

EPASI Educational Policies that Address Social Inequality

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Educational Policies that Address Social Inequality

Thematic Report: Disabilities

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1 What is meant by disabilities and educational disadvantage

1.1 Ground principles regarding education for persons with a disability¹

The right to education is guaranteed by international conventions, European conventions and national constitutional laws and legislation. The general principle is that children with a disability can be educated in regular schools. In some cases this general rule is nuanced. More information concerning ground principles can be found in Appendix 2.

1.2 European perceptions of ‘disabilities’: the shift in paradigm: from the medical model to the social model to the participative model

The approach towards people with disabilities is gradually changing from an institutional approach, concerning people with disabilities as “patients”, to a more holistic approach, viewing them as “citizens” who have a right to individual support and self-determination.

The social model is usually explained by reference to its opposite, the medical model. The medical model views disability as a personal problem, directly caused by disease, accident or some other health condition, and capable of amelioration by medical interventions such as rehabilitation. The provisions for people with a disability in a curative medical model has led to institutionalisations of provision which lead to segregation. The social model was a reaction to this and according to this model the emphasis was on social integration rather than segregation. The social model sees disability not as an inherent attribute of a person but as a product of the person’s social context and environment, including its physical structure (the design of buildings, transport systems etc) and its social constructions and beliefs, which lead to discrimination against for example people with functional hindrances. The lack of opportunity or disability in the broadest sense was no longer just a characteristic of the person that should be dealt with in a proper but often segregated setting; more and more there was an emphasis on creating opportunities for participation in the mainstream community or environment of the person, ie in regular schools.

The latest evolution goes even further regarding the lack of opportunity or disability of an individual as part of the context where the disability presents itself. In other words according to this participative model, a disability is only a disability if the environment of the individual is not able to overcome the handicap. Therefore, communities or institutions can also be a cause of the experienced problem. In the latest participative paradigm much attention is paid to the role of schools in dealing with pupils. It might, to a certain extent, very well be the schools that are not fit to teach this group of pupils properly. This approach differs very much from attributing the results to deficient characteristics of the pupils.

The United Nations Convention on the rights of persons with a disability also marks a “paradigm shift” in attitudes and approaches to persons with disabilities: *“It takes to a new height the movement from viewing persons with disabilities as “objects” of charity, medical treatment and social protection towards viewing persons with disabilities as “subjects” with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society”².*

¹ The Standard Rules on the Equalization of Opportunities for Disabled People (General Assembly resolution 48/96 of 1993) describes disability as “people may be disabled by physical, intellectual or sensory impairment, medical condition or mental illness. Such impairments, conditions or illnesses may be permanent or transitory in nature.” (Par 17).

² The UN Convention on Disability Rights, signed by the EU in Brussels 30 March, 2007. The Council of Europe Disability Action Plan, 2006-2015.

The participative model implies that policies should be directed at the removal of barriers to full participation for disabled people, rather than ‘problematising’ the disabled person³. This suggests that policy should be concerned with identifying disabling situations, rather than disabled people. This implies that pupils with disabilities should have equal treatment, equal opportunities and equal outcomes (Nicaise 2000).

We noticed this change in discourse in almost all countries. Inclusion is an important topic in most countries. Some countries have a history in this matter (eg Scandinavian countries such as **Sweden** and **Denmark**). Of course, the developmental stage of countries with regards to inclusion varies a lot. In Sweden and Denmark clear inclusive policies have been developed and implemented at an earlier stage. In these countries, major legislative choices were made some years ago ([Hartsmar 2008](#); [Cederberg and Lingärde 2008](#)). In most of the other countries huge legislative changes can be recognised. Other countries like **Belgium** and the **Netherlands** are going through major structural changes at the time of writing. In some countries, like **Greece**, “the shift is not without some partial regression as well as critique to this regression. For example, while the policy perspective in Greece continues to be focused on inclusion, recent legislation has reintroduced a medical perspective on issues related to special needs diagnosis. This has been actively critiqued by special education specialists in Greece” ([Spinthourakis et al. 2008b](#)). But even in those countries the medical model is subject to a lot of criticism and more social and participative argumentation appears in both official and unofficial discourses.

For example:

- In the 1980s some countries defined their special needs education system as a resource for mainstream schools. More countries follow this approach today, such as **Greece**, the **Netherlands** and the **Czech Republic**.
- Parental choice has become a topic for legislative changes in the **Netherlands** and the **UK**.
- Decentralisation of the responsibilities for meeting special educational needs is a topic of the legislation in the **UK** ([Leathwood et al. 2008](#)), the **Netherlands** (school clusters) ([Geurts and Lambrechts 2008](#)) and the **Czech Republic** ([Vrabcova et al. 2008a](#)). In the **UK**, schools are increasingly being resourced by their local education authority in such a way that they can make their own decisions about the best way to allocate their overall budget to meet the educational needs of all pupils on roll, including pupils with severe special educational needs.
- The change in funding special needs education is an important innovation in the **Netherlands** ([Geurts and Lambrechts 2008](#)).
- Legislation concerning special needs education at the secondary school level is now being developed or has recently being developed in the **Netherlands**.

1.3 European conceptualisations of disabilities

As noted by Meijer (2003), the ways in which disabilities were defined and categorised varied significantly between countries making comparison difficult. Often the term ‘disability’ is used very broadly. In some countries, for example, it encompasses pupils with a physical or mental impairment and also pupils with learning disorders, conduct disorders, developmental disorders or psychological problems. We therefore argue that the term ‘disability’ has to be considered as a sort of umbrella term for impairment, functional hindrance and other disorders⁴.

³ For example the project of the [UK Teachability](#) (UK60): academic staff evaluates and improves the accessibility of curricula for disabled students. It emphasises changes to the curriculum rather than focusing on the perceived deficits of the student.

