pressure by the ‘PISA-shock’, which revealed that the effectiveness of the highly segregated German
school system is comparatively weak and can foster economic disadvantages for society as a whole. Also public criticism rose against costs and the concept of the special school system (see eg. the series of articles in the important political magazine ‘Der Spiegel’: ‘Teuer und erfolglos, (expensive and without success’, Spiegel-online 14.11.2009). In addition professional debates have become stronger in proffering the argument that inclusive education yields better results for pupils with SEN than other, more segregational approaches.

Also demographic developments will probably contribute to a more inclusive German education system as the decrease in numbers of children will provide better school and classroom conditions.

There are also some very concrete policies underway in some federal states to close or overcome the special school system (eg. in Bremen, Schleswig-Holstein) and concrete initiatives of authorities for special schools to give attractive financial incentives to regular schools ready for inclusion (eg. Landschaftsverband Rhineland, LVR). Also local governments are increasingly willing to change their educational system for children with SEN without being legally responsible (e.g. the city of Bonn and the city of Cologne have recently decided to develop local action plans for inclusive education).

But nevertheless, in a mid-term perspective both at the preschool and school level there will probably be an increasingly inclusive and an increasingly over-extended special school system existing in parallel in most German federal states.

‘Barometer assessment’ to part C:
‘Progression of inclusive education’ in Germany

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5.6 Hungary:

The following assessments are based on a comprehensive review of the Hungarian situation of inclusive education based on the national questionnaire developed in the P2i-project. The assessments refer to the legal situation and prescriptions (A), to the given practice (B), and to the progression (C), i.e. developments towards inclusive education as defined by Art. 24 of the UN Convention on Rights of Persons with Disabilities. All the references and precise data can be found in the following document:

- Association for Life Long Learning (2010): P2i-Results of National Review on Inclusive Education, Budapest

Introduction

Special education has a long and strong history in Hungary. The development of special schools and the training of professionals started at the end of the nineteenth century. This system developed in parallel with the regular education system.

The first ‘travelling teacher’ services were organized in the 1970’s for blind and visually impaired pupils, but the first integration experiments began in 1981. In the 1990s intensive research activities began but the most important milestone was the Education Act in 1993 which opened the road for integration and inclusion. Nowadays special schools have new roles. Besides running special education facilities they also function as methodological centres offering support to mainstream schools.

Until 1994 children with severe and multiple disabilities were exempted from compulsory education. Individual and group development of these children was introduced in 1994. From 2006 the ‘Fejlesztő Iskola’/ ‘Developer School’ was introduced for pupils with the most severe degrees of disability. Their education is now included in the framework of compulsory education. The organisation ‘Fejlesztő Iskola’ is compulsory from September 2010 for maintainers. Many changes were made to the law regarding inclusive education in Hungary in recent years in line with the positive changes apparent in policies towards inclusive education. We used the legal documents in force in August 2010 in conducting this research. A new Education Act is under development and is planned to be ratified by Parliament next year, which will reflect the policy of the new government elected in 2010.

The phrase SEN (Special Educational Needs) first appeared in legislation from 2006. It displaced the word ‘handicapped’. The legal definition of SEN is the following in Hungary:

“Children/pupils with special educational needs are those who on the basis of the Committee of experts for Assessing Learning Abilities and Rehabilitation, qualify as suffering from:

A) A physical, sensory, intellectual, or speech impairment, autism, or from several of the above mentioned, or from permanent and serious dysfunctions of perceptual functions or behavioural development due to organic reasons;

B) Permanent and serious dysfunctions of perceptual functions or behavioural development due to non-organic reasons (as being permanently and seriously hindered in the education and learning process due to disturbances of psychic development, e.g. dyslexia, dysgraphia, dyscalculia, abnormal hyperkinesia or abnormal activity disturbance) (Act LXXIX of 1993 on Public Education).
Free and compulsory education starts at the age of 5 and ends at the age of 18. While there is a continuous decline in the total numbers of pupils and students in public education, the number of pupils with SEN is growing. The biggest rise is found among children considered to have moderate or mild intellectual disabilities. The number of pupils with dyslexia, dysgraphia or dyscalculia is also growing.

At present, in law the term ‘integrated education’ is used in relation to children with SEN rather than ‘inclusive education’. The law and associated regulations regarding special education is highly complex and confusingly piecemeal.

Changes in law and educational strategy have encouraged and required schools to embrace integration and inclusion. This has been further stimulated by changes educational financing. Some professionals and researchers speak about the ‘integration tsunami’ because of the number of ESF-financed programmes which focused on the integration or inclusion of children with special educational needs—with complementary projects at both school and national levels. The evaluation and analysis of these projects revealed some important learning experiences on which professionals should focus.

One issue which arose was the need to distinguish between special educational needs and multiple disadvantages for ethnic, cultural or other reasons—for example the rate of SEN was higher among the Roma population. In 2007 changes were introduced in this field and a series of re-assessments were undertaken with new methods and clearer definitions to give a clearer picture. As a result, many pupils were no longer categorised as SEN.

Another important factor necessary to mention is that socio-economic segregation among schools is still high in Hungary (OECD PISA 2003). Educational institutes may be established and maintained by state, local and minority local governments, NGOs, churches, and individual persons as private entrepreneurs. The majority of children attend public sector schools maintained by local governments. Municipalities make decisions about establishments, determine the budget, and supervise the finances and legal operation and the efficacy of professional work. Town clerks exercise the rights of authority.

5.6.1 Assessment of legal situation and prescriptions

Much has changed since 2001. The financial and legal framework is facilitating inclusive education. Ongoing reforms, policy papers also emphasize the transition to inclusive education and more and more institutions are progressing towards this.

In the analysis of the right of inclusive education some experts indicated that the legislation is ambiguous. On the one hand pupils with special educational needs have the right to suitable education, and to support services in separate or inclusive settings. On the other hand decisions about the participation in inclusive education are in the hands of expert committees (Dr. Bíró Endre A sajátos nevelési igényű gyermekek integrált oktatáshoz való jogának érvényesítéséről Országos Oktatási Integrációs Hálózat Utolsó Padból Program).

Setting up an inclusive environment is not a priority for schools. Pupils have the right but there are few institutional obligations to accommodate them. The maintainers concept about equality in the school system and inclusion determines the possibilities for pupils with SEN to take part in inclusive education.

Effective inclusive education requires professionals, a flexible curriculum and extra resources. The deed of foundation (of each school?) should dispose inclusive education with the indication of the type of special need and the expert committee should be informed by the clerk. This means that the school should say what type of need it can meet.
The legal framework regarding rights and support is clear. Each educational institution knows the basic human rights, the right for free choice of schools, the rehabilitation and other needs and the documentation and administrative background. The legal background is the soundest of all conditions.

The decision of the Committee of Experts for Assessing Learning Abilities and Rehabilitation is needed for inclusive education. Without this decision the pupils are not entitled to free services, resources and professional support accommodating the individual requirements and the school is not entitled to get funding for inclusive services and resources. The Committee of Experts for Assessing Learning Abilities and Rehabilitation gives guidance on the involvement of professionals for development. The expert decision also forms the basis of the controlling mechanisms.

The qualifications of teachers and staff of inclusive and special education are listed in the relevant Act on public education. There are guidelines which clarify how the different types of special needs may influence the competency areas in the National Core Curriculum and which should be the most important development areas and topics.

The law on vocational training and adult education provides less detailed indications for inclusive education. In the Act on adult education, an adult with a disability is a financial category. In the Act on vocational training persons with disability have the right to, on the basis of the opinion of Committee of Experts for Assessing Learning Abilities and Rehabilitation, take part in special vocational education or in normal vocational education which is suited to individual requirements such as exemptions, longer preparation period and special equipment.

**Barometer assessment to part A:**
**Legal basis and prescription on inclusive education in Hungary**

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5.6.2 Assessment of given practice of inclusive education in Hungary

Many institutions formally deal with inclusive education. There is a strong will to comply with legal documents but the real quality and the individual needs of pupils is barely taken into account. As we delve further into the school system, the implementation of inclusive education decreases.

The legal background of a barrier-free educational environment is laid down, but there is no information available about the real situation of educational institutes. Some experts emphasize that pupils have the right to attend any school and not just those which comply with the decree. The ramp is the symbol and sometimes the only example of barrier free activities. The availability of support systems and resources varies greatly. Most of the schools have a developmental room but often this room has multiple functions.

The changes in the year 2007 regarding SEN were crucial in preventing exclusions of certain groups of pupils and introducing better and universal assessment. The number of pupils with special educational needs is higher in certain regions and Roma children are overrepresented. In some cases it is still difficult to assess whether the special need is the result of social factors.

The ethical aspects and values relating to inclusive education are barely discussed both in public and in professional environment. The successful implementation of inclusive education is made more difficult by factors which are not covered by law and policy - for example inappropriate ratios and the negative attitudes of pedagogues. The legal system is ready for inclusive education and ongoing policy and developments point in this direction. In addition, no school can easily afford to resist taking children with special needs given the overall decrease in the number of children. Small local schools in particular are finding it increasingly difficult to survive. These schools tend to integrate more pupils with mental or sensory disabilities than city schools and are now faced with the problem that they have a big proportion of pupils with special educational needs and or multiple disadvantages. The lack of financial assistance often hampers the possibilities of effective accommodation to individual requirements. Time is often spent on basic support rather than on development.

The aim of Hungarian policy is to provide the best education possible which responds to individual special needs, provides an accessible educational system and in so doing gives an active role to the special educational institutes to aid in the facilitation of inclusion. The tasks of the Unified Special Educational Methodological Institutes are wide-ranging: consultancy on special needs education, early development and care, logopaedic care, conductive pedagogy, pedagogical professional services, running special school classes, providing travelling experts. The aim is to facilitate inclusive education. To become a Methodological Centre is an opportunity for special schools to participate in inclusive education and to share their expertise. Systematic development programmes were developed to help their activities and help the institutional development.

In practice the situation is highly varied. Travelling special teachers are able to participate in regular lessons and help the teacher or pupil. Many methods are used, such as bi-teacher support and cooperative techniques. Teacher training programmes reflect the changing nature of policy.

There is no compulsory position on class sizes or ratios, though the recommendation is that the ratio of special educational needs to other children should be no more than 10%, and that there should be no more than three children with special educational needs in each class. In urban schools the ratio at the institutional level is under 10% but at class level ‘special’ SEN classes can be found where this ratio is higher.
5.6.3  **Assessment of progression towards inclusive education in Hungary**

From 2003, the development of inclusive education accelerated. The progress is significant when viewed from a national perspective. The legal framework for inclusive education has been introduced although more coherence is still needed. The percentage of children with special educational needs in regular pre-school and school settings has grown. In the academic year 2006/2007 65.7% of pupils with special educational needs were in inclusive education, but with big differences in inclusion rates between different types of special educational needs.

A series of development programmes financed by the ESF focused on the development of inclusive education – not just individual school development but also on centralized and professional development support. Initiatives were introduced to aid participation in higher education. Former special schools have a new role; they tend to be Methodological Centres offering support to mainstream schools in addition to continuing to provide special education to those who are not in the integrated schools.

The teacher training system has changed because of the Bologna process. In regular teacher-training subjects about integrated education are optional. Many further training programmes are available for pedagogues about integrated and inclusive education. Development is still ongoing. The current development objective is to create inclusive conditions in as many institutes as possible. Many researchers point out that the programmes do not constitute an organic system. The most important tools are the financial incentives. The quality and effectiveness of support programmes is highly varied - they are much better where there is good information and teamwork, and the right level of expertise.

The system is changing slowly. The tradition of special education is strong and changing attitudes is a big challenge. The whole education system has to provide answers and solutions to a multitude of challenges in the field of social inclusion. The barriers came from the past - the rigid system of assessment; process management systems which ignore students’ backgrounds; undeveloped interprofessional collaboration; in school innovations which are not shared; heavy administrative burden on school management and a highly selective school system.

If we compare the number of schools and number of pupils with SEN the ratio is positive but schools feel they have too many ‘special’ pupils when account is also taken of the number of children with multiple disadvantages.

The background of inclusion is more developed in primary schools especially in the lower grades. Pupils with special educational needs are far less likely to attend secondary schools especially those with high overall academic achievement. Only a small proportion of them enrol in schools which offer a baccalaureate. The selection barrier is very apparent during
the transition from primary to secondary school. Most children with special educational needs enroll in either vocational schools experienced in this field or a special vocational school- if the expert committee advises this they have no other choice. As a result they are catapulted into a vulnerable situation in the labour market upon completion of school.

### ‘Barometer assessment’ to part C:
### ‘Progression of inclusive education’ in Hungary

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5.7 Ireland

These assessments are based on a comprehensive review of the Irish situation of inclusive education based on the national questionnaire developed in the P2i-project. The assessments refer to legal situation and prescriptions (A), to given practice (B), and to the progression (C), i.e. developments towards inclusive education in the meaning of Art. 24 of the UN Convention on Rights of Persons with Disabilities. All the references and precise data can be found in the following document:

National Federation of Voluntary Bodies providing services to people with intellectual disability (2010): P2i-Results of National Review on inclusive education, Galway

Introduction

The Education For Persons With Special Educational Needs Act 2004 was passed to ensure that persons with special educational needs can be educated where possible in an inclusive environment, that they can have the same rights to education as persons who do not have special educational needs and to ensure that such persons are equipped by the education system with the skills they need to participate in society and to live independent and fulfilled lives.

To assist in this regard, the Act places certain obligations on schools, school principals and health boards. The Act also establishes a National Council for Special Education (which has the power to appoint special educational needs organisers) to perform certain functions and also an Appeals Board to deal with appeals from the decisions of any of the bodies mentioned.

It is important to understand what is meant by the term special educational needs. The Act itself says that the term means a restriction in the capacity of the person to participate in and benefit from education on account of an enduring physical, sensory, mental health or learning disability, or any other condition which results in a person learning differently from a person without that condition. The Act defines a child as a person of not more than 18 years.

Inclusive Education

Under this Act, every child who has special educational needs must be educated in an inclusive environment with children who do not have special educational needs. However, this will not be required if it would not be in the best interests of the child with special needs or if it would impair the effective provision of education for the children with whom the child is to be educated.
Duties of Schools

Inclusive Education
The board of management of a school must ensure compliance with the requirements of the Act in relation to inclusive education.

Involvement of Parents
The board of management must also ensure that parents of a child with special educational needs are informed of their child’s needs and how those needs are being met. The board must also ensure that parents are consulted in relation to significant decisions relating to their child’s education and are invited to take part in making those decisions.

Co-Operation with the Council
The board of management must co-operate with the National Council for Special Education and provide the council with any information that it reasonably requests to perform its duties. This information is to be provided within the time specified by the council in its request (not more than 1 month).

Communication within the School relating to Special Educational Needs
The board of management must ensure that all relevant teachers or other staff members are aware of the special educational needs of students and of the importance of identifying children and students with special educational needs. The board must also make students aware of the needs of persons with disabilities.

Duties of Persons Other than Schools
Any person other than a school who provides education to persons with special educational needs and which receives public funding must provide the council with any information that it reasonably requests to perform its duties, within the time specified by the council in its request (not more than 1 month).

Duties of School Principals
The principal of a school must take all reasonable steps to meet the educational needs of a school student where:

The parents of a child in the school inform the principal they are of the opinion that the child is not benefiting as much as would be expected from the education programme which is provided in the school (to children who do not have special needs).

Or

The principal forms the opinion that the child is not benefiting as much as would be expected from the education programme which is provided in the school (to children who do not have special needs).

Where the principal has taken all reasonable steps, she/he may still believe that the child is not benefiting from the school’s education programme as much as would be expected. If the principal believes that this may be because the child has special educational needs, the principal, after discussing the matter with the child’s parents, must arrange to have the student assessed.
The principal can delegate these functions to any teacher in the school as (s)he considers appropriate. The special educational needs organiser must give all reasonable advice and assistance to the principal and teachers of the school needed for the carrying out of their functions. The board of management, principal, teachers and other school staff members must give all reasonable assistance to the special educational needs organiser to execute his/her functions.

Assessment
The assessment must be started within a month of the principal forming the opinion that the child is still not benefiting from the school’s education programme and that this may be due to the child having special educational needs.

The assessment must be completed within 3 months of the principal forming this opinion. The assessment is to be carried out in line with guidelines issued from time to time by the National Council for Special Education. If the principal feels that the arrangement of an assessment cannot reasonably be done by him/her, the principal must request the council to arrange the assessment.

If the council refuses to cause an assessment to be carried out, the parents of the child can appeal to the Appeals Board (see below). The Appeals Board may direct the council to arrange for an assessment to be carried out or dismiss the appeal. The Act does not provide for time limits regarding the making of this appeal.

5.7.1 Assessment of legal situation and prescriptions
There is substantial legislative provision in Ireland all of which consistently promote the right to inclusive education. The Education Acts give statutory rights to parents in relation to their children’s education and legally obliges schools to provide for a diversity of needs, values and traditions. The central thrust of this legislation is to give practical effect to the constitutional rights of children, including children who have a disability or other special educational needs. Importantly the purpose of the Education of Persons with Special Educational Needs Act 2004, as set in the preamble, is ‘to make further provision, having regard to the common good and in a manner that is informed by best international practice for the education of people with special educational needs, to provide that the education of people with such needs shall, wherever possible, take place in an inclusive environment with those who do not have such needs, to provide that people with special educational needs shall have the same right to avail of, and benefit from, appropriate education as do their peers who do not have such needs.

In accordance with Irish Law primary inclusive education is free and is accessible to all children. The education of children with special educational needs is delivered as a public service in:
- Special schools;
- Special classes attached to ordinary schools;
- Integrated settings in mainstream classes.

Children with more significant levels of disability may require placement in a special school or special class attached to a mainstream school. Each such facility is dedicated to a particular disability group and each operates at a specially reduced pupil:teacher ratio. Pupils attending these facilities attract special rates of capitation funding and are entitled to
avail of the special school transport service and the school bus escort service free of charge.

By statutory legislation, persons with disabilities have access to secondary inclusive education like others in their communities. The same range of services and supports as outlined above to support children with special educational needs are also available to children attending secondary inclusive education. Education with adapted teaching is organised within mainstream classes, including adaptation of the education programme process to meet the students statement of special educational needs.

There is legal provision for children with disabilities and their parents to effectively participate in the decision making process relating to inclusive education. Boards of Management of schools are required to prepare and regularly review and update a school plan which outlines the measures that the school proposes to take to achieve equality of access and participation in the school by students with special educational needs. The legislation also provides for the greater involvement of parents of children with special educational needs in the education of their children and provides for:

- Consultation with parents regarding their child’s special educational needs and how their child’s needs are being met;
- Consultation with parents in the making of all decisions of a significant nature concerning their child’s education;
- Consultation with parents in relation to the preparation and review of individual education plans, including planning for future education needs; and
- Appeal and mediation processes pursuant to the Act.

Irish legislation provides for the right to an assessment for children with special educational needs and an appeals process in relation to refusals by the authorities to carry out assessments. The assessment procedures support the placement of children with special educational needs in inclusive settings. The Department of Education & Skills, through the National Educational Psychological Service (NEPS) encourages a staged assessment process, a continuum of assessment to identify pupils with special educational needs. Under this process each school takes responsibility for initial assessment, educational planning and learning support, in consultation with their assigned NEPS psychologist. The staged model recognizes that pupils present with a wide range of issues and difficulties and allows for their amelioration and intervention at the level most appropriate to the particular need.

By statutory legislation, it is assured that persons with disabilities have access to schools in their community on an equal basis with others. In addition, the legislation requires educational establishments (including pre-schools) to provide ‘reasonable accommodation’, including special treatment, facilities or adjustments to permit a child with a disability to access the school. The school authorities must formulate and implement an enrolment policy and in this regard, may find it necessary to restrict enrolment to children from a particular area or age group or occasionally some other criterion. The selection process and enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

By statutory legislation it is assured that the architectural conditions are accommodated to an individual’s requirements. All public bodies, including publicly funded education providers, are required to ensure that the service they provide is accessible to persons with disabilities. Each public body must nominate a person to act as ‘Access Officer’ to provide assistance to people with disabilities in accessing the service being provided. Premises and aids must be adapted to children with special educational needs which are
placed in programmes from pre-school children. Irish legislation provides for the preparation and review of individual education plans (including planning for future educational needs) for pupils with special educational needs. The Childcare (Pre-School Services) (No2) Regulations 2006 set out recommended adult/child ratios and maximum group sizes that should apply in full and part time day-care, sessional and childminding services. Settings for children with special educational needs are not required to apply lower ratios.

Statutory legislation assures that adaptive technology is accommodated to an individual’s requirement. The Department of Education & Skills has provided substantial supports for ICT in recent years, including the provision of a national broadband service, funding for continuing professional development in ICT for primary and post primary teachers and the procurement and dissemination of a range of curriculum relevant digital content resources.

Irish legislation assures that functional assistance and care provision are accommodated to an individual’s requirements. The National Council for Special Education allocates Special Needs Assistants (SNAs) to schools to support pupils with special educational needs, some of whom will also have significant care needs. There are over 10,000 SNAs employed in school throughout Ireland.

The statutory legislation ensures that educational measures are accommodated to an individual’s requirements i.e. individual curricula, didactical adaption, teaching methods, testing etc. The Education of Person with Special Educational Needs Act 2004 provides for the preparation and review of individual education plans (including planning for future educational needs) for pupils with special educational needs.

By statutory legislation, it is assured that the learning of Braille and sign language is facilitated. Irish sign language has formal recognition under the Education Act 1998 and is made available to all pupils who require it. The National Braille Production Centre (NBPC) provides access to educational materials by transcriptions through a range of formats including Braille, tactile diagrams and large print, which are accessible for children with a visual impairment.

Statutory legislation provides that the learning of augmentative and alternative forms of communication and orientation is provided. A special fund for students with disabilities has been established to provide learning materials in alternative formats (electronic books etc).

Statutory legislation assures that the training of teachers is oriented to the requirements of inclusive education (including teaching methods, incorporation of disability awareness, the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support people with special educational needs).

Ireland subscribes to the Salamanca Declaration and as such promotes the principle of Inclusion through its approach to initial teacher education, induction and in-service training. Teacher training is designed to provide teachers with the knowledge, understanding and skills to implement a pupil centred education that promotes the holistic development of each individual pupil according to his/her abilities and needs. Irish legislation assures that qualified teachers and staff are employed to provide effective inclusive education. Government policy dictates that only qualified personnel should be employed by schools. Teachers appointed to public schools must be registered with the Teaching Council and have qualifications appropriate to their employment.

Statutory legislation assures that persons with disabilities have access to vocational lifelong learning, including tertiary education without discrimination and on an equal basis with others. Ireland’s Higher Education Authority (HEA) is currently implementing a
Barometer of Inclusive Education in Selected European Countries

second ‘National Plan for Equity of Access to Higher Education’. The plan sets national targets for participation rates for target groups traditionally under represented in higher education, including special educational needs students.

Numbers and percentages of pupils / students with special educational needs in mainstream classes, units in mainstream schools, special learning institutions, excluded from the education system, are collected and monitored at different levels of the system. For example in 2004, the Centre for Early Childhood Development and Education conducted an audit of targeted provision for children with special educational needs. However, while the audit provides much key data it also concluded that accurate information on the range and nature of educational services targeting children with special educational needs is very difficult to access mainly because the data on targeted services is not generally disaggregated from universal datasets.

Barometer assessment to part A:
Legal basis and prescription on inclusive education in Ireland

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<th>The given legal basis for inclusive education can be assessed as</th>
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5.7.2 Assessment of given practice of inclusive education

The percentage of children with special educational needs at 21% who are not in regular pre-school or childcare services is relatively low. The majority (79%) were enrolled in ordinary primary schools. On the other hand there are no data available that could show the percentage of children with SEN of all children in Ireland that are excluded from regular schools. This is so for the pre-school, primary school and secondary school level.

In practice, inclusive education of children with special educational needs in primary schools is dependent on the ability of parents to pay the indirect costs such as supplementary professional and study assistance. Direct costs are low since inclusive education in primary schools is provided by the State free of charge.

Parents have a free choice of available types of provision in pre-school services. Primary schools are required to have an enrolment policy which sets out the enrolment criteria where a school refuses to enrol a child the parents have rights to appeal under legislation. Under the free Pre-School Year Scheme, parents can contact any service participants in the scheme to arrange for enrolment.

Assessment procedures support inclusive education. Formal assessments of need are undertaken by multi-disciplinary professional teams comprising psychologists, speech & language therapists and occupational therapists. Following formal assessment of the child’s specific needs, the multi-disciplinary professionals develop an Individual Development Plan for the child.

All people with special educational needs have access to the schools in their community on an equal basis with others. Principle 5 of the National Quality Framework for Early
Childhood Education states that all children should be able to gain access to, participate in, and benefit from early years services on an equal basis. In practice architectural conditions in public schools are accommodated to individual requirements of persons with special educational needs. However, early childhood and education services in Ireland are provided by a diverse range of private, community and voluntary interests. Statistics in relation to architectural conditions in these settings are not available. However, it is known that not all settings have architectural conditions that would accommodate children with disabilities or special educational needs. In practice staff to support the learning process including Special Needs Assistants is available to meet the individuals requirements. In practice classroom sizes are in the main accommodated to individual requirements. Comprehensive data is not available in relation to Early Childhood Services. Early childhood care and education settings for children with special needs are not required to apply lower ratios. In general adaptive technology is accommodated to an individual’s requirements. However, given the diverse nature of early childhood care and education provision, comprehensive data is not available. Special Needs Assistants are allocated by the National Council for Special Education to schools to support pupils with disabilities who also have significant care needs, including schools which have approved pre-school classes for children with autism. It is Government policy that pedagogy in early childhood is expressed by curricular or programmes of activities which take a holistic approach to the development and learning of the child and reflect the inseparable nature of care and education. In practice the learning of Braille and sign language is facilitated. In practice the learning of augmentative and alternative forms of communications and orientations is facilitated. Training of teachers is oriented to the requirements of inclusive education through inclusive teaching methods, incorporation of disability awareness, the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities. In practice qualified teachers and staff are employed to provide effective inclusive education. Over the period 1999-2008, the share of childcare employment with post second level education grew from just under 33% to in excess of 50%. By statutory legislation it is assured that persons with disabilities have access to tertiary education without discrimination and on equal basis with others. The National University of Ireland proactively takes measures to guarantee the accessibility of higher education to students with disabilities. A recent very good example is the ‘Going to College’ Project which is a collaboration between National University of Ireland, Galway and the National Federation of Voluntary Bodies Providing Services to People with Intellectual Disability and which will see the enrolment of 10 students with intellectual disability in a mainstream university course commencing in September 2011. There is no systematic monitoring of the progress of inclusive education at the national level. Data is available on the numbers of people with special educational needs who are educated in special schools. No comprehensive data is available in relation to children with special educational needs who are educated in inclusive mainstream schools.
Barometer assessment to part B:
‘Practice of inclusive education in the participating country’ in Ireland

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<th>In practice inclusive education can be assessed as</th>
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5.7.3 Assessment of progression towards inclusive education

The trend for inclusion of children with special educational needs in regular pre-schools at 79% is positive. There is also a positive development of inclusive education both in primary schools and in secondary schools.

The legislation on inclusive education has seen some significant changes since 2003 (Reference: Education of Persons with Special Educational Needs Act 2004). Also the development of the participation of parents in decision-making or inclusive education is rather positive (Reference: Siolta, the National Quality Framework for Early Childhood Education 2006).

Since 2003 there has been a rather positive development of assessment procedures of special educational needs to support inclusive education (Reference: Aistear, the Early Childhood Curriculum Framework). The trend in relation to equal access by children with special educational needs to community schools since 2003 has been rather positive.

The development of architectural conditions allowing students with special educational needs access to regular schools since 2003 has been rather positive (Reference: Childcare (Pre-School Services) (No2) Regulations 2006).

Given the diverse nature of early childhood care and education provision comprehensive data under this heading is not available. However, it is known that significant numbers of Special Needs Assistants have been employed since 2003 and this development is viewed as very positive.

The development of accommodation of classroom sizes in inclusive settings to meet individual requirements is very positive. Also the development of availability of adaptive technology in inclusive settings to meet individual requirements has been rather positive (Reference: Regulation 5 of Childcare (Pre-School Services) (No 2) Regulations 2006).

Even though there are no comprehensive data available, it is felt that there has been rather positive developments in providing functional assistance and care in inclusive settings. The development of accommodation of educational measures in inclusive settings is rather positive.

There has been rather positive development with respect to the facilitation of learning Braille and sign language to meet individual requirements in inclusive settings. Even though there are no comprehensive data available it is felt that the development of the facilitation of learning of augmentative and alternative forms of communication and orientation has been rather positive.

Teacher training has become more oriented to inclusive education. The development of equal access of persons with special educational needs to vocational training is rather positive. There has been very little development of equal access of persons with special educational needs to lifelong learning programmes.
The development of commitment and activities of professional associations to promote inclusive education is rather positive. The development of measures for awareness raising of Governments to promote inclusive education is rather positive. Rather negative is the development of the monitoring systems on inclusive education. The percentage of persons with special educational needs in inclusive settings by 2015 can be expected to be the same or slightly higher than in 2010. A moratorium on recruitment in public services due to the recession will have a negative impact on the employment of special needs assistants and other support staff. However, full implementation of the Education of Persons with Special Educational Needs Act 2004 should improve the situation.

‘Barometer assessment’ to part C:
‘Progression of inclusive education’ in Ireland

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5.8 The Netherlands:

Introduction
These assessments are based on a comprehensive review of the Dutch situation of inclusive education based on the national questionnaire developed in the P2i-project. The assessments refer to legal situation and prescriptions (A), to given practice (B), and to the progression (C), i.e. developments towards inclusive education in the meaning of Art. 24 of the UN Convention on Rights of Persons with Disabilities. All the references and precise data can be found in the following document:

Fontys Opleidingscentrum Speciale Onderwijszorg (2010): P2i-Results of National Review on inclusive education, Tilburg

5.8.1 Assessment of legal situation and prescriptions
In general the educational system in the Netherlands can be characterised by the dichotomy of ‘Mainstream’ and ‘Special Education’ schools. There is specific legislation for pupils with Special Educational Needs (back-pack financing system) and a system of four Expertise Centres (for disabled children). However, the Dutch system is not consistent with the right to inclusive education. It still segregates SEN children, and although pupils/students can attain financial support to enter mainstream or special schools and a demand-oriented educational system is in development (Appropriate Education Act, 2013), school boards can still maintain the ultimate decision whether or not to admit pupils with SEN to their schools (cf European Agency, 2009).

The Equal Treatment Act of persons with disabilities or chronic illness (2003, 2009) that fights discrimination and the Law on Social Support (2009) may create new opportunities for people with SEN in the regular systems and be a step towards inclusive education systems.

Free compulsory education
The Compulsory Education Act (1969, 2007) made primary and secondary education until the age of 16 free of charge. Schools have the freedom to organise their teaching if they adhere to the National Educational Standards (Core-curriculum). In these standards the ‘Care systems for Special Educational Needs’ are integrated. There are no standards for inclusive education. It is now normal – also under pressure to prepare for the ‘Appropriate Education Act’ (2013) – for mainstream school organisations to form networks with special schools but schools can still decide, even against the wishes of pupils and parents, to assign a child to a mainstream school or to the special schools which are part of their network.

Equal access to education
By statutory legislation, pupils maintain a general right to education and there is no particular legislation for persons with disabilities to be able to access education like others in their community. The Equal Treatment Act of persons with disabilities or chronic illness (2003, 2009), which prohibits discrimination and the Social Support Act (2009) support new opportunities for people with SEN in mainstream primary, secondary and higher education.
Participation in decision-making on inclusive education

In order to identify the needs of children, pupils and parents are involved in the first stage of the decision making process for two reasons: parents have to give permission for assessment and family factors can become part of the assessment. Parents do not participate in the identification and decision-making itself. Nor is this mentioned in the legislation for Special Educational Needs.

Categorisation and assessment

In identifying special educational needs two different assessment procedures can be distinguished: one for pupils falling under the so-called ‘Going to School Together’ (WSNS) policy (see development of integration/inclusion), the other for pupils possibly eligible for a placement in special education.

Assessing pupils with learning difficulties and mild mental impairments under the ‘Going to School Together’ policy is basically the responsibility of the classroom teacher. If the pupil’s special needs are too difficult to meet, the teacher can be supported by the school’s special needs coordinator or by peripatetic teachers from the regional school support service. The next step could be a referral for assessment to a regionally operating assessment team (PCL). These teams, which generally comprise an (educational) psychologist, physician, social worker and experienced special needs teachers, assess pupils in order to decide on the support needed. Parents’ permission is required for such an assessment. The initiative for assessment is usually taken by the regular school teacher in consultation with the school principal, school support service and parents. Generally the assessment consists of examining somatic/medical aspects, cognitive development, specific developmental aspects (language development, communication, concentration, motivation, etc.), social-emotional development (behaviour, emotional stability, independence, etc.), as well as profiling the family situation, neighbourhood and/or cultural background. The emphasis in the assessment is determined by the reason for referral and the pupil’s impairments. Assessment teams try to formulate their findings not only in terms of eligibility, but also in terms of educational planning.

Identification of special educational needs

The law on the Expertise Centers states that pupils are eligible for special education if they meet certain nationwide criteria. These are largely based on existing practice.

Equal access to community schools

By statutory legislation, it is not assured that persons with disabilities have access to the schools in their community on an equal basis with others. Although pupils/students can achieve financial support to enter mainstream or special schools and a demand-oriented educational system is in development (Appropriate Education Act, 2013), school boards can still make their own decision as to whether or not to admit pupils with SEN to their schools.