⁴ In the standard ICF terminology recommended by the WHO, disability is an umbrella term for impairments, activity limitations and participation restrictions (see eg the Encyclopedia of Disability, http://www.sage-reference.com/disability/Article_n454.html?searchQuery=quickSearch%3DICF).

More and more people are convinced that the medical approach of the concept of ‘disabilities’ should be replaced with a more participative approach: the central focus has now turned to the consequences of disability for education. Previously disability began where health ended; once you were disabled, you were in a separate category. New definitions emphasise that every person can experience a deterioration of their health and thereby some disability. The focus changed from cause to impact⁵. At the same time it is clear that this approach is very complex. Countries are currently struggling with the practical implementation of this philosophy. Nevertheless, the description of disabilities in terms of educational consequences is being debated in most European countries.

The participative model is not activated by the diagnosis of the disability or illness itself. A disability can lead in a certain context to a functional hindrance. For instance: a student cannot function according to their learning capacities in a given educational system. This means that, in order to make the student function to their potential, specific interventions are acquired, the student is in need of this intervention, and so the student has a specific educational need (SEN) in the broadest sense. Special needs are not, therefore, seen as intrinsic to the person. They are the consequence of the confrontation between personal characteristics⁶ and the factors of the environment⁷ in which education takes place. Education must recognise specific needs and act on this. It can do so by creating equal opportunities for all students, treating them equally where possible but unequally where needed and strive for equal outcomes in spite of any hindrances present.

As a consequence, many projects on this theme (for example those in Belgium⁸) are not aimed towards a specific target group but towards a special need. Because of this many of the projects are suited for all themes.

In almost every country the concept of specific educational needs is on the agenda.

Some countries define only one or two types of special needs. Others categorise pupils in special needs in more categories. Most countries distinguish 6 to 10 categories of special needs. These differences between countries are strongly related to administrative, financial and procedural regulations. They do not reflect the incidence and the types of special educational needs between these countries.

In the United Kingdom ([Leathwood et al. 2008](#)) attitudes towards disabilities changed considerably over recent years. In addition, newly recognised disabilities have caused difficulty with classification, not least because on the whole, disability is self-declared. In some countries it is made clear what falls under the term of disabilities for example in **The Czech Republic** ([Vrabcova et al. 2008a](#)) a distinction is made between pupils with *health disabilities* (mental, physical, health or hearing disability, speech impediments, combined disability, autism, developmental learning and behaviour disorders) and *disadvantages* (long-term diseases, minor health disabilities causing developmental learning and behaviour disorders to be respected during education). All those pupils are considered as pupils in special educational needs. In **Slovakia** ([Vrabcova et al. 2008b](#)) disabilities are also defined as a form of SEN. In Slovakia the term SEN includes pupils with mental or physical disabilities, hearing and visual impairments, pupils with any deteriorated state of health or illness, pupils having communication ability disorders, autistic pupils, pupils with developmental

⁵ www.who.int/classifications/ (2001)

⁶ Personal characteristics are for example physical and mental characteristics, (cognitive) capacities, socio-demographic status, gender, ethnic origin, religion, etc.

⁷ Environmental characteristics are for example the social, socio-cultural, ecological and physical factors.

⁸ BE projects: [The elementary school challenged](#) (BE6), [The world on your plate](#) (BE7), [Diverse lecturers, Diverse students](#) (BE8), [GOK](#) (BE11), [KOOS](#) (BE16), [Proefpas](#) (BE18), [To count and to matter in higher education](#) (BE20), [TOK](#) (BE21).

learning or behaviour disorders, pupils with serious mental handicaps in social service healthcare centres, pupils with disorders in the area of mental and social development and pupils with high intellectual abilities. These specific groups are provided with the form of education especially suited to their special education needs while using specific individually suited methods.

In other countries the term disabilities is not always conceptualised as clearly. For example in **Spain** ([Dooly and Vallejo 2008](#)) pupils with disabilities are considered to be a ‘disadvantaged group’. Especially pupils who suffer from some kind of physical and/or mental disability receive attention in official and public discourses, both in terms of explicit references and in specific compensatory measures. In **Malta** ([Vallejo and Dooly 2008](#)) a social or educational disadvantage is defined in terms of “students with special learning needs”, although this definition is usually used without specifying which disadvantages are considered within this term. Pupils with disabilities are also defined as pupils in special needs.

We are aware of the fact that the terminology used in different countries is a reflection of how society looks upon pupils with disabilities. Words are often referring to different underlying convictions and legislation and therefore no guarantee for mutual understanding. Even the term ‘disabilities’ is not without a connotation. Because of these semantic problems it is not possible to find an adequate translation for every term used in the different countries, so we suggest using the term ‘disability’.

1.4 Our analytic approach

We started with filling in a thematic outline about disabilities for each country. We used the information from the country reports, the projects and the case studies to fill in the outline.

First we wanted to know how the different countries identify ‘disabilities’. We searched for definitions that are used to describe disabilities and special educational needs. We tried to find out when children are considered ‘at risk at school’ and which criteria are used to determine this.

We also wanted to know more about the context of the country: what is the current discourse about disabilities, how many children are considered as children with a disability, are they in special schools, what provisions are there? We searched for information about the educational system: how is education organised, how are teachers trained to deal with disabilities?

After we had gathered all the information described above we tried to describe the most important features of educational policies in the European countries discussed in the EPASI-project. In what follows we start by at the effects of disadvantage and then consider the strategies that are adopted to address these.

2 The effects of disadvantage and strategies that address this

2.1 An indication of the extent of/effects of the educational disadvantage in Europe

As in other EPASI reports, educational disadvantage is considered in this section in relation to seven indicators:

- Literacy levels,
- Exclusion/expulsion rates,
- Attainment levels at end of compulsory education,
- Continuing in education post compulsory leaving age,
- Participation rate in higher education,
- Employment rates,
- Evidence of social exclusion, being bullied, etc.