The Equal Treatment Act of persons with disabilities or chronic illness (2003, 2009) that fights discrimination and the Social Support Act (2009) may create new opportunities for people with SEN in the regular systems and make a start into inclusive education systems.
The educational funding model

Primary Education
On 1 August 2006, the ‘block grant funding’ system (Budgeteringssysteem) which already existed in secondary education was introduced in primary education. Under this system, school boards or ‘competent authorities’ receive a single block grant budget for staff and non-staff costs. They are free to decide how to spend this budget. The school budgets encompass three types of funding: (i) the regular staff budget, (ii) funding for staff and labour market policies (the former school budget), and (iii) funding for running costs. Until 1 August 2006, staff budgets were calculated on the basis of staff units. School accommodations are financed by local governments.

Secondary education
On 1 January 2006, the first step was taken towards simplifying funding of staff costs with the abolition of the age-related allowance. Funding allocations no longer take into account the average age of the school staff. The number of pupils enrolled on 1 October determines the amount schools receive for staff and running costs in the following calendar year.

Special education
Funding for special needs education was modified in 2003. The system changed from a supply-oriented financial model to a more demand-oriented financial system in which the means are forwarded to the person requiring the services. The policy is known as the ‘back-pack’ policy: pupils take a personal budget with them to the school of their choice. If a student meets the criteria for this so-called 'pupil-bound budget', parents and pupils can choose a school, either special or mainstream, and take part in the decision-making process to decide on the best way to use the funds in order to meet the student's special needs. At the moment there is a discussion about the need to replace the pupil-bound budget with an alternative funding model. The most attractive funding option in support of inclusive education appears to be a strongly decentralised system where budgets for learners with ‘special needs’ are delegated to local institutions (municipalities, districts, school clusters).

Accommodation of the individual’s requirements
By statutory legislation, it is assured that schools get financial and expertise support to accommodate for the requirements of individual learners in cases of: architectural conditions, class-room size, functional assistance, adaptive technology, educational measures, learning Braille or Sign language, augmentative and alternative forms of communication. All requirements are organised on the basis of Special Education Needs and not on Inclusive Education. They are organised within the Expertise Centers by peripatetic teachers.

Training of teachers and staff
By statutory legislation, it is not assured that the initial training of teachers is oriented to the requirements of inclusive education (inclusive teaching methods, incorporation of disability awareness, the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities).

The Professions in Education Act (Wet BIO, 2004) does not distinguish between the qualities of teachers in regular and special education. Sets of competencies and their requirements have been developed for teachers, and are being developed for assisting staff
members and (primary) school managers. The competence requirements for teachers are approved by the government and have been operational from August 2006. However, studies carried out by WOSO (Association of Teacher Training Institutes for Special Education) and SBL (the Association for the Professional Qualities of Teachers) have made it clear that teachers in special and inclusive education need to have additional (ortho) didactic and (ortho) pedagogical competencies.

In the Netherlands, it takes four years to obtain an initial mainstream teaching qualification. Primary school teachers study at institutes of higher education (PABO). They are trained to teach all curriculum subjects, but also a specialist subject. The initial teacher training includes an introduction to educating pupils with special needs. Secondary school teachers study at institutes of higher education (Lerarenopleiding VO), where courses are mainly subject-oriented. Qualifications in special education are optional, though strongly recommended when applying for a job at a VMBO school.

Though supplementary training for teachers in special education is optional, a majority of (special) teachers nowadays follow a two-year, part-time post-compulsory training. The ‘grade one qualification courses’ are offered at higher education (HBO) institutes and at universities. The Association of Teacher Training Institutes for Special Needs (WOSO) also offers ‘grade one qualification’ courses in Special Education leading to a master’s degree.

In-service training
On June 30, 2006, the Ministry of education, culture and science (Ministerie of Onderwijs, Cultuur en Wetenschappen, OCW) developed the 'Agreement on the professionalisation and support of staff in primary and secondary education’ with education sector employers and associations of employees. As a result of this agreement, primary and secondary schools received additional resources for professionalisation and support of staff. The agreement is mainly aimed at facilitating further development for teachers and other education staff within the school. The agreement contains arrangements to maintain competency requirements and training and professionalisation in relation to the Education Professions Act and the competency file or portfolio. These arrangements have been further elaborated in the decentralised collective labour agreements.

Monitoring of development of inclusive education
The CBS (Central Institute for Statistics) monitors data about SEN pupils and students on the basis of special educational needs. No data have been collected with regard to inclusive education as such.
Numbers and percentages of pupils/students with SEN in mainstream classes, units in mainstream schools, special learning institutions outside the education system, are collected and monitored at different levels of the system.
Barometer assessment to part A:
Legal basis and prescription on inclusive education in the Netherlands

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5.8.2 Assessment of given practice of inclusive education in the Netherlands

Inclusion in the Dutch education system

In the Netherlands children in compulsory mainstream primary schools are aged between 5 and 12, although most children start at 4 years of age. In 2008 – 2009 the total number for children in mainstream primary education was 1,553,332. The percentage of children with disabilities or SEN not participating in mainstream primary schools was 2.2% (34,500) (CBS Statistical Yearbook on Education, 2010).

The Primary Education Act (1998) governs mainstream primary education, but also special primary education (SBO) for children with learning and behavioural difficulties (LOM), children with learning difficulties (MLK) and preschool children with developmental difficulties (IOBK). Pupils that exhibit a potential educational disadvantage are given a certain ‘care weight’ in a weighting system applicable to the following groups: Dutch pupils whose parents have a low level of education 0.25, bargemen’s children (0.4), children of caravan dwellers and gypsies (0.7), ethnic minority pupils whose parents have a low level of education (0.9), pupils whose parents have lower education than vocational training (0.3), pupils whose parents have only primary education and/or lower than vocational training (1.2). The new weighting system has been introduced on an incremental basis between 2006 and 2010. Starting in 2006, two extra pupil age groups were added each year according to the new system to be included in the funding a year later. In 2008-2009 2.8% (44,055) of children were registered as SBO pupils.

The SO (Special Education for disabled children) is governed by the Expertise Centres Act (WEC, 1998) which governs only non-mainstream education. In 2008/2009, 2.2% (23,500) of children were registered as SO pupils.

In 2008-2009 the total number of students in Secondary Education (VO, 12 – 16 years) was 934,970. The Secondary Education system is governed by the Secondary Education Act (WVO, 1998). LWOO (SEN Support in Lower Vocational Education) and PrO (Practical Education for students with lower intellectual abilities) are also governed by the WVO. In 2008-2009 10.5% (98,488) were registered as LWOO students, 2.8% (26,894) as PrO students. SVO (Special Secondary Education), however, is governed by the Expertise Centres Act (WEC, 1998). In 2008/2009, 3.39% (31,700) were registered as SVO students.

Therefore, in the Netherlands the notion that inclusive education gives more opportunities is not generally accepted. According to Schuman (2008) this is due to our consistent focus on integration (of disabilities) instead of inclusion of SEN pupils/students.

It also has to be mentioned that there is no form of adult education or second chance education for pupils with mental disabilities. (Perspectief, 2009, p. 29-31).
Funding
In general no school fee is charged for children during compulsory primary, secondary and special education. However, schools can ask for an additional parental contribution for extra activities such as school swimming, school trips, etc. School books are also free. The expenditure for primary education in the Netherlands has increased considerably in recent years due to special care for children with learning and behavioural difficulties and children with learning disabilities. The increase in expenditure for primary education is closely related to the shift to more expensive forms of special education and the rise in the number of ‘disabled’ children with a voucher enabling the, to attend regular primary school (called the ‘backpack’ after the Dutch name ‘rugzakleerlingen’). This increase is probably due to new policy measures that have attracted new ‘disabled’ children without binding financial constraints. Information about the effectiveness of policies for ‘disabled’ children in terms of prospects or net social returns is barely available. There is a considerable difference in direct costs. Average SEN pupil expenditure when attending a special school (SO) amounts to about € 18.400 and when attending a special primary school (SBO) about € 9.000 annually. At mainstream schools pupil costs are lowest: € 5000 annually (Minne e.a., 2009).

Participation of parents
The Appropriate Education (2013) policy aims to put in place regional networks of mainstream and special schools that will be able to provide all pupils with education appropriate to their needs, thus improving the quality of education. Although parents are generally involved in the decision making on behalf of SEN pupils, school boards have the authority, even against the wishes of children and parents, to assign a child to a mainstream school or to a special school in the regional network. This can often mean that fewer efforts are made in developing towards Inclusive education.

‘Too easily the fact is ignored that parents don’t get a fair choice. For it is like this: you don’t send your child to a mainstream school if the support for your child is brought down from one full week to a half a day weekly, if the knowledge of the average teacher in mainstream schools lags far behind that of teachers of special schools and if your child is forced to be ‘an example of inclusive education’ because the reigning morality is not able to cope with disabled people’

(FvO: Federatie van Ouders, 2006; FvO: Federation of Parents’ Associations, 2006)

Other factors also play a part behind the scenes, like the funding system which makes it attractive to diagnose pupils with disabilities (extra financing) and the costs of transport to a regular school which are not compensated. Also, the division of responsibility between stakeholders is a factor: schools can refuse pupils because of the ‘freedom of education’ act (art 23 Constitutional Law). This means that practically the whole field of education is in the hands of private school boards (Schuurman, 2010).

Assessment procedures
For the assessment of Dutch education concerning children with disabilities we have to rely on evidence and knowledge with regard to the existing situation. This situation, comprising Special Education schools and Expert Centers, Integrative education in primary education (‘Going to School Together’), LWOO and PrO in secondary schools, ‘backpack’ funding arrangements and the existing care structures in and for schools and children with disabilities and special needs (peripatetic services), is rather complex. However, the overall objective is that pupils of special primary and secondary schools have to reach the same
level of basic knowledge or ‘core standards’ as pupils of mainstream primary and secondary schools, although they may be given some extra time. In practice, this intention often fails, causing major dissatisfaction among pupils, parents and teachers.

In recent years the quality of education and support towards SEN children in primary as well as secondary education has diminished. In 2009 the Inspectorate concluded:

- A deficit in national learning standards for all pupils. Especially SEN pupils will suffer from this deficit risking an early exclusion from the core curriculum and having to take part in special (isolated) courses.
- A lack of transparency in personal standards and development of pupils. Schools lacking self-criticism in their ability to support SEN children in making clear outcomes and formative assessments risking underachievement.
- Many schools are not able to draw up an instructional design with a perspective on further education for SEN children.

An assessment by the General Audit Chamber in 2005 showed that the programme for more inclusive education was actually strongly treatment-driven, while its objectives, target groups and output were officially pupil-oriented. The implementation appeared to cause trouble, e.g. with regard to inter-school and regional cooperation as well as interdisciplinary cooperation for multi-problem pupils (General Audit Chamber, 2005). To overcome that problem the programme for inclusive education has to be incorporated into the ‘Appropriate Education Act’ (2013) in terms of aims, organisation and budget (Secretary of State for Education, 2007).

The relationship between both concepts for the education for children with disabilities and special needs, however, is still rather unclear (Muskens and Peters, 2009).

**Equal access to education**

In the new ‘Appropriate Education Act’ pupils with disabilities can be enrolled in a mainstream school by the right to ‘Zorgplicht’ (Duty of Care) imposed on school boards. However, school boards still have the right to refuse a pupil if they can demonstrate that their support capacity is insufficient to handle inclusion in education. Inclusion in this context means:

- Equal appreciation of all pupils/students and staff
- More participation of pupils/students in cultural and educational programmes and school society. Reconstruction of the culture, policies and practice of schools so as to better respond to the diversity of pupils/students in the local community
- Reducing barriers in learning and participation for all (so not only disabled or SEN) pupils/students.
- Learning from attempts to conquer obstacles to access and participation of certain pupils/students to bring about changes benefitting all pupils/students.
- To see diversity (of pupils/students) as a means to support learning instead of a barrier to overcome.
- Recognition of the right of pupils/students to attend schools in their own neighbourhood or community.
- Improving schools in favour of staff and pupils/students.
- Emphasizing the role of schools in the construction of communities, the development of (moral)values and improvement of achievements
- Promoting lasting and reciprocal relations between schools and neighbourhoods/communities
- To see inclusion in education as an aspect of social inclusion
In the Netherlands the idea that inclusive education provides more opportunities is not widespread. According to Schuman (2008) this is due to our consistent focus on integration (of disabilities) instead of inclusion of SEN pupils/students. It has also to be concluded that there is no form of adult education and second chance education for mentally disabled people (Perspectief, 2009, p 29-31).

**Individual learning requirements**

In general: most accommodations and services in relation to disabilities are organised by schools for Special Education Needs and Expert Centres, especially for pupils with visual, hearing or motor experience.

The services are mainly organised by the ‘Expertise Centres’. Peripatetic teachers from the Expertise Centers support the accommodation of individual requirements and support teachers in schools in developing professionalism in teaching children with hearing impairments in augmentative and other alternative forms of communication or teaching visually impaired children to use Braille.

After compulsory education, there are several acts concerning individual requirements for persons with SEN. In particular, the Equal Treatment Act (2003, 2009) and the Social Support Act (2009) propose concrete rights to accommodation services. For instance, Art 2c of the Equal Treatment Act states: ‘Reasonable changes in accommodation will be made befitting individual requirements’ (WGBh/cz, 2003). The problem lies therein: ‘what is reasonable’?

Also, although schools have adaptive technology, didactic adaptation, testing and teaching methods at their disposal, the care in Special schools is not always sufficient. The Inspectorate of Education states: 23% of Primary and 23% of Secondary Special Educational schools are not able to provide good care. In Practical Education (PrO) this percentage is 11%. The quality of care deserves full attention in all educational sectors, especially in the fields of professionalising care providers and the effectiveness of care. [Inspectorate of Education, Yearbook 2008/2009].

**Barometer assessment to part B:**

‘Practice of inclusive education in the participating country’

in the Netherlands

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5.8.3 Assessment of progression towards inclusive education in the Netherlands

Development of inclusive education

Since 1991 the development of special education in primary, secondary and special schools has changed because of the new registration of SEN pupils in the WEC (Expertise Centres Act), WPO (Primary education Act) and WVO (Secondary Education Act). The percentage of SEN children not in mainstream primary schools (Experts Centres) has hardly increased over the last decade: 2000: 1.9%; 2003: 2.1%; 2006: 2.3%; 2009: 2.2%. (Statistical Yearbook on Education 2010 (school year 2008/2009). Yet, within the Expert Centers the percentage of children with severe speech problems and severe behavioural difficulties has steadily risen compared to other pupils.


The development of special education (Expertise Centres) on secondary schools (SVO, not mainstream secondary schools) shows a slight increase: 2000: 1.9%; 2003: 2.2%; 2006: 2.7%; 2009: 3.4%

Mainstream schools with SEN capacity (LWOO and PrO) – no data in 2000 – registered in 2003 9.7% LWOO students, in 2006 10.6%, and in 2009: 10.5%, PrO schools in 2003: 2.7% in 2006 2.9% and in 2009: 2.9% PrO students, which shows a fair stability.

Since 2003 the single most important legislative development among the relevant sectors issued in favour of inclusive education is the Equal Treatment Act for young people aged between 16 and 24, which forbids discrimination. Since 2009 this law has also been extended to primary and secondary education (4 - 16 years). This equates to a big step forwards for equal rights, emancipation and anti-discrimination of pupils with Special Educational Needs.

Following the Equal Treatment Act the new law on ‘Zorgplicht’ (Duty of Care Act, 2011) and on ‘Passend Onderwijs’ (Appropriate Education Act, 2013) will advocate a system for individual requirements and accommodation in the field of Special Educational Needs, but this does not support inclusive education because of the government’s decision that special schools will be maintained.

Parent involvement and assessment

The Appropriate Education policy will ensure that parents are involved in the decision-making process in special or inclusive education by being consulted in both the diagnosis and the allocation period. School boards and (integrated) assessment centres have to draw up mutual and monitored individual educational plans for SEN children (Action oriented diagnosis). Although school boards have to take more responsibility, Art.23 of the Constitution still authorises them to refuse to refer pupils to a school preferred by the parents.

As stated before, the assessment procedures of special educational needs since 2003 have not developed in a satisfactory way towards inclusive education. With the implementation of the new appropriate education system, the following points of a provisional assessment of ‘appropriate education’ for pupils with disabilities and special needs in the Netherlands in relation to inclusion in mainstream education should be considered:

- Education for children with special needs and disabilities was developed and implemented in a mixed and double system, i.e. inclusive education for pupils with light disabilities and special needs on the one hand, and special education for pupils with severe physical, intellectual or mental disabilities on the other.
- Budget appropriations and concerted expertise in and around schools for special education are obstacles to realising a possible alternative system.
- The mixed and double system has evolved in the direction of (financial) ‘backpack’ arrangements for individual pupils and their parents, as well as the new concept of ‘appropriate education’. These have now full political support and priority.
- At present, there is no further or new political attention for the concept of inclusive education – it will remain the concept for pupils with light disabilities and special needs, as manageable in mainstream education.
- Appropriate education will be inclusive education as far as children with disabilities and special needs choose to spend their educational career in mainstream schools. This is a possibility. The backpack financing can be used provided that schools make an appropriate offer, using their regional framework and with external support. So, inclusiveness will depend on both individual parental and pupils’ choice on the one hand, and the response of schools on the other.
- A pilot with guidelines concerning ‘multilevel contextual learning theory’ was assessed positively in 2005 (Mooij & Smeets, 2006). These guidelines may help to keep special need pupils in mainstream education, while designing psychologically appropriate learning processes and motivating educational, organisational, and managerial characteristics and procedures for all pupils. Initial findings resulted in the development of a pedagogical-didactic kernel or competence structure and a prototype of Internet-based software.
- Risk factors for inclusive education may arise from: parental pressure against children in need of care, non-take-up of the backpack arrangements, attractiveness of special education and special schools, treatment-oriented undercurrents where demand-orientation would be appropriate.
- Further risk factors are related to new rules and bureaucracy, management problems, competition between new and old actors, diminishing public support, etc.