Very few data concerning disabilities and educational disadvantage were found. We cannot conclude that limited attention is given to the educational disadvantage faced by this group of pupils in the construction of a policy response. We think that there is not much data to be found because pupils with a disability are considered to have an educational disadvantage and efforts are made to give those pupils equal opportunities in all countries.

A few data on participation rates and employment rates were found. The participation rates in higher education in **Ireland** for students with disabilities can be very low for some particular types of disability and in some cases the situation has worsened overtime ([Moreau et al. 2008](#)). In the **UK** students with disabilities are more likely to be unemployed or do not follow further education ([Leathwood et al. 2008](#)). In **Cyprus** in relation to the participation or inclusion of the disabled in higher education, research findings suggest that access and availability to resources and services varies as does staff's views of disability ([Spinthourakis et al. 2008a](#)). At an individual as well as at an organisational level, provision was neither systematic nor pro-active and was more in response to individually expressed need. In other words, to access it, they had to inform and ask, rather than it being offered. The percentages of disabled persons in higher education in **Malta** were rather low ([Vallejo and Dooly 2008](#)).

As we noticed before when we considered the definitions and conceptualisation of disabilities it is very difficult and complex to compare countries. A comparison based on quantitative indicators, is even more complex. This is especially the case when some countries provide relatively precise data, and others only global estimations. Some countries cannot provide exact figures because of the decentralised character of their education system. This holds for example for **Sweden** ([Hartsmar 2008](#)) and **Denmark** ([Cederberg and Lingarde 2008](#)). In other countries the number of pupils in segregated provision is only estimated on the basis that, in general, pupils are educated in the mainstream education system. However, as some specific regions or schools may always provide other solutions than the mainstream school, in these cases, the percentage of pupils in special settings is estimated as below 0.5 percent. The following table gives some indications for the general situation of the type of provision for pupils in special educational needs in some of the countries.

Table 1 Provision for pupils in special educational needs⁹

	Number of compulsory school aged pupils	Percentage of pupils with SENs	Percentage of pupils in segregated provision ¹⁰	Year of reference
Belgium (NL) ¹¹	822,666	5.0%	4.9%	2000/2001
Cyprus	N/A	5.6%	0.7%	2000/2001
Czech Republic	1,146,607	9.8%	5.0%	2000/2001
Denmark	670,000	11.9%	1.5%	2000/2001
France	9,709,000	3.1%	2.6%	1999/2000/2001
Greece	1,439,411	0.9%	< 0.5%	1999/2000
Luxembourg	57,295	≈ 2.6%	≈ 1.0%	2001/2002
Netherlands ¹²	2,200,000	2.1%	1.8%	1999/2000/2001
Slovakia	762,111	4.0%	3.4%	2001/2002
Spain	4,541,489	3.7%	0.4%	1999/2000
Sweden	1,062,735	2.0%	1.3%	2001
United Kingdom	9,994,159	3.2%	1.1%	1999/2000

Source: European Agency and Eurydice Network

As expected, numbers vary considerably across countries. Some countries register a total of about 1 percent of all pupils in special educational needs (for example, **Greece**), others register more than 10 percent (for example, **Denmark**). These contrasts in the percentage of registered pupils with SEN reflect differences in legislation, assessment procedures, funding arrangements and provision as well as differences in the construction of disabilities, rather than differences in the incidence of special needs between the countries.

Information is also provided on the percentage of pupils educated in segregated settings (special schools and classes). Though the general feeling is that this data is fairly reliable for the current state of the art, it should be emphasised that these percentages of pupils in segregated settings are based on *different age groups* (the compulsory age range varies across countries). All countries considered together, about 2 percent of all pupils in Europe are educated in special schools or (full-time) special classes.

Table 2 Percentage of pupils with SEN in segregated settings¹³

< 1%	1–2%	2–4%	> 4%
Cyprus	Denmark	Finland	Belgium (NL)
Greece	Ireland	France	Czech Rep.
Spain	Luxembourg	Slovakia	
	Netherlands ¹⁴		
	Sweden		
	UK		

Source: European Agency and Eurydice Network

⁹ More extensive information related to statistics in different countries, can be found on the National Overviews section of the European Agency website: www.european-agency.org

¹⁰ The term ‘segregated settings’ or ‘provision’ throughout this text refers to special schools and full-time (or almost full-time) special classes.

¹¹ In the Flemish Community, specific educational programmes exist in mainstream schools to support teaching practice in schools (eg for pupils from underprivileged families, refugee children etc.). Schools get additional and earmarked funding for this. The number of children belonging to these target groups are not included in the figures of pupils with SEN. Numbers are only referring to pupils with intellectual, physical, visual or hearing impairments, with severe learning disabilities or emotional and behavioural problems.

¹² The percentage of the Netherlands has fallen sharply compared with a few years ago because of changes in legislation and regulations: some types of special schools now belong to the mainstream school system.

¹³ More extensive information related to statistics in different countries, can be found on the National Overviews section of the European Agency website: www.european-agency.org

¹⁴ The percentage of the Netherlands has fallen sharply compared with a few years ago because of changes in legislation and regulations: some types of special schools now belong to the mainstream school system.

Some countries place less than 1 percent of all pupils in segregated schools and classes, others up to 6 percent. The countries in northwest Europe seem to place pupils more frequently in special settings as opposed to southern European and Scandinavian countries. Also here, these differences cannot be easily attributed to a specific set of factors on the level of policies or practices, although they may be related to demographic characteristics. In the study *Integration in Europe: Provision for Pupils with Special Educational Needs* (European Agency for Development in Special Needs Education, Middelfart 1998)¹⁵ a high correlation between percentages of pupils in segregated provision and population density of countries was found. The correlation between the two variables was relatively high: 0.60 (at N=15), being significant at a 0.05 level. In statistical terms, about 36 percent of the variance of the percentage of segregated pupils is explained by population density. This relatively high correlation may come from the fact that in countries with a low population density, segregation in segregated special schools has some clear disadvantages. First, in these countries, education in segregated settings requires large time-consuming travel distances, since pupils have to be transported to other towns or cities. Secondly, there are negative social consequences: children are taken out of their social environment and have less time for their friends in their own neighbourhood. Furthermore, special settings in low-populated areas are not very cost effective. In countries with high population densities, special placements have fewer negative consequences: travel distances are smaller, negative social effects are relatively restricted and special placements could be more cost effective.