Furthermore, the integration of care and education is promoted by the implementation of Zorg-adviesteams (ZAT, Care advice teams) and the policy of ‘Zorg in en om de school (ZiOS, Care in and outside the school). These policies ensure that the existing separation between care and education is altered.

To conclude, there are some good initiatives regarding inclusion in education but at the legislative level, these initiatives are limited.

**Equal access to education**

The new legislation of Duty of Care and Appropriate Education stresses equal access to mainstream schools by stating that ‘every (SEN) child has the right of optimal schooling according to his or her capacities and needs within the regular school system’. It also means a change from mainly ‘supply-oriented’ education into ‘demand-oriented’ education in which the child becomes the central focus (again!). Instead of obliging the child to adjust to an (educational) structure, the structure is adjusted to suit the child, so that every child’s potential is given adequate attention.

The Dutch government has spent a substantial amount of money over the last decade to create a better school infrastructure. Many (special) schools were given a new façade or even a completely new building. Despite all this and the ‘Building Decree (2002) regular schools are still not accessible for children with disabilities. In practice it is often hard to realise architectural adjustments. Also, schools cannot be forced to make the school more accessible. However, once a child with a disability is assigned to a school or when a child
becomes disabled during school time, the school has to see to it that the child can continue to attend classes. There is still a lot to do!

Due to financial cuts the new legislation on Zorgplicht (Duty of Care) and Passend Onderwijs (Appropriate Education) will most likely be postponed. This also means that the development of availability of appropriate staff will be delayed. Fortunately there is an increase of (mainly primary) teachers taking courses to improve their competencies with regard to children with disabilities.

**Facilitation**

Facilitation of classroom sizes, adaptive technology, functional assistance and provision of care, educational measures, Braille and sign language, and augmentative or other forms alternative forms of communication will probably remain under the legislation of Equal Treatment and Expert Centers. However, both are experiencing severe financial cuts. It will probably take a long time to change this for the better. Fund raising, which is an alternative way to reach objectives, is stimulated.

Yet, positive developments emanate from the findings of the European Agency for development of Special Needs Education regarding classroom practice. The suggestions they make regarding effective inclusive education like cooperative teaching, cooperative learning, collaborative problem solving, heterogeneous grouping, effective teaching, creating a home area system and other ways of learning often form the content of seminars, workshops and Master SEN theses nowadays. (Meijer, W (2005), van den Berg et al (2009), Buschman, D (2010))

**Teacher Training**

Training of teachers in the Netherlands is still not geared towards the requirements of inclusive education. A distinction has to be made between the efforts and achievements of the Initial Teacher Training Institutes and the Post-Graduate (Master) Courses SEN carried out by the three Departments of Special Education of Universities of Applied Science in the Netherlands (Fontys OSO, HU/SvO and Windesheim OSO). These initiatives are Institute-driven and not a result of politicians or policy in the educational system of the Netherlands, which still is very strongly SEN-oriented in supporting accommodation for individual requirements.

**Vocational Training/lifelong learning**

There is no official form of adult education and second chance education for mentally disabled people in the Netherlands (Perspectief, 2009, p 31).

**Monitoring Systems**

Despite the ratification of UN convention art 24 concerning people with disabilities there is no systematic monitoring system of inclusive education in the Netherlands.

**Professional Associations**

Since the Salamanca Convention the three existing Postgraduate Teacher Training Institutes for Special Educational Needs in the Netherlands (Fontys OSO, Seminarium voor Orthopedago-giek en Windesheim OSO) have focused more and more on inclusive education. Regular Teacher Training Institutes are still focused mainly on subject-oriented education. However, thanks to the efforts of the Postgraduate institutes, the regular institutes are becoming increasingly interested.
Awareness
Awareness raising focused on the issue of Inclusive education and equal rights for all pupils in mainstream education depends very much on Non-Governmental Organisations (NGOs) like Parental Organisations or the so-called ‘Coalitie voor Inclusie, 2008’ (Association for Inclusion, 2008) in which all kind of stakeholders (parents of SEN pupils, politicians, educationalists, care-providers, etc) are working together to exert pressure on politicians to develop policies on the basis of the UN Convention, art. 24 (Education Act).

Perspectives on progression
Due to the UN Convention and the Salamanca and Dublin Declaration, all sanctioned by the Dutch Government, the Ministry of Education ought to pay more attention to the development of inclusive education. Financial cuts over the last 5 years and differences of opinion on how inclusive education should be implemented and supported, the chance of propelling the current system towards inclusion will remain for the coming years. Nevertheless, special education and the willingness to include will undoubtedly increase over the next few years.

‘Barometer assessment’ to part C:
‘Progression of inclusive education’ in the Netherlands

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5.9 Portugal:

The following assessments are based on a comprehensive review of the Portuguese situation of inclusive education based on the national questionnaire developed in the P2i-project. The assessments refer to legal situation and prescriptions (A), to given practice (B), and to the progression (C), i.e. developments towards inclusive education in the meaning of Art. 24 of the UN Convention on Rights of Persons with Disabilities. All the references and precise data can be found in the following document:


Introduction

Since the 7th of January of 2008 there is a Law that gives direct guidance to inclusive education (Decree Law No. 3/2008). Until this day, there were laws that didn’t support inclusive education and had a broader definition of special education needs. This law emanates from the Salamanca statement directives (1994) and the Lisbon Declaration in 2007, when a live interview was conducted in the Portuguese Parliament (organized by the Ministry of Education and the European Agency for Development in Special Needs Education) with special education needs students (SEN) from 29 European countries – Young Voices: Meeting Diversity in Education. This initiative resulted in approval by the Parliament.

Three fundamental rights where defined:

The right to education: all children with special education needs, even as the result of a problem (or problems) in a particular area of development, have the right to education. At compulsory school age, education for children and adolescents with special educational needs, no matter how complex they are, should be provided within the education system.

The right to equality: the inalienable right of all children to equal opportunity in gaining access to and achieving success in education, without any type of discrimination, and with educational resources and support adequate to the individual needs of each one.

The right to be part of society: it is a principle that they have the right to attend mainstream schools of education, which from the perspective of school for all, find the right solutions for the needs of each individual. The rule is that these children with disabilities should be included in the mainstream teaching system, with the solution of special schools being the exception, only when all means for keeping pupils in the normal school alongside their peers have been exhausted.

According to this decree, the definition of Special education needs (SEN):

Students with significant limitations of their activities and participation levels in one or more life domains due to permanent function and structure changes that result in continued difficulties in communication, learning, mobility, autonomy, interpersonal relationships or social participation.

In this definition the terminology is based on the ICF Classification (International Classification of Functioning, Disability and Health) from the WHO. This is the reference for all evaluations and the ICF is the only terminology authorized to justify the SEN of all pupils. Outside of this definition are:
- Pupils at risk,
- Pupils with significant limitations of their activities and participation levels in one or more life domains due to environmental changes or barriers;
- Pupils with significant limitations of their activities and participation levels in one or more life domains due to non-permanent function and structure changes.

In 2008 the Ministry of Education advised all special schools to create a structure called Resource Centre for Inclusion (RCI) so that professionals from these schools could bring their know-how acquired over several decades to public schools. A period of 5 years was foreseen for all special schools could become acquainted with RCI services.

It is important to differentiate between special schools:
- Some schools (mostly private with lucrative management) have their own facilities and only enroll SEN pupils in their classes (purely segregated environment).
- Other schools (mostly private with non-profit management) develop partnerships with the local administration and schools to provide a classroom for this purpose so that their pupils can benefit from school facilities. The layout is similar to the specialized support units, however, the special school pupils cannot access a mainstream classroom and so, inclusion is not supported.

Most special education schools are reducing the number of pupils and some are foreseeing closure in 2013.

5.9.1 Assessment of legal situation and prescriptions

In Portugal there was a major shift with the ratification of the decree law nº3 of January 2008, which regulated special education. Inclusion is now the predominant answer to SEN pupils and the segregated setting of special education schools is being maintained specifically for students who were already in this environment prior to 2008.

The only special education schools available are at a primary level and are all private. There are no public special education schools and no secondary special schools (private or public).

Most special education schools (segregated environment) operate their classes inside a mainstream school. The classroom (physical space) is provided by the local administration (city hall) but all professionals, equipments, materials, transportation, curriculum, activities and nourishment must be provided by the special school. A special needs teacher is not provided for, however this is possible with school authorization and a willing teacher that volunteers.

Education is free in all public schools and in all special education schools. Additionally transportation and nourishment are also free for SEN pupils only.

There are no secondary special education schools in Portugal. A public school cannot cancel the enrolment of a student with disability. This is prohibited by the ministry of education dispatch nº 13170 of 2009 that states the priority of school enrolment:

1. Children that complete 5 years of age until 31st December;
2. Children with permanent special education needs;
3. Children of minor student parents.
According to the decree 3/2008, Artº 3 the Participation of Parents, parents are viewed as integral and active members of the Individual Education Program (IEP), it is mentioned that they can consult the IEP at any time, but it their involvement in the process is not clear. Parents cannot access a special education school (segregated setting) directly.

According to the Artº 1, point 2 of the decree law nº 3/2008 – public schools, private schools, vocational schools, which are directly or indirectly financed by the Ministry of Education, **cannot reject an enrolment of a pupil based on disability or special education needs** that this student might require. Students are positively discriminated in comparison with their peers by the time they enroll in a school. Curriculum changes, classroom sizes, specialized material and equipment, adaptation of physical spaces, specialized support with therapists, interpreters (hearing impaired pupils), psychologists and other professionals are envisaged for SEN pupils.

Universities are unable to update their curriculum to support inclusive education. Teachers basic training does not cover SEN or disability. Even special education teachers struggle in a special support unit for multiple disabilities pupils’ environment. The model is based on post-formation activities – where most information is up to date and basic knowledge is acquired. Knowledge acquired from the RCI professionals allocated to schools is also important.

Statutory legislation does not assure that persons with disabilities have access to vocational or lifelong learning without discrimination and on an equal basis with others. During the last 3 years of compulsory education, SEN pupils have an Individual Transition Program (ITP) that aims to prepare pupils to active and adulthood life.

There is only one organism monitoring the development of inclusive education. This organism belongs to the ministry of education (DGIDC) and neither the data nor the raw data gathered during the monitoring process are easily accessible.

**Conclusion**

Inclusive education in Portugal experienced a seismic shift in 2008 and the education system is still trying to comply with all the directives issued by the ministry of education. However, major changes occurred and the inclusion of SEN pupils increased dramatically from 2008 until now. Schools offer a much higher quality of services and promote different educational paths to SEN pupils. However, the current funding recession has resulted in a slow down in the inclusive education progress.

**Barometer assessment to part A:**

**Legal basis and prescription on inclusive education in Portugal**

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<th>The given legal basis for inclusive education can be assessed as</th>
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<th>Rather supportive for progressive implementation</th>
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5.9.2 **Assessment of given practice of inclusive education in Portugal**

Special schools (segregated setting) can enroll pupils from 6 to 18 years old. These schools have the pedagogical equivalence of a primary level. Reaching the 4th level, pupils remain in this educational level until they reach 18 years old.

At a pre-school level special schools cannot enroll students, only at a primary level. Statistically **there are no pupils at a secondary level in special schools**. There is no data available to clearly calculate the number of pupil’s age 11 to 18 years in special schools. In 2008, 3,576 students with disabilities or SEN attended private special education schools. This represents 18% of the whole amount of 19,642 SEN pupils. In 2009, 2392 students with disabilities attended private special schools, of the total of 31,776 of SEN pupils. This represents 7.53%.

In practice there are no direct or indirect costs associated with primary and secondary inclusive school. SEN pupils are positively discriminated at this level as they are exempt from costs.

By default every SEN pupil must be included in a mainstream school. Only if parents wish to enroll their child in a special school setting is this possible, and then they must follow a long process of authorization by the ministry of education.

**No school can deny a pupil access based on disability.** In fact, if a pupil is considered in need of special education he or she is enabled to access other schools outside of his or her residential area which might suite him better, unlike his peers. This occurs because not all schools are adequately equipped to receive all pupils, mainly due to architectural barriers. Pupils with severe disabilities might need a special support unit in one school. There is a problem with the lack of support units and some are overcrowded. There is also a lack of specialized support units for multiple disabilities in secondary schools. This also puts pressure on primary support units which see their population reach an age range beyond that of their peers.

Although the law is very clear on class reduction it’s not always possible to follow this orientation, mainly in highly populated areas where all classrooms have an excess of pupils. There are evidences of more than two SEN pupils per class and classes with SEN pupils without any class reduction.

There are several ways of accessing individual adaptive technology (see reference); however some pupils cannot access them in time. In some instances, parents purchase these technologies and wait for the social service reimbursement. Unfortunately, due to their financial situation, this is impossible for many families, this is impossible.

Although there are no personal assistants in schools, operational assistants (auxiliary personnel) are placed in schools for the entire school community. The local administration (city hall) has the responsibility of placing these assistants in schools and there is a ratio of two operational assistants per specialized support unit (usually with six pupils), although some units only have one assistant. These assistants usually come from an unemployment program to gain experience for one year. After that they leave and new assistants replace them.

There are 72 schools for visually impaired and hearing impaired students. The decree law nº 3/2008 foresees human resources for these schools and adaptive technologies. Alternative communication systems can be easily found in most schools with specialized support units.

SEN students still do not have access to higher education on an equal basis with others. Some universities are starting to open some courses to SEN students.
We can identify poor initial training of teachers and operational assistants as the main barriers against full inclusive education in Portugal. Teachers feel they haven’t got the competencies to fully support all SEN students due to the diversity of situations they have to deal with.

**Barometer assessment to part B:**

*‘Practice of inclusive education in the participating country’ in Portugal*

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**5.9.3 Assessment of progression towards inclusive education in Portugal**

It is difficult to assess quantitative developments, because the necessary data are not available for different age groups, only general data is published. For example, there are 1,235,464 students in compulsory education. There are 2,392 students in special schools. This means that 0.2% of all students are in segregated environments.

There is legal consistency for inclusive education. Until 2008 parents could decide to enroll their child in a special school. They could contact the school directly and, if there was a vacancy, contacts would be made for the ministry of education to enroll the pupil in the special school. Naturally the request would be authorized. After 2008 this process expired. Only on rare occasions does the ministry of education contact special schools to assess an enrollment of a new pupil. Until this year there were vague articulations of assessment procedures and criteria to enlist a pupil in special education. There were some reported abuses of this tool amongst pupils without special needs: children of immigrant families, children of some ethnic groups, children with violent backgrounds due to environmental factors and unmotivated for school. After 2008 strict criteria was established (see introduction). All pupils were reevaluated according to the new law and many exited special education for not adhering to the criteria demanded.

Until 2008, schools could deny a SEN pupil access based on disability. This possibility led most schools to fail at creating diverse educational paths and to adapt their spaces to receive all pupils. Pupils were also not positively discriminated against. Since all primary school facilities are managed by the local administration (city hall) it is the responsibility of the local power to remove architectural barriers and to provide resources to support inclusion. Nowadays, all funding is being reassessed by the local administration due to the financial situation the country is in.

One major change which occurred at this level was the possibility of all schools to contact the local Resource Centre for Inclusion (RCI) and require specialized professionals and therapists. It greatly improved the quality of services and allowed teachers to contact with this professionals and gain experience and information.
Even before 2008 there were reduced classrooms to accommodate SEN pupils. More schools are justifying this need and request a reduction in the size of the class to the school board. However, sometimes this is not possible due to overcrowded schools.

The use of adaptive technology is increasing and, more importantly these technologies are better used.

Until 2008 the local administration could allocate an assistant to a needed pupil. After 2008 the possibility of allocating an assistant to each individual pupil and the consequences of this individualized support were discussed. It was discouraged because it was thought it would lead to the isolation of the pupil and diminished peer social informal contacts and peer interaction.

The shifted responsibility of educational process and Individual Education Program from the special education teacher (before 2008) to the class teacher (after 2008) led to some severe problems and standardization of individual needs. Slowly teachers are better understanding the need for these individual programs and their use.

The use of Augmentative and Alternative Communication (AAC) has increased and, most importantly, they are better utilised. The main reason for this improvement was the partnerships made with RCI’s where AACs are broadly used, but also the post-formation in AAC and several meetings held about the subject.

The initial teacher training does not promote inclusive education. In some universities the use of the International Classification Disability, Function and Health – Children and Youth (ICF-CY) was debated and some teachers refused to use it because they felt: the Classification is only in his draft stage (there is still no final version available); the translation was based on the Brazilian translation and still some terms are not in Portuguese from Portugal; the classification was not intended to be used in an education setting (more in health and rehabilitation); there are better tools available in the education system which evaluate one’s functional profile and which are better understood by teachers.

There is also a certain degree of resistance to promote the decree law 3/2008. This is mainly because it is considered an idealistic law which does not reflect the real problems in schools. Nowadays this is considered the main barrier to a more inclusive school.

Vocational training courses are reevaluating their capacity to enroll SEN students. Most vocational trainings have double certification (professional and academic) and both must be accomplished simultaneously. In vocational training there are no adaptations in the academic curriculum, limiting the enrollment of SEN students.

There are also few vocational training courses with only professional certification. Initially they were conceived to admit SEN students. It was comprised of four years training with the possibility of extension for one year if justified, and the internships were adapted according to ones needs.

Since 2009 new directives were issued, reducing this period to two years formation and one internship with rigid characteristics. At the end of this period, if a student fails to receive the certification, the vocational facility is penalized with a funding financial cut. As a result, vocational schools are limiting the admittance of SEN students.

There is only one organization monitoring inclusive education (DGIDC). Some data released is general information. There is no systematic monitoring system with precise data. The information released is not sufficient to fully comprehend the inclusive path.

When the decree law 3/2008 was ratified, teachers unions, associations and most stakeholders were against it and said it couldn’t be done. There was no transition period
between the two systems and most teachers felt completely lost. New terminology from ICF-CY was misinterpreted and many errors were committed. In the wake of 2008, and after many debates provoked by several associations, stakeholders are starting to use the law and to find ways to promote inclusion.

‘Barometer assessment’ to part C:
‘Progression of inclusive education’ in Portugal

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5.10 Slovenia:

The following assessments are based on a comprehensive review of the Slovenian situation of inclusive education based on the national questionnaire developed in the P2i-project. The assessments refer to legal situation and prescriptions (A), to given practice (B), and to the progression (C), i.e. developments towards inclusive education in the meaning of Art. 24 of the UN Convention on Rights of Persons with Disabilities. All the references and precise data can be found in the following document:

- Training, Occupation and Care Centre Dolfke Boštjančič (2010): P2i-Results of National Review on inclusive education, Draga

Introduction

In Slovenia, the field of education of people with special needs is governed by the Ministry of Education and Sport. The key act that defines the education of children, minors and young adults with special needs and lays down the methods and forms of carrying out education, is the Placement of Children with Special Needs Act (2000).

Under this Act, children with special needs are defined as children with intellectual disabilities, blind and visually impaired children, deaf or hard of hearing children, children with speech and language impairments, physically disabled children, chronically ill children, children with deficits in certain areas of learning, and children with behaviour and personality disorders, who require either education programmes with special teaching and additional professional help, adapted education programmes, or special education programmes.

People with special needs are placed in education programmes with particular consideration given to the individual’s achieved level of development, ability to learn and achieve standards of knowledge, aetiology, the prognosis with regard to the his/her deficits, impairments or disabilities; criteria are followed for the assessment of the type and degree of deficits, impairments or disabilities of children with special needs. The education of persons with special needs is carried out in accordance with the above Act and the regulations governing the field of pre-school education, primary school education, vocational and general secondary education.

In the past decades, the greatest changes in education of persons with special needs in Slovenia were brought in by the White Paper on Education, based on which the Elementary School Act (1996) and the Placement of Children with Special Needs Act (2000) were developed. Instead of classifying people with special educational needs into groups, a system of grouping persons with special needs into education programmes was introduced. The legislation thus replaced distinct forms of education with inclusive and more flexible schooling arrangements for persons with special needs; the programme with adapted teaching and additional professional assistance for kindergartens and regular schools; the possibility of moving between programmes with different standards of knowledge; the placement of persons with special needs in education programmes; and the implementation of adapted programmes in regular schools. This gave more children with special needs the opportunity to attend regular schools.

The White Paper on Education and the Placement of Children with Special needs Act are currently being revised, whereby the field of care for people with special educational needs is about to see some changes that will take account of inclusion.
5.10.1 Assessment of legal situation and prescriptions

The system of laws in Slovenia is consistent in providing the right to inclusive education. The National Assembly of the RS is in the process of adopting the Act on Equal Opportunities for People with Disabilities, which in Article 11 of the bill underlines the right to inclusive education.

Inclusion in education programmes at all levels and lifelong learning must be provided to the disabled as well as children and youth with SN, in the area where they live, as it is to other citizens.

Inclusion in other programmes, e.g. the special and adapted programme and adapted forms of regular programmes should not be discriminatory.

Some respondents point at inconsistencies between the legislation on education and social-care and the conventions adopted, visible particularly as:

- non-provision of equal opportunities for development (which should be ensured by inclusive education) to all groups of children with SEN
- non-provision of the implementation of various programmes (minimum standards of knowledge are laid down),
- non-provision of equal opportunities for lifelong learning to all adults,
- non-provision of equal opportunities for development at the pre-school stage to all children with SEN (not only those attending a kindergarten or a centre),
- early assessment of children with SN and parents/families is not dealt with systemically,
- the level or quality of inclusive education depends on the local communities (the funding of pre-school education, teaching material, etc.)

In Slovenia, primary education in public schools and centres and in private organisations which hold concessions is provided for free and is accessible to all children. The education of children and youth with special needs is delivered only as a public service. Inclusive primary education is therefore free.

Education is financed by: public funds, funds of founders, contributions of economic associations and chambers, direct contributions of employers for practical lessons, contributions of pupils, apprentices, secondary and higher education students and adults, tuition fees in private schools, parents’ payments for services in pre-school education, funds from service and product sales, from donations, sponsor contributions and other sources.

The vocational education of secondary school students with special needs, who manifest special talents or intellectual disabilities, blindness or impaired vision, deafness or impaired hearing, speech and language impairments, motor disability, long-term illness, behaviour and personality disorders and deficits in certain areas of learning, is organised and carried out in accordance with the Vocational Education Act.

In secondary schools education with adapted teaching is organised within regular classes, which includes: adapting the education programme process according to the student's statement of SEN, to the student with special needs who is placed in an education programme with adapted teaching and additional professional assistance; providing additional hours of professional assistance and the use of required additional equipment; and reducing class sizes in accordance with norms and standards. In adapted education programmes which provide an equal standard of education to students with special needs, adjustments can be made to the weekly schedule of subjects, the organisation, duration and method of assessment and examination, promotion requirements and lesson scheduling.
In the case that a secondary school is unable to provide suitable conditions, schooling is provided in a school that meets the necessary requirements and is closest to the student's place of residence.

The legal basis facilitates effective participation in the process of placement and the selection of the most suitable form of education to persons with special needs and their parents/relatives. The Placement of Children with Special Needs Act provides that a written request for initiating the placement process can be made by the parents or by a young adult on his own behalf. The placement is decided by an expert committee on the basis of expert documentation, which may be obtained on the basis of former assessments of the child, and a report from the kindergarten, school or centre attended by the child. The statement of SEN may be appealed against by the parents or the young adult on his own behalf.

A parent council is established in public kindergartens or schools to help parents advance their interests in an organised way.

Placement into education programmes follows the existing system and organisation of schools. Placement of children with SN in inclusive settings is supported by the legislation. The bill for the revised Placement of Children with Special Needs Act, which is currently under discussion by the parliament, deals with inclusive education even more extensively. The placement procedure currently derives from the medical model of categorisation. Children with special needs are placed in education programmes according to the child's current stage of development, ability to learning and achieving standards of knowledge, aetiology and the prognosis with regard to the child's deficits, impairments or disabilities and according to the criteria for assessing the type and degree of deficits, impairments or disabilities of children with special needs.

The public network of primary schools must provide access to primary education to all children.

- The public network of short-term and secondary vocational schools, secondary technical schools and gimnazija schools must make education available to all students with completed compulsory primary education, i.e. at least at the level required to obtain vocational qualifications or to sit for the matura exam.
- The public network of vocational colleges makes further education available to those meeting the requirements laid down by the law.
- The public network of residential facilities for pupils and students provides housing and conditions for study to primary, secondary or vocational college students and to apprentices who are attending school outside their local community.
- The public network of educational centres for children and youth with special needs must provide education and care to children and youth who require it.
- Parents have the right to enrol their child with SN at a primary school in the school district where the child is a permanent resident, except if the school does not meet requirements, in which case a final decision is issued by the local school administration authority, placing the child in another suitable primary school.
- Children with special needs who cannot be provided with education in their area of permanent residency nor can transport to another place of education be provided on account of the distance to their place of residence, may be placed in a centre for the education of children with special needs or in foster care.

Article 17 of the Construction Act reads: "All public buildings and facilities which are newly constructed pursuant to this Act and public buildings and facilities which are
reconstructed pursuant to this Act, must allow functionally impaired persons access, entry and use, free of structural or communication barriers."

Premises and aids must be adapted to children with special needs, which are placed in programmes for pre-school children, education programmes with adapted teaching and additional professional assistance or adapted programmes, in accordance with the instructions for programmes with adapted teaching.

The legislation provides for the accommodation of architectural conditions to the individual’s requirements.

Children with SN placed in a programme with adapted teaching and additional professional assistance are, according to the type and degree of deficit, impairment or disability, provided with additional professional assistance. In carrying out the primary education programme for children with SN, primary schools must ensure that professional staff are made available for the preparation, implementation and evaluation of individualised programmes.

Besides the teacher, a professional with special education qualifications may work in a class which includes students with special needs.

At the moment, there is a shortage of suitably qualified staff in Slovenia, which means that additional professional assistance is also provided by non-qualified professionals.

The Placement of Children with Special Needs Act provides that, for children with special needs placed in programmes for pre-school children, education programmes with adapted teaching and additional professional assistance or adapted programmes, premises and aids must be adapted in accordance with the instructions for carrying out programmes with adapted teaching and in accordance with adapted programmes as adopted by the relevant professional council.

**Comments**

The Slovenian legislation does not provide that classroom sizes must be accommodated to the individual's learning requirements. The same standards apply to students in regular schools and children with special needs.

Students with special needs who are entering study programmes pursuant to the act governing post-secondary vocational education and the act governing higher education are provided with the necessary additional equipment in accordance with the statute of the relevant post-secondary or higher education institution.

Persons with special needs must be provided with everything necessary to ensure the quality of their education.

The legislation provides that an aid may be appointed to children with motor disabilities to provide physical assistance. The statement of SEN specifies whether physical assistance is provided to the child on an occasional or permanent basis. Compliance with the legislation is questionable in practice.

The Placement of Children with Special Needs Act explicitly provides that the organisation and method of carrying out the programme for pre-school children can be adapted and additional professional assistance provided according to the type and degree of deficit, impairment or disability of children with SN who are placed in a programme with adapted teaching and additional assistance for pre-school children. The organisation,
method of examination and assessment, promotion requirements and lesson scheduling may be adapted and additional professional assistance provided to children with SEN who are placed in a programme with adapted teaching and additional professional assistance for pre-school children, according to the type and degree of deficit, impairment or disability.

- Adapted programmes of primary education which enable children with SEN to achieve equal standards of education, allow the adaptation of the weekly schedule of subjects, the organisation, method of examination and assessment, promotion requirements and lesson scheduling. Adapted education programmes within the frame of vocational and technical education and general secondary education, which enable children with SEN to achieve equal standards of education, allow the adaptation of the weekly schedule of subjects, the organisation, duration and method of knowledge examination and assessment, promotion and lesson scheduling.

- Adapted education programmes and special education programmes which do not enable children with SEN to achieve equal standards of education, allow the adaptation of the weekly schedule of subjects and syllabus, school terms, ability grouping and mobility between ability groups in primary school, end-of-term assessment and examination methods, promotion and requirements for programme completion.

The law stipulates minimum standards of knowledge, but it does not enable us to carry out different programmes according to the needs of individual groups for persons with special educational needs.

The legislation does not explicitly provide for the learning of Braille and sign language, but the learning of both techniques is contained in the curriculum, so that children do learn Braille. The learning takes place within the individualized programmes in specialized institutions (societies etc.).

The legislation does not explicitly provide for the learning of augmentative and alternative forms of communication and orientation, but the learning of both techniques is contained in the curriculum, so that children with SEN do learn them.

While the Organization and Financing of Education Act does pertain to teacher training, it does not explicitly refer to the needs of inclusive education. It pertains to the suitable training of professionals in general. Slovenia has no law specifying the providers of educational activity in an inclusive context. Though the legislation does specify appropriate staff for the provision of additional professional assistance, it is again without reference to inclusive education.

There is no opportunity to ‘upskill’.

The legislation deals with personnel requirements in the field of education, but makes no reference to inclusion.

The legislation does not explicitly provide the right to lifelong and vocational learning to persons with special needs. The Higher Education Act reads that first-cycle higher education studies may be entered by those having passed the matura exam. University study programmes in individual professional fields may also be entered by those having passed the vocational matura exam for the relevant secondary technical education programme from the same professional field and an exam in one of the matura exam subjects. Higher professional study programmes may also be entered by those having passed the vocational matura exam or a final exam for the relevant secondary technical education programme specified by the study programme. The necessary additional
equipment is ensured to students with special needs, and the organisation of studies and assessment can be adjusted to them, according to the rules adopted by the teacher's assembly of the school.

Persons with special needs have equal rights as regards vocational education, but are not treated on an equal basis with others in the area of lifelong learning. While individual data and studies on inclusive education are collected and monitored at different levels of the system, they are not collated within a single database.

Conclusion:
The Legal system in Slovenia is supportive of inclusive education in Slovenia. The White Paper on Education and the Placement of Children with Special needs Act are currently being revised, whereby the field of care for people with special educational needs is about to see some changes that will take inclusion into account.

Barometer assessment to part A:
Legal basis and prescription on inclusive education in Slovenia

<table>
<thead>
<tr>
<th>The given legal basis for inclusive education can be assessed as</th>
<th>Hindering for progressive implementation</th>
<th>Rather hindering for progressive implementation</th>
<th>Rather supportive for progressive implementation</th>
<th>Supportive for progressive implementation</th>
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5.10.2 Assessment of given practice of inclusive education in Slovenia

Considering the high degree of inclusion of children in kindergartens (73.9%), the percentage of children with SEN not in regular pre-schools or child care services is low. There are no specific data on numbers of pupils with SEN in inclusive education on primary and secondary school level in Slovenia. Based on their experience, some experts believe that the percentage of children with SEN not in regular secondary schools is high.

In practice, inclusive education of children with SEN in primary schools is related with low direct costs and high indirect costs for their parents. Although the direct costs for the parents of schooling a child with SEN are minimal, they have to provide the teaching aids for school and home work by themselves. In the wish to have their child achieve at least minimum standards of knowledge, they also pay for additional professional and study assistance, therapies, etc.

Parents' preferences are mostly taken into account, sometimes perhaps at the child's expense. In an inclusive setting, children often don't receive the best possible attention. Assessment procedures support inclusive education. The draft of the revised Placement of Children with Special Needs Act, which is in the process of being passed by the National Assembly of the RS, specifies these procedures in even greater detail. The placement process takes too long, committee members often know little of the child – he/she is placed on the basis of reports and parents' preferences, and the assessment often reflects not the child's actual needs but the capacities of the school – the placement focuses
on the institution and not on the programme. The draft of the revised Placement of Children with Special Needs Act also provides for assistance in the period of transition.

Only some children with SEN have access to schools in their community on an equal basis with others. For blind and visually impaired children and children with intellectual disabilities, suitable specialised institutions can be situated far from their home community.

Due to the decreasing population of primary school-going children, most primary schools admit children with special needs to regular classes and local communities are sympathetic to the trend.

In spite of the legal basis governing this right, the situation is different in practice. Data from the Ministry of Education and Sport indicate that only 74 of the 450 primary schools comply with all the criteria for architectural access conditions. Regulations for new buildings e.g. stipulate access to public buildings for the disabled, but in practice it is often of no use or provided to a part of the building only. This greatly depends on the individual institution, the date of building, support from the local community, and above all on the funds provided by the state.

The primary criteria in selecting staff working with persons with SEN are the availability of staff and the choice on the labour market rather than the individual’s requirements. The law provides that the type of staff is specified by the placement act. Executive regulations and the instructions of the Ministry of Education and Sport set out that children without SEN in a class with children with SEN can be taught by teachers who meet the requirements for teachers in 9-year primary schools. Additional knowledge in the special needs field is required; the extent is not defined. Additional study assistance and additional professional assistance can be delivered by professionally qualified staff (with degrees in social pedagogy or special rehabilitation pedagogy) as well as teachers from various professional fields, psychologists, regardless of their actual familiarity with the specifics of SEN and the individual within a group.

By law, additional advisory assistance is provided by advisory services.

Few educational institutions are set in new buildings; the rooms are too small. They often do not meet the children’s needs. The learning process may also be affected by the choice of activities, performance of activities, equipment, number of students and the number of students with SEN, etc.