Of course, differences in the placement of pupils in special needs reflect more than just variations in population density. Some countries do have a long history of inclusive policy and practice, while others have only recently started developing an inclusive policy. However, it should be recognised that other factors, of which population density is an example, may also play an important role.

2.2 *Strategies used to address this in educational policies*

*Education for pupils in special educational needs*¹⁶

Education of pupils in special educational needs is handled in several ways all over Europe. Some countries implement a policy to include most pupils in mainstream education. In other countries where two distinct educational systems coexist: pupils in special educational needs are put in special schools or in special classes, where they do not follow the standard curriculum. Some offer a range of services between both systems. Countries can be grouped into three categories, according to their policy on including pupils in special educational needs (Meijer *et al.* 2003).

The first category (***one-track approach***) includes countries where the aim is to have almost all pupils in mainstream education, with a wide range of services devoted to mainstream schools. This approach can be found in Spain, Sweden, Cyprus and France.

In **Spain**, for many decades pupils with disabilities were educated in separate special centres ([Dooly and Vallejo 2008](#)). Although these centres still work with severely handicapped children, this segregating model has evolved in recent norms and policies towards “integrative education” of these students into mainstream schools, supported by resources like tutors, social workers, rehabilitation workers, and specially adapted materials.

In **Cyprus** children in special needs are educated in public schools, which are equipped with the suitable infrastructure, according to the *Law for special education* ([Spinthourakis et al. 2008a](#)). The

¹⁵ Those calculations included a different subset of countries compared to the sample of this study.

¹⁶ This text is based on: Special Needs Education in Europe. Thematic Publication (Jan 2003). European Agency for Development in Special Needs Education. With the contribution of EURYDICE The Information Network on Education in Europe.

majority of children in special educational needs are educated within the mainstream classroom. Special educational provision is also given in special units at mainstream schools. These children are assigned to a mainstream class where they can attend integrated lessons and participate in celebratory or festive events. Children with severe difficulties however are educated in special schools, which are equipped with the appropriate staff (psychologists, speech therapists, doctors, physiotherapists and other specialists as well as auxiliary staff) in order to support and provide essential means to achieve their mission.

In **France**, a new law (11 February 2005) entitled pupils with disabilities to attend class with the other pupils. Because of their special needs, they have someone at their disposal in class who can help them learn (“*auxiliaire de vie scolaire*” AVS) ([Etienne et al. 2008](#)).

In **Sweden** all children should have equal access to all schools ([Hartsmar 2008](#)). There is however a *Special school* (primarily for pupils with hearing disabilities) and education for pupils with learning disabilities. Most of the hearing impaired and almost all pupils with impaired vision and physically disabled pupils have their education in the compulsory school. Deaf pupils, pupils with a severe hearing impairment and pupils with a hearing impairment or who are deaf with a learning disability go to the special school. Pupils with learning disabilities go either to the *Compulsory education for children with learning disabilities* or to the *Education for children with severe learning disabilities*.

The countries belonging to the second category (***multi-track approach***) (Meijer 2003) tend to have a range of approaches to inclusion with a variety of services between the two systems (ie mainstream and special needs education systems). Denmark, France, Ireland, Luxembourg, the United Kingdom, the Czech Republic, Slovakia and Greece belong to this category.

Schooling for children with disabilities or impairments in **Denmark** can be in ordinary classes with special pedagogical support, special classes, or special schools ([Cederberg and Lingarde 2008](#)). In the latter case, the rule is that the child’s needs shall be appraised each year, with an ambition to relocate the child to an ordinary school if possible. Each school is also responsible for assisting the pupil with equipment, including equipment for homework, and a personal assistant or assisting teacher if needed. The pedagogical psychological service offers advice to pupils and parents in educational matters, for instance, with information on and discussion of school alternatives focusing on the needs of the individual child.

In **Ireland** pupils can attend a mainstream or a special school or a combination of both, with a move to the mainstream the preferred option since the 1990s. As such, the proportion of students with disabilities schooled in mainstream institutions, supported by special needs assistants and resource teachers, has quickly increased since the 1990s ([Moreau et al. 2008](#)).

Pupils with disabilities in **Luxembourg** can go to regular or special schools (DE, differentiated education) or a combination of those two possibilities ([Tozzi and Etienne 2008](#)). If parents are advised to send their child to a DE school, the decision remains in the hand of the parents of the child concerned who have the right and the responsibility to choose the education they feel most adapted to their child. At first, they can choose the complete integration of a disabled child in basic education; or the partial integration of a disabled child in a DE school and also, for some activities in a basic education classroom; they can also choose only a DE school or a specialised institution abroad.

In the **United Kingdom** the Warnock Committee recommended that all children should attend ordinary schools where possible. “In the early 1980s, as a result of the work of the Warnock committee, the ‘statementing’ (UK53: [Statementing Policy](#)) of pupils was introduced, whereby pupils in special educational needs were entitled to an assessment and statement of their special

needs and the additional support they required. The SEN code of practice states that a child in special educational needs should have their needs met and that these special educational needs of children will normally be met in mainstream schools or settings” ([Leathwood et al. 2008](#)).