The availability of adaptive technology in a school depends on the school administration and the support of the local community and parents. The programmes and minimum standards of knowledge do not include all students with SEN and, as a result, not all the adaptive measures. There is a lack of qualified staff, namely staff with a degree in special rehabilitation pedagogy.

The types of accommodation laid down by law are mostly put in practice, but not all the programmes and all groups of children with SEN are provided for (minimum standards of knowledge are stipulated).

Basic university studies are insufficient for teachers, e.g. first-cycle primary school teachers, to learn about the specifics of work involving persons with SEN. Additional training is only providing basic knowledge.

**Learning** Braille and sign language is indeed an option for children with SEN. Teacher training in this field is provided for by law, while additional professional assistance for the daily preparation of all the material required by the student is not facilitated. The learning of augmentative and alternative forms of communication and orientation is facilitated in practice, although there is no provision for teacher training in this field or for
additional professional assistance enabling daily and individually adapted communication or orientation.

Training is received by individuals interested in the field but not by all who require knowledge in the field of working with people with SEN. The scope of such content in regular study programmes for teachers is too small and does not deal with all groups of children with SEN (moderate, fairly severe and severe intellectual disability). The trend in teacher training is oriented to the requirements of inclusive education.

There is a lack of suitably qualified staff. The personnel norms in mainstream schools present an impediment, since they do not always ensure an adequate number/profile of professional staff.

Children with SEN in a regular class may be taught by teachers meeting the requirements necessary for working in 9-year primary schools. Additional knowledge in the special needs field is required; the extent is not specified.

Additional study assistance and additional professional assistance can be delivered by professionally qualified staff (with a degree in social pedagogy or special rehabilitation pedagogy) as well as teachers from various professional fields and psychologists, regardless of their actual familiarity with the specifics of SEN and the individual within a group.

The children are entitled to additional professional assistance.

People with special educational needs do not have access to vocational and lifelong learning on an equal basis with others.

Data are few and far between. Data is collected at the level of individual authorities and institutions (the Ministry of Education and Sport, the Statistical Office of the RS, various projects, etc.). It is questionable whether the collection, processing and storage of data are systematic and coordinated.

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**Barometer assessment to part B:**

‘Practice of inclusive education in the participating country’

**in Slovenia**

<table>
<thead>
<tr>
<th>In practice inclusive education can be assessed as</th>
<th>Not realized</th>
<th>Rather not realized</th>
<th>Rather realized</th>
<th>Fully realized</th>
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**5.10.3 Assessment of progression towards inclusive education in Slovenia**

The trend for inclusion of children with SEN in regular pre-school institutions or child-care services is positive, whereas the development of including children with SEN in regular primary and even more in regular secondary schools is rather slow.

The legislation on inclusive education has seen some significant changes since 2003, e.g. the development of the participation of parents in decision-making on inclusive education is rather positive.
The development of the inclusive orientation of assessment procedures shows a rather positive trend. The development of equal access to community schools for persons with disabilities or SEN on an equal basis with others shows a rather negative trend. The development of architectural conditions allowing students with SEN access to regular schools is positive. There has been very little development of the availability of appropriately trained staff in educational institutions.

There has been very little development of accommodation of classroom sizes in inclusive settings according to individual’s requirements. Also there has been very little development of availability of adaptive technology in inclusive settings according to individual’s requirements. There has been little development in providing functional assistance and care in inclusive settings according to an individual’s requirements.

The development of accommodation of educational measures in inclusive settings is rather positive. But there has been very little development with respect to the facilitation of learning Braille and sign language. The development of the facilitation for learning augmentative and alternative forms of communication and orientation is very slow.

Teacher training has become more oriented to inclusive education.

There has been very little development of equal access of persons with SEN to vocational training and also very little development of equal access of persons with SEN to lifelong learning programmes.

The development of the monitoring systems on inclusive education illustrates a rather positive trend. The same can be stated for the level of commitment and activities of professional associations to promote inclusive education.

The development of measures for awareness raising by the government in order to promote inclusive education is rather positive too.

The percentage of persons with SEN in inclusive settings by 2015 can be expected to be the same or higher than in 2010. Currently under parliamentary discussion, the draft of the revised Placement of Children with Special Needs Act will have a significant effect on the development of inclusive education.

‘Barometer assessment’ to part C:
‘Progression of inclusive education’ in Slovenia

<table>
<thead>
<tr>
<th>Progression of inclusive education can be assessed as</th>
<th>No development</th>
<th>Slow development</th>
<th>Significant development</th>
<th>Very significant development</th>
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PART V  APPENDIX - REFERENCES:

6. REFERENCES

Austria


Community Integration Sonderpädagogik. Provisions at Special Schools. http://www.cisonline.at (German only)


Baurecht: http://www.baurecht.at/baurecht.asp?r=REC0001060001170009504458

Behindertengleichstellungsgesetz http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004228&ShowPrintPreview=True


Lehrplan für Allgemeinbildende höhere Schulen: http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40110417/NOR40110417.html

Lehrplan für blinde und sehbehinderte Kinder: http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40087310/NOR40087310.html


Lehrplan für schwerst behinderte Kinder: http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40087380/NOR40087380.html


Ministry for Education, the Arts and Culture of Austria (BMUKK): Compulsory School. see in english: http://www.bmukk.gv.at/enfr/school/index.xml

Ministry for Education, the Arts and Culture of Austria (BMUKK): Individuelle Förderplanung. http://www.bmukk.gv.at/ministerium/rs/2009_06.xml

Ministry for Education, the Arts and Culture of Austria (BMUKK): Recht. http://www.bmukk.gv.at/schulen/recht/gvo/schog_01.xml#04

Ministry for Education, the Arts and Culture of Austria (BMUKK): Schulorganisationsgesetz. http://www.bmukk.gv.at/schulen/recht/gvo/schog_01.xml#04


Petritsch, Brigitte: presentation for inclusion Europe, 14th. April 2008

Pflichtschulerhaltungsgesetz Steiermark http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_5050_003/LRST_5050_003.html

Polytechnische Schule Österreich (pts): Job Orientation and Preparation at the End of Compulsory Education, see (German only): http://pts.schule.at/index.php?TITEL=Lehrplan&kthid=3499

Qualität in der Sonderpädagogik: Quo vadis integration, Die Entwicklung in Zahlen des QSP. http://www.qsp.or.at/index_a.html
Report about the legal basis of the Austrian school system:
http://www.european-agency.org/country-information/austria/national-overview/legal-system

Schulorganisationsgesetz: http://www.bmu.kv.at/schulen/recht/gvo/scho_01.xml - 04

Specht, Werner (1993): Evaluation der Schulversuche zum gemeinsamen Unterricht behinderter
und nichtbehinderter Kinder - Kapitel 5. Ergebnisse einer bundesweiten Befragung von
Lehrerinnen und Lehrern im Schulversuch. http://bidok.uibk.ac.at/library/specht-evaluation-
kap5.html

Statistik Austria (2010): Außerordentliche Schülerinnen und Schüler und Sonderpädagogischer
http://www.statistik.at/web_de/statistiken/bildung_und_kultur/formales_bildungswesen/schulen
_schulbesuch/029658.html

Steiermärkisches Pflichtschulerhaltungsgesetz
http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_5050_003/LRST_5050_003.html

Styria integra: Handbuch zur Durchführung der Berufsausbildungsassistenz (BAS)
http://www.alphanova.at/bilder/inhalt/BAS_handbuch.pdf

United Nations: Übereinkommen über die Rechte von Menschen mit Behinderungen
http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40102317/NOR40102317.html

United Nations: Monitoringausschuss zum Übereinkommen über die Rechte von Menschen mit
http://www.monitoringausschuss.at/cms/monitoringausschuss/attachments/2/8/6/CH0914/CMS
1276526308845/sn_crc_final.pdf

Zentrum für Schulentwicklung, Abteilung Evaluation und Schulforschung (Graz – Klagenfurt) and
Pädagogische Akademie Graz-Eggenberg.
http://qsp.or.at/downloads/qsp_ausgangspunkte_01.pdf

Belgium

'Scholenbouw in de Vlaamse Gemeenschap, de behoefte aan scholenbouw binnen het
gesubsidieerd vrij en officieel onderwijs'. http://www.agion.be/downloads/archive/b6e47b57-
0117-4be2-9289-c9c07a053a94.pdf

Beleid Onderwijs en Vorming. Beleidsbrieven, beleidsnota’s, toespraken van de minister.

Current Assessment Practice in Europe: Weaknesses, Strengths and Needs. Report of the
Daffodil Expert Meeting Cluj-Napoca 10-13 September 2009. Funded from 2008-2010 with the
support of the European Commission Life Long Learning Programme


Convention on the Rights of Persons with Disabilities. UN-convention on the Rights of Persons
with Disabilities (Article 24, Education)

Daffodil Expert Meeting (2009). Assessment Re-assessed: Current Assessment Practice in Europe:

NR3. Garant. Antwerpen
Edulex, wetgeving en omzendbrieven voor het Vlaamse onderwijs. Algemene omzendbrief leerlingenvervoer, 23 mei 2008


Edulex, wetgeving en omzendbrieven voor het Vlaamse onderwijs. Besluit van Vlaamse Regering tot vaststelling van de operationele doelstellingen van de Centra voor Leerlingenbegeleiding, 3 juli 2009


Edulex, wetgeving en omzendbrieven voor het Vlaamse onderwijs. Decreet Basisonderwijs, 25 februari 1997, art. 11 en art. 16


Edulex, wetgeving en omzendbrieven voor het Vlaamse onderwijs. Decreet betreffende Gelijk Onderwijskansen I, 28 juni 2002

Edulex, wetgeving en omzendbrieven voor het Vlaamse onderwijs. Decreet betreffende de rechtspositieregeling van de student, de medezeggenschap in het hoger onderwijs, de integratie van bepaalde afdelingen van het hoger onderwijs voor sociale promotie in de hogescholen en de begeleiding van de herstructurering van het hoger onderwijs in Vlaanderen (10 juni 2004).

Edulex, wetgeving en omzendbrieven voor het Vlaamse onderwijs. Omzendbrief Geïntegreerd onderwijs, 11 september 2003

Edulex, wetgeving en omzendbrieven voor het Vlaamse onderwijs. Omzendbrief "Ondersteuning van leerlingen/studenten met een auditieve handicap in het gewoon voltijds secundair en hoger onderwijs", 15 mei 2009

Edulex, wetgeving en omzendbrieven voor het Vlaamse onderwijs. Omzendbrief “Procedure tot het bekom van de financiering van speciale onderwijsleermiddelen voor leerlingen met een handicap in het gewoon onderwijs”, 10 juni 1996


Kamer van volksvertegenwoordigers. (januari 2009). Belgische Grondwet, art. 24


Schraepen, J. Lebeer & L. Vanpeperstraete (2010). Eindverslag “Draagkracht ten aanzien van diversiteit en inclusief onderwijs in lagere scholen in de Provincie Antwerpen”.

Plantijnhogeschool Antwerpen

Steunpunt Recht en Onderwijs. (2009) Advies over de specifieke bepalingen met betrekking tot onderwijs in het VN-verdrag van 13 december 2006 inzake de rechten van personen met een handicap


France

La loi n°2005-102 du 11 février 2005 pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées comprend des dispositions exigeant de nombreux ajustements réglementaires dans le domaine de la scolarisation des élèves handicapés pour permettre leur application :

- Organisation et au fonctionnement des écoles maternelles et élémentaires
- Organisation de la formation au collège

Enseignement scolaire

Scolarisation des enfants, des adolescents et des jeunes adultes handicapés et à la coopération entre les établissements mentionnés à l'article L. 351-1 du Code de l'Éducation et les établissements et services médico-sociaux mentionnés à l'article L. 312-1 du Code de l'action sociale et des familles

Décret n° 2009-378 du 2 avril 2009

Éducation et parcours scolaire des jeunes sourds (application de l'article L.112-2-2 du Code de l'éducation)

Décret n° 2006-509 du 3 mai 2006

Il précise les conditions dans lesquelles s'exerce, pour les jeunes sourds et leurs familles, le choix du mode de communication retenu pour leur éducation et leur parcours scolaire.

Parcours de formation des élèves présentant un handicap (application des articles L.112-1, L.112-2, L.112-2-1, L.351-1 du code de l'Éducation) codifié aux articles D.351-3 à D.351-20 du Code de l'éducation

Décret n°2005-1752 du 30 décembre 2005

Il précise les dispositions qui permettent d'assurer la continuité du parcours de formation de
l'élève présentant un handicap, y compris lorsque ce dernier est amené à poursuivre sa scolarité dans un établissement de santé ou dans un établissement médico-social ou lorsqu'il doit bénéficier d'un enseignement à distance. Il prévoit en particulier que tout élève handicapé a désormais un référent, chargé de réunir et d'animer les équipes de suivi de la scolarisation prévue par la loi. Sa mise en œuvre est complétée par un arrêté relatif aux missions et au secteur d'intervention de l'enseignant référent et par une circulaire.

Aménagements desexamens et concours de l'enseignement scolaire (codifié aux articles D.351-27 à D.351-32 du Code de l'éducation) et de l'enseignement supérieur pour les candidats présentant un handicap (application de l'article L.112-4 du code de l'éducation)
Décret n°2005-1617 du 21 décembre 2005

Mise en œuvre
Dispositif collectif au sein d'un établissement du second degré : unité localisée pour l'inclusion scolaire (Ulis)
Circulaire n° 2010-088 du 18 juin 2010

Adaptation et intégration scolaires
Scolarisation des élèves handicapés à l'école primaire ; actualisation de l'organisation des classes pour l'inclusion scolaire (CLIS)
Circulaire n° 2009-087 du 17 juillet 2009

Modalités de création et d'organisation d'unités d'enseignements dans les établissements et services médico-sociaux ou de santé pris en l'application des articles D. 351-17 à D. 351-20 du Code de l'Éducation
Arrêté du 2 avril 2009

Conditions de mise en œuvre du programme de langue des signes française à l'école primaire
Circulaire n° 2008-109 du 21 août 2008

Enseignement de la langue des signes française à l'école primaire
Arrêté du 15 juillet 2008

Mise en œuvre et au suivi du projet personnalisé de scolarisation
Circulaire n°2006-126 du 17 août 2006

Organisation des examens et concours de l'enseignement scolaire et de l'enseignement supérieur pour les candidats présentant un handicap
Circulaire n°2006-215 du 26 décembre 2006

Auxiliaires de vie scolaire
Missions d'accompagnement scolaire effectuées par des personnels employés par des associations
Circulaire n° 2010-139 du 31 août 2010

Continuité de l'accompagnement scolaire des élèves handicapés
Circulaire n° 2009-135 du 5 octobre 2009

Aide individuelle aux élèves handicapés
Application du dernier alinéa de l'article L. 351-3 du code de l'éducation
Aide individuelle, continuité de l’accompagnement et recrutement de certains personnels.
Décret n° 2009-993 du 20 août 2009
Finland

The Basic Education Act

The Constitution of Finland

The Finnish Board of Education
www.oph.fi

Land Use and Building Decree

Services and Assistance for the Disabled Act
www.vane.to/disabilityact1987.doc

Social Welfare Act

VAHVA POHJA OSALLISUDELLE JA YHDENVERTAISUDELLE,
Suomen vammaispolitiikan ohjelma, VAMPO 2010–2015, Sosiaali- ja terveysministeriön
julkaisuja 2010:4, URN:ISBN:978-952-00-3024-7,
(Finland’s Disability Policy program 2010 -2015, Ministry of Health and Social Affairs,
www.stm.fi/julkaisut)

Used databases:
Statistics Finland, The Finnish Board of Education, WERA-web-reporting service and database
ROPTI, http://stat.fi

Germany

Autorengruppe Bildungsberichterstattung (Hrsg.) (2010): Bildung in Deutschland 2010. Ein
indikatorengestützter Bericht mit einer Analyse zu Perspektiven des Bildungswesens im
demografischen Wandel. Bielefeld: W. Bertelsmann Verlag

Boban, I. / Hinz, A. (Hrsg.): Index für Inklusion. Lernen und Teilhabe in der Schule der Vielfalt
devetellen, Dt. Bearbeitung (Original: Booth, T. / Ainscow, M.). Martin-Luther-Universität

Bock-Famulla, Kathrin / Große-Wöhrmann, Kerstin (2010): Länderreport Frühkindliche
Bildungssysteme 2009. Verlag Bertelsmann Stiftung

Börner, Simone u. a. (Hrsg.): Integration im vierten Jahrzehnt. Bilanz und Perspektiven. Bad
Heilbrunn: Klinkhardt 2009.

Bürli, Alois u. a. (Hrsg.): Integration/Inklusion aus internationaler Sicht, Bad Heilbrunn:
Klinkhardt 2009.

Bundesministerium für Arbeit und Soziales (Tagungsdokumentation):
www.bmas.de, 24-03-11 (Suchbegriff: Vereint für gemeinsame Bildung)

Bundesvereinigung Lebenshilfe (2009): Positionspapier „Gemeinsames Leben braucht
gemeinsames Lernen in der Schule.“:
www.lebenshilfe.de, 24-03-11 (Suchbegriff: Schulische Bildung im Zeitalter der Inklusion)

Deutscher Behindertenrat: Nationales Handlungskonzept „Inklusive Bildung“ (Forderungen des
Deutschen Behindertenrats 9/2009):
www.vdk.de/cms/mime/2386D1252586842.pdf, 24-03-11
(Special Schools: Expensive and without success)
http://www.spiegel.de/schulspiegel/wissen/0,1518,661095,00.html, 24-03-11

Deutsche Behindertenhilfe e.V. – Aktion Mensch e. V.

Dorrance, Carmen: Barrierefrei vom Kindergarten in die Schule. Eine Untersuchung zur
Kontinuität der Integration aus der Sicht betroffener Eltern, Bad Heilbrunn: Klinkhardt 2010.

Kron, Maria / Papke, Birgit / Windisch, Marcus (Hrsg.) (2010): Zusammen aufwachsen. Schritte
zur frühen inklusiven Bildung und Erziehung, Klinkhardt-Verlag, Bad Heilbrunn

Kultusministerkonferenz: Empfehlungen zur sonderpädagogischen Förderung in den Schulen in der
Bundesrepublik Deutschland, Mai 1994,
(Recommendations for special school support in Schools in Germany, Resolution of May 1994)

Sekretariat der Ständigen Konferenz der Kultusminister der Länder in der Bundesrepublik
Deutschland (2010): Sonderpädagogische Förderung in Förderschulen (Sonderschulen) 2009/2010. IVC/Statistik,


Sozialverband Deutschland: „Das SoVD-Bildungsbarometer Inklusion. Fortschritte auf dem Weg
zur inklusiven Bildung in den Bundesländern“:
www.sovd.de/fileadmin/downloads/pdf/positionspapiere/SoVDBildungsbarometer_Inklusion.pdf, 24-03-11

Stähling, Reinhard: „Du gehörst zu uns“. Inklusive Grundschule. Ein Praxisbuch für den Umbau
der Schule, Baltmannsweiler: Schneider Hoheneghern 2009.

Thoma, P. / Rehle, C. (Hrsg.): Inklusive Schule. Leben und Lernen mittendrin, Bad Heilbrunn:
Klinkhardt 2009.

UN-Übereinkommen über die Rechte von Menschen mit Behinderungen:
http://files.institut-fuer-menschenrechte.de/437/UN_BK_Konvention_Internet-Version_FINAL1.pdf, 24-03-11

UN-Übereinkommen in leichter Sprache (auch für Kinder verständlich):
http://www.lebenshilfe.de , 24-03-11 (Menü „Leichte Sprache“, anschl. „Mitreden“)

Used Databases

Bidok (digitale Volltextbibliothek zum Thema Integration und Inklusion)
(Bidok, digital Library for integration and inclusion, digital full text research possible)
http://bidok.uibk.ac.at, 24-03-11

Bildungsberichte/Statistiken Deutschland
http://www.bildungsbericht.de/daten2010/bb_2010.pdf , 24-03-11
http://www.bertelsmann-stiftung.de/cps/rde/xchg/SID-FA8ADAC7-3F50AF0D/bst/his.xsl/publikationen_95772.htm, 24-03-11

Integrative / Inklusive Bildung von Kindern und Jugendlichen (Internet-Datenbank und digitale
Volltextbibliothek der Universität Köln)
Integrative / Inclusive education for children and teenager (internet data base of the University of Cologne, digital full text research possible)
http://www.inkoe.de, 24-03-11

Zeitschrift für Inklusion (Online-Fachzeitschrift, kostenlos)

Paper for inclusion (Online specialist journal, no-costs)
http://www.inklusion-online.net, 24-03-11

**Hungary**

**Legislation**

11/1994 (VI.8.) HCM decree


17/2006. (XI. 10.) OM rendelet a közoktatási intézmények elhelyezésének és kialakításának építési-műszaki követelményeiről szóló 19/2002. (V. 8.) OM rendelet módosításáról

19/2002. (V. 8.) OM rendelet a közoktatási intézmények elhelyezésének és kialakításának építési-műszaki követelményeiről

Act CXXXIX of 2005 on Higher Education

Act CXXV of 2003 on Equal treatment and the Promotion of Equal opportunities

Act CI of 2001 on Adult Education

Act LXXIX of 1993 on Public Education
http://www.ohkir.gov.hu/stat09/
http://ohkir.gov.hu/kir_stat/

Act on public education

Guide to the Kindergarten education of Children with Special Education Needs

Guide to the School education of Children with Special Education needs

**Publications**

Akadálymentesítés– Egyenlő esélyű hozzáférés a közszolgáltatásokhoz

A közoktatási intézmények elhelyezésének és kialakításának építészeti-műszaki követelményeiről szóló” 19/2002. (V. 8.) OM rendelet és módosítása

A küszöbön, Sajátos nevelési igényű gyerekek az óvodákban, Szerkészttete: Kőpatakíné Mészáros Mária Fogyatékos Személyek Esélyegyenlőségéért Közalapítvány, Budapest, 2008

A magyar jelnyelv regionális változatainak kvantitatív összehasonlító vizsgálata, Készítette: Vándorffyné Lancz Edina, FSZK

A sajátos nevelési igényű tanulók ellátásának kistérségi vizsgálatáról
http://www.oh.gov.hu/kozoktatatas/kozoktatasi-hatosa/jelentes-sajatos
Barometer of Inclusive Education in Selected European Countries

Dr. Benedek András, Dr. Szép Zsófia: Közvetett finanszírozási technikák a felnőttképzésben Kutatási zárótanulmány, 2006, NFI
https://www.nive.hu/konyvtar/content/edoc/files/05_benedek.pdf

Dr. Bíró Endre A sajátos nevelési igényű gyermekek integrált oktatáshoz való jogának érvényesítéséről Országos Oktatási Integrációs Hálózat Utolsó Padból Program

Dr. Csányi Yvonne, Bodorné Németh Tünde, Dr. Perlusz Andrea Kiket és hol tanítunk? Tendenciák a hallássérültekedegőgiájában a változó populációra való tekintettel, In Gyógypedagógia Szemle 2007/3

Csépe, Valéria: Caring for children with special educational needs (SEN) and their rehabilitation
Development of Inclusive Education in Hungary, Macro System Development Programme SEN as a part of the whole Assessment, Good practice in the classrooms: presentation of Zsuzsa Hámori-Várczy, Ministry of Education and Culture

Együttnevelés határon innen és túl, Kutatási eredmények a sajátos nevelési igényű tanulók inklúzióját támogató hazai szakmai szervezetekről, kitekintéssel az aktuális nemzetközi projektekre, Szerkesztette: Kőpatakiné Mészáros Mária, Oktatáskutató és Fejlesztő Intézet, Budapest, 2009

Erdélyi Andrea: Az augmentatív kommunikáció (AAk), mint a kommunikáció tudományok egyik legifjabb részdiszciplínája in Gyógypedagógia Szemle, 2008/1. p. 14-28
http://www.prha.hu/prae/content/gyosze/gyosze2008_1_full.pdf

Eurydice National Summary Sheet September 2009
Fogyatékkossággal élő hallgatók a felsőoktatásban, Tájékoztató, 2009, Oktatási és Kulturális Minisztérium

Fogyatékos személyek jogai vagy fogyatékos jogok A magyar civil caucus párhuzamos jelentése az ensz egyezményéről

Hatásértékelő tanulmány a Nemzeti Fejlesztési Terv Humánerőforrás-fejlesztési Operatív Program
2.1.1 központi program Hátrányos helyzetű tanulók esélyegyenlőségének biztosítása az oktatási rendszerben „B” komponense (Sajátos nevelési igényű gyermekek együttnevelése) keretében kifejlesztett pedagógusképzési programok utóéletéről, Educatio Társadalmi Szolgáltató Nonprofit Kft., Budapest, 2009.


http://okhir.gov.hu/kir_stat/

J E L E N T É S a közoktatási intézmények tankönyvellátási rendszerének ellenőrzéséről, Állami Számvévozhék, 2006. december

Kőpatakiné Mészáros Mária: Együttnevelés határon innen és túl, Oktatáskutató és Fejlesztő Intézet, 2009
http://www.zalaioktatatas.hu/index.php?option=com_content&view=article&id=537&Itemid=130


Majoros Alíz Edit Semmirekellők, naplopók... avagy az iskolai integráció egy dél-magyarországi kistérségben, in Gyógypedagógia Szemle, 2009/4

Midterm Development Strategy of Education

National Summary sheets on education systems in Europe and ongoing reforms Hungary September 2009. Eurydice

NEFMI: „nem látunk garanciát” az iskolakerülés csökkentésére,
http://www.euractiv.hu/belugyek/hierek/nefmi-nem-latunk-garanciat-az-iskolakerules-csokkentesere-002907

Segédlét a közszolgáltatások egyenlő eséllyű hozzáérésének megteremtéséhez, Komplex akadálymentesítés

Segédlét a sajátos nevelési igényű gyermekek/tanulók különleges gondozásának megszervezéséhez
http://www.bmkir.hu/bmhuman/felkep/978_15d8_164-190.pdf

„Siket gyermekek két nyelvű oktatásának lehetőségei és korláta”című kutatás eredményei,
Zárótanulmány, készítette: Csuhaí Sándor, Henger Krisztina, Mongyi Péter, Dr. Perlusz Andrea.
FSZK

Social Renewal Operational Programme action plan 2009-2010
http://www.nfu.hu/uj_magyarorszag_fejlesztesi_terv_2

Social Renewal Operational Programme action plan 2007-2008,
http://www.nfu.hu/uj_magyarorszag_fejlesztesi_terv_2

Szakértői és rehabilitációs bizottság tevékenységét összefoglaló adatok I. Közoktatási Statisztika
2008/2009

Törvénybe foglalt szegregáció, 2010.11.22

Vágó Irén: A sajátos nevelési igényű gyermekek óvodai hozzáférése, az együttnevelés

Statistics
http://ohkir.gov.hu/kir_stat/
http://www.ohkir.gov.hu/stat09/

Szakértői és rehabilitációs bizottság tevékenységét összefoglaló adatok I. Közoktatási Statisztika
2008/2009

Central Statistic Office Statad
http://portal.ksh.hu/pls/ksh/docs/hun/xstadat/xstadat_eves/i_zoi002a.html
Barometer of Inclusive Education in Selected European Countries

http://portal.ksh.hu/pls/ksh/docs/hun/xstadat/xstadat_eves/i_zoi003a.html
http://portal.ksh.hu/pls/ksh/docs/hun/xftp/stattukor/felnottkepzes0507.pdf

Used Databases

http://portal.ksh.hu/pls/ksh/docs/hun/xstadat/xstadat_eves/i_zoi003a.html
http://www.bmkir.hu/bmhuman/felkep/978_15d8_164-190.pdf
http://www.fszk.hu/api/szakmai anyagok/Akadalymentesites-ROP-kiadvany.pdf
http://www.prac.hu/prae/gyosze.php?menu_id=102&jid=8&jaid=45
http://www.prae.hu/prae/content/gyosze/gyosze2008_1_full.pdf
http://portal.ksh.hu/pls/ksh/docs/hun/xftp/stattukor/felnottkepzes0507.pdf
http://www.euractiv.hu/belugyek/hirek/nefmi-nem-latunk-garanciat-az-iskolakerules-csokkentese-002907
http://www.zalai-oktatas.hu/index.php?option=com_content&view=article&id=537&Itemid=130

Ireland

Aistear, the Early Childhood Curriculum Framework

Childcare (Pre-School Services) (No 2) Regulations 2006


Department of Education and Skills: Special Education Support Service (SESS). See www.sess.ie
The Disability Act 2005 on: available on the website of the Department of Justice, Equality and Law Reform (http://www.justice.ie/)


Education for Persons with Special Educational Needs (EPSEN) Act 2004


The Equal Status Act (2000)

Health Services Executive (HSE) in 2005 http://www.hse.ie/

ICT in Schools, www.Scoilnet.ie


National Council for Special Education www.ncse.ie

National Disability Authority (NDA) www.nda.ie

National Educational Welfare Board (NEWB) www.newb.ie


Signposts: A Resource Pack for Teachers – available to download at www.sess.ie

Síolta, the National Quality Framework for Early Childhood Education

Special Education Support Service Website – www.sess.ie

The Teaching Council [Registration] Regulations 2009 (www.teachingcouncil.ie) provide that programmes in initial teacher education shall include all three of the following major areas: Studies in the Foundation Disciplines of Education, Professional Studies, and a Practical Teaching Programme.

Teaching Council Act, 2001


Used Databases

Department of Education and Science (http://www.education.ie)

Equality Authority (www.equality.ie)
http://www.universaldesign.ie
http://www.studentfinance.ie/mp7575/fund-for-students-with-disabilities/index.html
www.education.ie
curriculum for students with special educational needs: http://www.ncca.ie

The Netherlands

For references see:

Portugal

For references see:

Slovenia

www.uradni-list.si/1/objava.jsp?urlid=20073&stevilka=101, 29-03-11
www.uradni-list.si/1/objava.jsp?urlid=199612&stevilka=571, 29-03-11
www.varuh-rs.si/index.php?id=105, 29-03-11
Convention on the Rights of Persons with Disabilities / Konvencija o pravicah invalidov

Convention on the Rights of the Child / Konvencija o otrokovih pravicah
www.varuh-rs.si/index.php?id=105, 29-03-11

www.dz-rs.si/?id=150&docid=28&showdoc=1, 29-03-11

Vocational Education Act (Articles 29, 49, 69, 70) / Zakon o poklicnem in strokovnem izobraževanju (29., 49., 69., 70. člen) (Uradni list Republike Slovenije, št. 79/2006):
www.uradni-list.si/1/objava.jsp?urlid=200679&stevilka=3449, 29-03-11

Rules on the Organisation and Work Procedures of Committees for the Placement of Children with Special Needs and on Criteria for Determining the Type and Degree of Deficits, Impairments or Disabilities of Children with Special Needs / Pravilnik o organizaciji in načinu dela komisij za usmerjanje otrok s posebnimi potrebami ter o kriterijih za opredelitev vrste in stopnje primanjkljajev, ovir oziroma motenj otrok s posebnimi potrebami
www.uradni-list.si/1/objava.jsp?urlid=200354&stevilka=2703, 29-03-11

www.uradni-list.si/1/content?id=45422, 29-03-11

www.uradni-list.si/1/content?id=20632, 29-03-11

www.uradni-list.si/1/content?id=78532, 29-03-11

www.uradni-list.si/1/objava.jsp?urlid=200450&stevilka=2295, 29-03-11

Rules on additional expert and physical assistance to children and youth with special needs / Pravilnik o dodatni strokovni in fizični pomoči za otroke in mladostnike s posebnimi potrebami (Uradni list Republike Slovenije, št. 25/2006, 60/2006, 8/2008):
www.uradni-list.si/1/objava.jsp?urlid=200625&stevilka=1024, 29-03-11

www.uradni-list.si/1/objava.jsp?urlid=200073&stevilka=3427, 29-03-11

Rules on norms and standards for the implementation of the elementary school programme (Article 14) / Pravilnik o normativih in standardih za izvajanje programa osnovne šole (14. člen) (Uradni list Republike Slovenije št. 75/2005, 73/2006, 57/2007):
http://predpisi.sviz.si/vzgoja%20in%20izobrazevanje/osnovne%20in%20glasbene%20sole/2.html, 29-03-11
Instructions for carrying out education programmes with adapted teaching and additional professional assistance in nine-year primary schools / Navodila za izobraževalne programe s prilagojenim izvajanjem in dodatno strokovno pomočjo za devetletno osnovno šolo www.mss.gov.si/fileadmin/mss.gov.si/pageuploads/ministrstvo/Publikacije/Navodila_Primanjkljaji_podrocja_ucenja.pdf, 29-03-11

www.uradni-list.si/1/objava.jsp?urlid=200575&stevilka=3356, 29-03-11

http://www.uradni-list.si/1/objava.jsp?urlid=200464&stevilka=2910, 29-03-11

www.uradni-list.si/1/objava.jsp?urlid=199957&stevilka=2721, 29-03-11

www.uradni-list.si/1/content?id=76047, 29-03-11

Post-secondary Vocational Education Act (Articles 4, 5) / Zakon o višjem strokovnem izobraževanju (4., 5. člen) Uradni list Republike Slovenije, št. 86/2004):
www.uradni-list.si/1/objava.jsp?urlid=200486&stevilka=3840, 29-03-11

www.uradni-list.si/1/objava.jsp?urlid=2006119&stevilka=5079, 29-03-11
## Assessment Instrument Part A: Statutory Legislation and Prescriptions

### A1 Consistency for the right to inclusive education

There is consistency across different laws on national and regional/federal state level for the right to inclusive education (e.g. education law, antidiscrimination law, disability laws, children’s rights law, etc.).

**References:**

**Comments:**

<table>
<thead>
<tr>
<th>0-Yes</th>
<th>0-No</th>
</tr>
</thead>
</table>

### A2 Free primary inclusive education

By statutory legislation, primary inclusive education is free.