In the **Czech Republic** there are special schools from pre-primary to upper secondary level ([Vrabcova et al. 2008a](#)). Their curriculum and qualifications are as close as possible to those of mainstream schools. 3.6 percent of the population fall outside mainstream education. Attendance at a special school requires a recommendation from an appropriate authority and parental consent. The new Education Act however puts stress on integration (see, eg CZ163: [Support centre for children with SEN](#)). The special education system for children with visual and hearing impairments and disabled children has a long tradition. The Czech Republic is also working its way up to the same level in the field of care for mentally handicapped people.

Most children in special educational needs (SEN) currently attend special schools in **Slovakia** ([Vrabcova et al. 2008b](#)). The structure of special education in these schools is very similar to that of the mainstream education. In the mainstream schools, the child in special educational needs may be integrated with their non-disabled peers into a mainstream class (individual integration) or into a special class at the mainstream school among other children with the same kind of disability (social integration). The school integration is perceived as education and schooling for pupils in special needs in the school classes defined as such by the School Act, with the exception of special school classes. There are two basic forms of school integration:

- special class integration – in primary and secondary schools with separate special classes. For the SEN pupils, there is a possibility of sharing lessons with the other pupils with both the class teachers present. In addition, some of the lessons can be attended outside the special class.
- individual integration – SEN pupils are taught together with the other pupils of the school within an individual educational curriculum and using specific SEN suited methods.

Apart from being educated in a special school, there are more integration-based options available for pupils with health disabilities: in a basic school special class, in a secondary school special class or in a regular basic school class or in a regular secondary school class.

In **Greece** ([Spinthourakis et al. 2008b](#)) pupils with disabilities can either choose to attend mainstream schools or special schools. If pupils choose to attend mainstream schools, they can study in: ordinary classes with parallel support from a special needs education teacher serving at a Diagnostic, Evaluation and Support Centre or specially organised and appropriately staffed integration classes operating within mainstream and technical vocational education institutes. Pupils can also choose to attend Special Educational Needs schools (SEN schools). In areas which lack SEN schools (eg in small provincial towns), SEN pupils can study in ordinary mainstream school classes supported by trained special needs education teacher.

The Diagnostic Evaluation and Support Centres are responsible for providing diagnosis on the nature and degree of difficulties of persons with Disabilities and Special Educational Needs; recommending their registration, classification and their attendance in the appropriate school of mainstream or special needs education; providing advisory services and guidance to students, parents and teachers; providing special pedagogical support at home (in special cases); providing early intervention; etc.

In the third category identified by Meijer (2003) (*the two-track approach*), there are two distinct education systems. Pupils with SEN are usually placed in special schools or special classes. Generally, a vast majority of pupils officially registered as having special educational needs do not follow the mainstream curriculum among their non-disabled peers. Belgium, Malta and the

Netherlands belong to this category, although Malta is in the process of educational reform and this model is changing.

In **Malta** an increasing number of children with special learning needs (eg pupils with disabilities) are being integrated into the mainstream schools, while some still receive their education in special primary and secondary schools ([Vallejo and Dooly 2008](#)). This policy includes pupils with a disability, for whom a Special Education Section within the Education Department is set up. The Department also offers various ancillary services, eg guidance, welfare, psychological, medical, and spiritual counselling which - according to official sources, are to enhance the quality of education offered (see MT248: [Malta's educational system reform](#)).

In **Belgium** special needs education is fairly well developed. Pupils with disabilities can attend a special needs school or can attend a regular school with support from special needs schools ([Lambrechts et al. 2008](#)). Special needs education is subdivided in types for primary education, in training forms for secondary education. Schools for special needs education are located in segregated settings. The system of care is currently changing in Belgium. The new system should make inclusion and integration more accessible and is thus now evolving towards the multi-track system. Inclusive education projects (see BE13: [ION](#)) are being implemented.

In the **Netherlands** children with disabilities can attend mainstream schools or special educational schools ([Geurts and Lambrechts 2008](#)). The Special Education Schools are implemented by Regional Centres of Expertise (Regionale Expertisecentra, REC). Inclusion pilot projects (NL66: [Pilot inclusive education Almere](#)) are organised for pupils with disabilities so they can attend regular education. As for Belgium, the system is changing into a multi-track approach.

It can be difficult to classify a country according to the type of inclusion policy, because of recent policy changes (the Netherlands and Belgium were recently positioned within the two-track system but are now moving towards the multi-track system). All European countries have a policy aimed at the promotion of inclusive education or are implementing inclusive education. Following developments can be noticed (Bauer *et al.* 2003):

- A development towards transforming special education schools into resource and expertise centres (eg BE3: [Pilot project autism](#));
- More cooperation between regular and special education;
- Working with action plans for pupils with disabilities;
- More pressure from parents to offer inclusive education in countries with a strong special education sector.

*Special schools*¹⁷

Meijer (2003) reports that the transformation of special schools and institutes into resource centres is very common across Europe. He found that most countries had either developed, were in the process of developing, or were planning networks of resource centres. The names of such centres and their specific tasks, varied between countries - knowledge centres, centres of expertise or resource centres¹⁸. Meijer categorised the following range of tasks these centres can cover:

- training for teachers and other professionals;
- developing materials and methods¹⁹;
- supporting mainstream schools and parents;
- support for individual students (on a temporary basis);

¹⁷ This section is drawn substantially from the work of the European Agency for Development in Special Needs Education (Meijer, 2003), with material from the EURYDICE Information Network on Education in Europe.

¹⁸ For example: ES204: [CREDA](#), LX269: [The Centre for Logopedics](#), FR260: [RASED](#)

¹⁹ For example: CZ174: [Steering-wheel](#), CZ182: [Ophthalmic Classroom](#)

- support in moving into employment.

Centres might have a national remit (for example, for pupils with milder special needs) or have a regional level of operation.