**References:**

**Comments:**

<table>
<thead>
<tr>
<th>0-Yes</th>
<th>0-No</th>
</tr>
</thead>
</table>

### A3 Equal access to secondary inclusive education

By statutory legislation, persons with disabilities have access to secondary inclusive education like others in their community.

**References:**

**Comments:**

<table>
<thead>
<tr>
<th>0-Yes</th>
<th>0-No</th>
</tr>
</thead>
</table>

### A4 Participation in decision making on inclusive education

By statutory legislation, children with disabilities rsp. their parents effectively participate in the decision-making on inclusive education.

**References:**

**Comments:**

<table>
<thead>
<tr>
<th>0-Yes</th>
<th>0-No</th>
</tr>
</thead>
</table>
A5 Categorization and assessment
The procedures of assessment special educational needs support inclusive educa-
tion.
References:
Comments:

A6 Equal access to community schools
By statutory legislation, it is assured that persons with disabilities have access to the
schools in their community on an equal basis with others.
References:
Comments:

A7 Accommodation of the individual’s access requirements
By statutory legislation, it is assured that the architectural conditions are accommo-
dated to individual’s requirements
References:
Comments:

A8 Accommodation of the individual’s learning requirements
By statutory legislation, it is assured that staff to support the learning process is ac-
commodated to individual’s requirements
References:
Comments:
<table>
<thead>
<tr>
<th></th>
<th>Accommodation of the individual’s learning requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>A9</td>
<td>By statutory legislation, it is assured that classroom sizes are accommodated to individual’s requirements.</td>
</tr>
<tr>
<td></td>
<td>References:</td>
</tr>
<tr>
<td></td>
<td>Comments:</td>
</tr>
<tr>
<td>A10</td>
<td>By statutory legislation, it is assured that adaptive technology is accommodated to individual’s requirements.</td>
</tr>
<tr>
<td></td>
<td>References:</td>
</tr>
<tr>
<td></td>
<td>Comments:</td>
</tr>
<tr>
<td>A11</td>
<td>By statutory legislation, it is assured that functional assistance and care provision are accommodated to individual’s requirements.</td>
</tr>
<tr>
<td></td>
<td>References:</td>
</tr>
<tr>
<td></td>
<td>Comments:</td>
</tr>
<tr>
<td>A12</td>
<td>By statutory legislation, it is assured that educational measures are accommodated to individual’s requirements (i.e. individual curricula, didactical adaption, teaching methods, testing)</td>
</tr>
<tr>
<td></td>
<td>References:</td>
</tr>
<tr>
<td></td>
<td>Comments:</td>
</tr>
</tbody>
</table>
## A13 Facilitation of learning of Braille and sign language

By statutory legislation, it is assured that the learning of Braille and sign language is facilitated.

| References: | 
| Comments: | 0-Yes 0-No |

## A14 Facilitation of learning of augmentative and alternative forms of communication and orientation

By statutory legislation, it is assured that the learning of augmentative and alternative forms of communication and orientation is facilitated.

| References: | 
| Comments: | 0-Yes 0-No |

## A.15 Training of teachers and staff

By statutory legislation, it is assured that the training of teachers is oriented to the requirements of inclusive education (inclusive teaching methods, incorporation of disability awareness, the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities).

| References: | 
| Comments: | 0-Yes 0-No |

## A16 Employment of qualified teachers

By statutory legislation, it is assured that qualified teachers and staff are employed to provide effective inclusive education.

<p>| References: |
| Comments: | 0-Yes 0-No |</p>
<table>
<thead>
<tr>
<th><strong>A17 Equal access to tertiary education</strong></th>
<th>0-Yes</th>
<th>0-No</th>
</tr>
</thead>
<tbody>
<tr>
<td>By statutory legislation, it is assured that persons with disabilities have access vocational to lifelong learning without discrimination and on an equal basis with others.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>References</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>A18 Monitoring of development of inclusive education</strong></th>
<th>0-Yes</th>
<th>0-No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numbers and percentages of pupils/students with SEN in mainstream classes, units in mainstream schools, special learning institutions, excluded from the education system, are collected and monitored at different levels of the system.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>References</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Write a summarizing text: Legal basis for inclusive education in the participating country**

………………………………………………………………………………………………………………………………………………...
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………………………………………………………………………………………………………………………………………………...
(6a. 2-3 pages)
Make a ‘barometer assessment’ to part A ‘Legal Situation of Inclusive Education’ in your country based on the information above!

<table>
<thead>
<tr>
<th>The given legal basis for inclusive education can be assessed as</th>
<th>Hindering for progressive implementation</th>
<th>Partly hindering for progressive implementation</th>
<th>Partly supportive for progressive implementation</th>
<th>Supportive for progressive implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>![Red Square]</td>
<td>![Orange Square]</td>
<td>![Yellow Square]</td>
<td>![Green Square]</td>
</tr>
</tbody>
</table>


### Assessment Instrument Part B) Situation of Inclusive Education in Practice

#### B1 Priority of inclusive education on pre-school level (age 3-5/6)

Children with disabilities or SEN not in regular pre-schools or child care services percentage:

\[ \cdots \cdots \cdots \cdots \cdots \cdot \% \]

This can be assessed as

\[ 1 \rightarrow 2 \rightarrow 3 \rightarrow 4 \]

(Very high \hspace{1cm} very low)

References:

Comments:

#### B2 Priority of inclusive education on primary-school level

Children with disabilities or SEN not in regular primary schools:

\[ \cdots \cdots \cdots \cdots \cdots \cdot \% \]

This can be assessed as

\[ 1 \rightarrow 2 \rightarrow 3 \rightarrow 4 \]

(Very high \hspace{1cm} very low)

References:

Comments:

#### B3 Priority of inclusive education at secondary school level

Percentage of children with disabilities or SEN not in regular secondary schools:

\[ \cdots \cdots \cdots \cdots \cdots \cdot \% \]

This can be assessed as
### B4 In practice, inclusive education of children with SEN in primary schools is for their parents related with

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direct costs</strong></td>
<td>(Very high)</td>
<td>(Very high)</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td><strong>Indirect costs</strong></td>
<td>(Very high)</td>
<td>(none)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### References:

Comments:

---

### B5 Participation of parents in decision making on inclusive education

In decision making processes, if parents articulate a preference for inclusive education it is followed.

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Participation</strong></td>
<td>Never</td>
<td>sometimes</td>
<td>often</td>
<td>always</td>
</tr>
</tbody>
</table>

### References:

Comments:

---

### B6 Assessment procedures support inclusive education

“The practiced procedures of assessment of special educational needs support inclusive education”

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Support</strong></td>
<td>No</td>
<td>rather not</td>
<td>rather yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### References:

Comments:
B7 Equal access to community schools

Persons with disabilities or SEN have access to the schools in their community on an equal basis with others.

1 2 3 4
(None some most all)

References:
Comments:

B8 Accommodation of the individual’s access requirements

In practice architectural conditions in schools are accommodated to individual requirements of persons with SEN

1 2 3 4
(No rather not rather yes Yes)

References:
Comments:

B9 Accommodation of the individual’s learning requirements

In practice staff to support the learning process is accommodated to individual’s requirements

1 2 3 4
(No rather not rather yes Yes)

References:
Comments:

B10 Accommodation of the individual’s learning requirements

In practice classroom sizes are accommodated to individual’s requirements

1 2 3 4
(No rather not rather yes Yes)
B11 Accommodation of the individual’s learning requirements

In practice adaptive technology is accommodated to individual’s requirements

1                2            3              4
(No   rather not      rather yes       Yes)

References:
Comments:

B12 Accommodation of the individual’s learning requirements

In practice functional assistance and care provision are accommodated to individual’s require-ments.

1                2            3              4
(No   rather not      rather yes       Yes)

References:
Comments:

B13 Accommodation of educational measures

In practice educational measures are accommodated to individual’s requirements (i.e. individual curricula, didactical adaption, teaching methods, testing)

1                2            3              4
(No   rather not      rather yes       Yes)

References:
Comments:

B13 Facilitation of learning of Braille and sign language
In case of demand, it is practice, that the learning of Braille and sign language is facilitated.

1 2 3 4
(No rather not rather yes Yes)

References:

Comments:

**B14 Facilitation of learning of augmentative and alternative forms of communication and orientation**

In case of demand, in practice the learning of augmentative and alternative forms of communication and orientation is facilitated.

1 2 3 4
(No rather not rather yes Yes)

References:

Comments:

**B15 Training of teachers and staff**

Training of teachers is oriented to the requirements of inclusive education (inclusive teaching methods, incorporation of disability awareness, the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities).

1 2 3 4
(No rather not rather yes Yes)

References:

Comments:

**B16 Employment of qualified teachers**

In practice qualified teachers and staff are employed to provide effective inclusive education.

1 2 3 4
(No rather not rather yes Yes)

References:
B17 Equal access to tertiary education

By statutory legislation, it is assured that persons with disabilities have access vocational to lifelong learning without discrimination and on an equal basis with others.

References:

Comments:

B18 Monitoring of development of inclusive education

There is a systematic national data collection and monitoring on progress of inclusive education.

1 2 3 4
(No rather not rather yes Yes)

References:

Comments:

Please, write a summarizing text: ‘Practice of inclusive education’ in your country!

…………………………………………………………………………………………………
…………………………………………………………………………………………………
…………………………………………………………………………………………………
…………………………………………………………………………………………………
…………………………………………………………………………………………………

(Ca. 2-3 pages)
Please, make a ‘barometer assessment’ to part B ‘Practice of inclusive education in the participating country’ in your country based on the information above!

<table>
<thead>
<tr>
<th>In practice inclusive education can be assessed as</th>
<th>Not realised</th>
<th>Rather not realised</th>
<th>Partly realised</th>
<th>fully realised</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>![Red Icon]</td>
<td>![Pink Icon]</td>
<td>![Yellow Icon]</td>
<td>![Green Icon]</td>
</tr>
</tbody>
</table>
### Assessment Instrument Part C): Progression towards Inclusive Education

<table>
<thead>
<tr>
<th>C1 Development of inclusive education on pre-school level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of children not in regular pre-schools or child-care services on preschool level</td>
</tr>
<tr>
<td>2000: ... %</td>
</tr>
<tr>
<td>2003: .... %</td>
</tr>
<tr>
<td>2006:      %</td>
</tr>
<tr>
<td>2009: ......</td>
</tr>
</tbody>
</table>

This development can be assessed as

1    -    2 ------ 3 -----4  
(bad – rather bad - positive – very positive)

<table>
<thead>
<tr>
<th>C2 Development of inclusive education on primary school level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of children not in regular primary schools</td>
</tr>
<tr>
<td>2000: .......%</td>
</tr>
<tr>
<td>2003: .......%</td>
</tr>
<tr>
<td>2006: .......%</td>
</tr>
<tr>
<td>2009: .......%</td>
</tr>
</tbody>
</table>

This development can be assessed as

1    -    2 ------ 3 -----4  
(bad – rather bad - positive – very positive)

<table>
<thead>
<tr>
<th>C3 Development of inclusive education on secondary school level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of children not in secondary schools</td>
</tr>
<tr>
<td>2000: .......%</td>
</tr>
<tr>
<td>2003: .......%</td>
</tr>
<tr>
<td>2006: .....%</td>
</tr>
<tr>
<td>2009: .......%</td>
</tr>
</tbody>
</table>

This development can be assessed as

1    -    2 ------ 3 -----4  
(bad – rather bad - positive – very positive)
**C4 Development of legal consistency and framework for inclusive education**

Since 2003 (EYPD) developments of consistency in relevant sectors have taken place to favour inclusive education

1  2  3  4
(no initiatives – very few initiatives – some changes – important changes)

References:

Comments:

**C5 Development of participation in decision making on inclusive education**

In decision making processes, if persons with disabilities/their advocates (parents) articulate a preference for inclusive education it is followed.

The development since 2003 (EYPD) can be assessed as

1  2  3  4
(no development – very little – rather positive – very positive)

References:

Comments:

**C6 Development of inclusive orientation of assessment procedures**

Since 2003 (EYPD) there has been a development of assessment procedures of special educational needs to support inclusive education

1  2  3  4
(no development – very little – rather positive – very positive)

References:

Comments:

**C7 Development of equal access to community schools**

How do you assess the development of the possibilities persons with disabilities or SEN to have access to the schools in their community on an equal basis with others since 2003 (EYPD)?
<table>
<thead>
<tr>
<th>C8 Development of architectural barrier freeness of regular schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>How do you assess the development of architectural conditions in regular schools to realize accessibility for persons with SEN since 2003 (EYPD)?</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>(no development – very little – rather positive – very positive)</td>
</tr>
<tr>
<td>References:</td>
</tr>
<tr>
<td>Comments:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C9 Development of accommodation of staff to the individual’s learning requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>How do you assess the development of availability of appropriate staff in respect to individual’s requirements for learning of persons with SEN in inclusive settings since 2003 (EYPD)?</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>(no development – very little – rather positive – very positive)</td>
</tr>
<tr>
<td>References:</td>
</tr>
<tr>
<td>Comments:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C10 Development of classroom sizes</th>
</tr>
</thead>
<tbody>
<tr>
<td>How do you assess the development of accommodation of classroom sizes in inclusive settings according to individual’s requirements since 2003 (EYPD)?</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>(no development – very little – rather positive – very positive)</td>
</tr>
<tr>
<td>References:</td>
</tr>
<tr>
<td>Comments:</td>
</tr>
</tbody>
</table>
C11 Development of accommodation of adaptive technology

How do you assess the development of availability of adaptive technology in inclusive settings according to individual’s requirements since 2003 (EYPD)?

1 2 3 4
(no development– very little – rather positive – very positive)

References:
Comments:

C12 Development of availability of functional assistance and care provision

How do you assess the development in respect to provide functional assistance and care in inclusive settings according to individual’s requirements since 2003 (EYPD)?

1 2 3 4
(no development– very little – rather positive – very positive)

References:
Comments:

C13 Development of accommodation of educational measures

How do you assess the development of accommodation of educational measures in inclusive settings since 2003 (EYPD) (i.e. individual curricula, didactical adaption, teaching methods, testing)?

1 2 3 4
(no development– very little – rather positive – very positive)

References:
Comments:

C14 Development of facilitation of learning of Braille and sign language

How do you assess the development with respect to the facilitation of learning of Braille and sign language in inclusive settings, if this is necessary because of individual requirements?
C15 Development of facilitation of learning of augmentative and alternative forms of communication and orientation

How do you assess the development with respect to the facilitation of learning of augmentative and alternative forms of communication and orientation in inclusive settings, if this is necessary because of individual requirements?

1  2  3  4
(no development– very little – rather positive – very positive)

References:

Comments:

C16 Development of teacher training

Has teacher training become more oriented to inclusive education since 2003 (EYPD)?

1  2  3  4
(No rather not rather yes Yes)

References:

Comments:

C17 Development of equal access to vocational training

How do you assess the development of equal access of persons with SEN to vocational training since 2003 (EYPD)?

1  2  3  4
(no development– very little – rather positive – very positive)
C18 Development of equal access to life long learning

How do you assess the development of equal access of persons with SEN to life long learning service since 2003 (EYPD)?

1 2 3 4
(no development – very little – rather positive – very positive)

References:

Comments:

C19 Development of monitoring systems on inclusive education

How do you assess the development of the monitoring systems on inclusive education?

1 2 3 4
(very negative – rather negative – rather positive – very positive)

References:

Comments:

C20 Development of activities of professional associations to promote inclusive education

How do you assess the development of commitment and activities of professional associations (like associations of special teachers, special schools, teacher unions) to promote inclusive education?

1 2 3 4
(very negative – rather negative – rather positive – very positive)

References:

Comments:
education
How do you assess the development of measures for awareness raising of governments to promote inclusive education?  

1  2  3  4 
(very negative – rather negative – rather positive – very positive) 

References: 
Comments: 

C22 Perspectives on progression
In can be expected that by 2015 the percentage of persons with SEN that are not included in regular schools 

1  2  3  4 
(Higher than 2010 – the same lower - much lower than 2010) 

References: 
Comments: 

Please, write a summarizing text: Practice of inclusive education’ in your country!

…………………………………………………………………………………………………
…………………………………………………………………………………………………
…………………………………………………………………………………………………
…………………………………………………………………………………………………
…………………………………………………………………………………………………
(Ca. 2 – 3 pages) 

Please, make a ‘barometer assessment’ to part C ‘Progression of inclusive education’ in your country’ based on the information above!

<table>
<thead>
<tr>
<th>Progression of inclusive education can be assessed as</th>
<th>No development</th>
<th>slow development</th>
<th>significant development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Red</td>
<td>Light Pink</td>
<td>Yellow</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Green</td>
</tr>
</tbody>
</table>
Where to find more information: www.pathwaystoinclusion.eu
EASPD - European Association of Service Providers for Persons with Disabilities
Oudergemsealaan / Avenue d’Anderghem 63, B-1040 Brussels
Tel: +32 2 282 46 12 | Fax: +32 2 230 72 33 | E-mail: goedele.avau@easpd.eu | Website: www.easpd.eu

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