A few countries in our survey had already gained some experience of using resource centres (**Denmark** and **Sweden**, for example); others are currently implementing the system (**Cyprus**, the **Netherlands**, **Belgium**, **Greece** and the **Czech Republic**). In other countries, special schools have to work with mainstream school in the local area (**Spain**), or to provide services to the mainstream schools (**Belgium**, the **Netherlands**, **Greece** and the **UK**).

Meijer also observed that special schools' role in promoting inclusion is dependent on the education system of each country. In **Cyprus**, the 1999 Special Needs Education Law requires new special schools to be built on the site of mainstream schools, so that support and networking will promote inclusion. In those countries with a large special needs education programme, special schools have a greater and more active role in inclusion, with close cooperation with mainstream education – but this can lead to claims that the existence of special schools will be threatened (examples are cited by Meijer of the cases of **Belgium**, the **Netherlands** and **France**). The inclusion process requires cooperation between sectors, particularly when there are many special schools. But in such situations, mainstream schools are accustomed to transferring such pupils to the special schools, and may resist pressures towards an inclusive approach. Specialist staff understandably see themselves as experts who are already meeting the needs of these pupils, and may resist the whole concept of inclusion. This is a massive transformation for special needs education. Institutes that focussed on working directly with children are changing to provide the new set of tasks identified by Meijer (above), and to become support centres or resource centres for others – teachers and parents.

Most European countries construct categories of disabilities to make it possible to allocate pupils to a particular type of education or to allocate resources. Categorisation is one of the basic techniques used to determine the allocation of resources in educational policy. Advocates of the social model are critical of the use of categorisation. Disability categories present particular problems in identifying who belongs to the category and who does not.

An important feature of the social model is more integration and inclusion of pupils of disabilities. It is therefore necessary to investigate where pupils are educated. If efforts are made to include pupils in regular schools, this can be regarded as proof of more integration and inclusion.

The system of provisions for pupils in special needs

A distinction can be made between two models of systems of provisions for pupils in special needs: a centralised model and a decentralised model. In the centralised model a national policy is responsible for the financing of special care. Examples of this model are special schools or pupil bound financing that are directly financed by the government (eg **Belgium**, the **Netherlands**, **Ireland**). A decentralised model is a system in which the region or the municipalities have the main responsibility in organising financing an offering special care. Every model has its advantages and disadvantages:

Centralised model	
Advantages	Disadvantages
When there are special schools this leads to a certain scale of these schools and this makes it possible to develop a special expertise.	Direct financing of schools leads to strategic behaviour of parents, schools and others involved. This model can lead to a great level of bureaucracy This model leads to less inclusion This model leads to more stigmatisation

Decentralised model	
Advantages	Disadvantages
More aspects can be taken into account when distributing means and resources to schools and pupils.	Means and resources can be distributed arbitrarily. Objective criteria are necessary.
Countries that use this system point out few negative effects of this system and are satisfied with this system..	The institution that decides on the allocation of means and resources must be able to use independent expertise (in special education there is an expertise but not by definition independent).
This model seems to be effective in organising inclusive education.	The specialised knowledge and experience from special education has to be available for regular education. If this means undermining the sector of special education this is not evident.
	There has to be found a solution for the problem of accountability: the different actors in education have the right to know how budgets are used.

The policy of education in all countries wants to promote the possibilities for inclusion. When considering pro's and con's of both models it seems that a decentralised system offers most chances for inclusion. If this is the case there ought to be solutions for the con's of this system.

It is now obvious that the manner in how the system of care is organised in the different countries will have an important influence on how pupils with disadvantages are dealt with and which systems are responsible for undertaking action.

Examples of countries where the centralised model is used:

In **Luxembourg** the Ministry of Education and vocational training manages the organisation of differentiated education (DE) ([Tozzi and Etienne 2008](#)).

In **Malta** the government establishes class sizes and other special resources for both State and Church/Independent mainstream school sectors when attended by regular and special needs students ([Vallejo and Dooly 2008](#)).

In **Greece** the right to financial support depends on when the diagnosis of disabilities and SEN was made ([Spinthourakis et al. 2008b](#)). If the child is under 4 years old, they are financed by social security. As long as children of pre-school age (4-7) are concerned, free special education and other support services are also provided complimentary by the Ministry of Education's school structures.

Examples of countries where the decentralised model is used:

In **Denmark** the decentralised model is used. Special pedagogical support to pupils in special needs related, eg, to disability and impairment, is generally the responsibility of local authorities in accordance with the national laws regulating the public schools ([Cederberg and Lingarde 2008](#)).

Since 1991 the municipalities in **Sweden** are responsible for the organisation of the school activities accordingly to what is decided by the *Riksdag* and the government ([Hartsmar 2008](#)). The responsibility of the state is to specify goals and guiding principles. The school is responsible for giving pupils in special needs support in order for them to fulfil the educational goals.

In some countries the two models are combined:

In the **Czech Republic** the system of care has changed and is now nearer to systems of care provided in the societies with much longer traditions of democracy ([Vrabцова et al. 2008a](#)). The Czech Republic uses a combination of the two models described above.

In the four countries of the **United Kingdom** the powers and control exercised by local authorities have been progressively reduced ([Leathwood et al. 2008](#)). Schools have become more autonomous in deciding their specific policies and practices, including their admissions policies (see UK61: [Schools access initiative](#)). Nevertheless, in England, they have also been increasingly required to publish and explain their policies and results, and to have inspection reports and their attainment results published in 'league tables' of schools to facilitate comparison nationally and locally. Scotland, Wales and Northern Ireland have rejected the publication of 'league tables'. In England:

The Local Educational Authority plays an important role. An essential function of the LEA is to make effective arrangements for SEN by ensuring that the needs of children and young people with SEN are identified and assessed quickly and matched by appropriate provision; high quality support is provided for schools and early education settings including, through educational psychology and other support services, and arrangements for sharing good practice in provision for children and young people with SEN; children and young people with SEN can benefit from coordinated provision by developing close partnerships with parents, schools, health and social services and the voluntary sector and strategic planning for SEN is carried out in consultation with schools and others to develop systems for monitoring (DfES 2001).

Although several countries work according to one of these models this does not mean that projects are only organised by a national or regional policy. In all countries projects are organised in several ways. In **Belgium, France, Malta** and **Denmark** for example the state organises pilot projects in some schools in order to implement them (if successful) in other schools (see, eg BE3: [Pilot project autism](#), FR261: [The PRE](#), MT238: [Inclusive education programme](#), DK148: [Including education context](#)). Local authorities such as schools, universities or cities organise projects as well. In **Belgium** for example the [Time Out project](#) (BE21) is organised by the city of Kortrijk and [Proefpas](#) (BE18) is a project organised by KATHO. For financing schools sometimes work together with NGO's, the government (for example the Ministry of Education) or other Foundations (in **Belgium** for example a lot of the projects are funded by the *Koning Boudewijnstichting*, eg BE5: [Borg de Zorg](#), BE6: [The elementary school challenged](#), and BE7: [The world on your plate](#)).

3 Conclusions and recommendations

In **conclusion** we can say that many countries are putting in efforts to deal with the specific needs of children. Policies in all countries have measures to meet the needs of those children. Sometimes those measures are alongside the core policies of education, sometimes educational policies have been restructured entirely.

The shift towards a more inclusive school meets the participative model for children with disabilities, for children with specific educational needs, and for children in need of provisions in order to be able to take active part in society. Nevertheless some points of critique are noted, including concerns that:

- children may lose services when placed in a mainstream educational classroom
- the staff may be inadequately trained²⁰
- children may not receive the necessary support to succeed²¹
- segregation may be created in mainstream schools without the provisions of special schools or proper individual guidance and goals.

Recommendations

For EU policy

- ❖ Inclusive education cannot be an economic measure. Extra support provisions will be expensive, but without them qualitative education cannot be guaranteed. In several countries projects are organised to help with the expenses of inclusive education (for example the [Schools Access Initiative](#) project (UK61) in the **UK** provides funding in order to make mainstream schools accessible for disabled children, the [Ophthalmic Classroom](#) project (CZ182) in the **Czech Republic** helps to buy specific material for children with visual impairments, in Ireland special funds are given to students with disabilities and specific learning disabilities to enable them to purchase equipment or services needed for their education (IE27: [Special funds for students with disabilities](#)).
- ❖ Educational policy and especially policies to deal with specific educational needs, needs a framework for evaluation. The main goals are often not specific or quantified or have no time path. It is not always very clear what effects the schools are expected to achieve.
- ❖ Further involvement of parents, especially of parents from children with specific educational needs, is recommended. In some countries projects are organised in which co-operation with and involvement of the parents is very important. For example the [STOP](#) (BE19) (**Belgium**) and Linker ([BE17](#), [NL67](#)) project (**Belgium** and the **Netherlands**) provide guidance for the child, the school and the parents. In **Denmark** the project '[Integration of training in the child's daily activities at home by education and tutoring of parents](#)' (DK156) is based on cooperation between parents and professionals.

For educational policymakers

- ❖ Inclusive education cannot be an economic measure. Extra support provisions will be expensive, but without them qualitative education cannot be guaranteed. In several countries projects are organised to help with the expenses of inclusive education (for example the [Schools Access Initiative](#) (UK61) in the **UK** provides funding in order to make mainstream schools accessible for disabled children, the [Ophthalmic Classroom](#) project (CZ182) in the **Czech Republic** helps to buy specific material for children with visual impairments, in

²⁰ Projects to address this include: BE8: [Diverse lecturers, Diverse students](#), BE6 [The Elementary School Challenged](#).

²¹ An example of a project to address this is: BE11: [GOK](#)

Ireland special funds are given to the students with disabilities and specific learning disabilities to enable them to purchase equipment or services needed for their education (IE27: [Special funds for students with disabilities](#)).

- ❖ Although structural changes may seem good practice, one has to make sure that the changes can be implemented properly in practice. Eg in the **Netherlands** regular schools are responsible for the education of the children they have enrolled. This means they have to find a more appropriate school for the child if they can no longer provide for the specific care the child needs. But how can a school find the most appropriate care for the child if all special schools have long waiting lists and enrolment seems to be impossible? The child gets stuck in regular school without proper provision.
- ❖ External expertise should not only be used in working with the child, but especially for making school staff more apt to deal with the specific needs of the child and children with similar needs. (eg G.On. expertise in **Belgium** (BE5: [Borg de Zorg](#)), [Visiting Teacher Service](#) (IE28) to provide support and guidance throughout school careers in **Ireland**, the [New Diagnostic Programme HAMET2 – Opportunity for Disabled Pupils project](#) (SK200) in **Slovakia**, in **Malta** a facilitator supports and collaborates with the class teacher, in The Netherlands the project '[guided learning for participators with a psychological impediment](#)' (NL65) wants to facilitate cooperation with Regional Expertise Centres).
- ❖ Educational policy and especially policies to deal with specific educational needs, needs a framework for evaluation. The main goals are often not specific or quantified or have no time path. It is not always very clear what effects the schools are expected to achieve.
- ❖ Further involvement of parents, especially of parents from children with specific educational needs, is recommended. In some countries projects are organised in which co-operation with and involvement of the parents is very important. For example the [STOP](#) (BE19) (**Belgium**) and [Linker](#) (BE17, NL67) project (**Belgium** and the **Netherlands**) provide guidance for the child, the school and the parents. In **Denmark** the project '[Integration of training in the child's daily activities at home by education and tutoring of parents](#)' (DK156) is based on cooperation between parents and professionals.

For local administration

- ❖ Inclusive education cannot be an economic measure. Extra support provisions will be expensive, but without them qualitative education cannot be guaranteed. In several countries projects are organised to help with the expenses of inclusive education (for example the [Schools Access Initiative](#) project (UK61) in the **UK** provides funding in order to make mainstream schools accessible for disabled children, the [Ophthalmic Classroom](#) project (CZ182) in the **Czech Republic** helps to buy specific material for children with visual impairments, in Ireland special funds are given to students with disabilities and specific learning disabilities to enable them to purchase equipment or services needed for their education (IE27: [Special funds for students with disabilities](#)).
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- ❖ Educational policy and especially policies to deal with specific educational needs, needs a framework for evaluation. The main goals are often not specific or quantified or have no time path. It is not always very clear what effects the schools are expected to achieve.
- ❖ Because an isolated approach of dealing with unequal opportunities by education will not be enough, cooperation with other policy domains (welfare, equal opportunities, integration, culture etc.) has to be stimulated. In the **Czech Republic** the project [Social Service Community Plan](#) (CZ169) is a result of a cooperation between municipalities, social service providers, state authorities, educational institutions, civic associations and social service clients.
- ❖ Further involvement of parents, especially of parents from children with specific educational needs, is recommended. In some countries projects are organised in which co-operation with and involvement of the parents is very important. For example the [STOP](#) (BE19) (**Belgium**) and [Linker](#) (BE17, NL67) project (**Belgium** and the **Netherlands**) provide guidance for the child, the school and the parents. In **Denmark** the project '[Integration of training in the child's daily activities at home by education and tutoring of parents](#)' (DK156) is based on cooperation between parents and professionals.

For teacher training and/ or in service training

- ❖ Teacher training must prepare students for a more inclusive reality in schools and in service training (see, eg BE6: [The elementary school challenged](#)) to must help teachers to acquire further skills in dealing with the new heterogeneity of class groups. In several countries projects are organised to prepare teachers for inclusive education (eg in **Greece** the projects '[Elementary and secondary education Teachers Training in Learning Disabilities](#)' (GR106), '[Training and specialisation in the education of deaf and hard of hearing students](#)' (GR108), in **Sweden** the project '[The teacher lift](#)' (SE127), in **Malta** the [Let Me Learn Project](#) (MT239) and [Malta's Educational System Reform regarding Inclusive and Special Education](#) (MT248)).
- ❖ Many countries seem to have adopted the concept of equal opportunities as a basis for their educational policies. But equality of opportunity may not be enough. Teacher training should, in preparing teachers on how to deal with differences, also take into consideration
 - Equality of opportunities for all students
 - Equality of treatment where possible and fair, but specific treatment where needed (eg UK64: [AchieveAbility](#), SE119: [Developing competence to assess](#))
 - Equality of outcomes as ultimate goal (eg SK199: [Skills for labour market](#), ES225: [Exit project](#)).
- ❖ External expertise should not only be used in working with the child, but especially for making school staff more apt to deal with the specific needs of the child and children with similar needs. (eg G.On. expertise in **Belgium** (BE5: [Borg de Zorg](#)), [Visiting Teacher Service](#) (IE28) to provide support and guidance throughout school careers in **Ireland**, the [New Diagnostic Programme HAMET2 – Opportunity for Disabled Pupils project](#) (SK200) in **Slovakia**, in **Malta** a facilitator supports and collaborates with the class teacher, in The Netherlands the project '[guided learning for participators with a psychological impediment](#)' (NL65) wants to facilitate cooperation with Regional Expertise Centres).

For teaching strategies

- ❖ A very important element in realising more inclusive settings and having more children participating in regular school is the **bearing capacity** of the teacher and school team. We would recommend working out a system to make sure that no excessive strains are put upon schools or classroom teachers. It would be possible to work with a scale. If a certain level of

'aggravating' elements is reached, further inclusion would not be possible in that class or school. The following should be taken into consideration:

- The number of pupils in the class
 - The number of pupils with specific educational needs in the classroom
 - The available additional support - internal or external to the school
 - The gravity of the specific educational need
 - The number of different needs within one class
 - The training of the teacher or supporting staff
 - Whether there are single or multiple specific educational needs
 - If the specific need of the child brings in additional provision
- ❖ Further involvement of parents, especially of parents from children with specific educational needs, is recommended. In some countries projects are organised in which co-operation with and involvement of the parents is very important. For example the [STOP](#) (BE19) (**Belgium**) and Linker ([BE17](#), [NL67](#)) project (**Belgium** and the **Netherlands**) provide guidance for the child, the school and the parents. In **Denmark** the project '[Integration of training in the child's daily activities at home by education and tutoring of parents](#)' (DK156) is based on cooperation between parents and professionals.

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http://www.ibe.unesco.org/countryDossier/cdLuxembourg_rep.htm

Appendix 1

Country	Project ²²	Link
Belgium (Flanders)	Pilot Project Autism	3
	Borg de Zorg	5
	ION (Inclusive education)	13
	Linker	17
	STOP (2 meanings: back on track stronger and together / Support and Training of Parenting)	19
	The elementary school challenged	6
	The world on your plate	7
	Diverse lecturers, Diverse students	8
	GOK - Equal Educational Opportunities – lag in education – preschoolers – parents	11
	KOOS (preschoolers and parents at school)	16
	Proefpas	18
	To count and to matter in higher education	20
	Time out project Kortrijk (TOK)	21
	Czech Republic	Support Centre for students with special educational needs (foundation and operation)
Steering-wheel		174
Kovadlina		179
Ophthalmic-service – services for people with visual impairments		177
Ophthalmic Classroom – Muscular Simulator for Children with Visual Impairments		182
Social Service Community Plan		169
Open School: Intercultural Education for Social Equality		170
Practical Support for Media, Multicultural and Global Education at School Educational Frameworks of Prague Secondary and Vocational Training Schools		180
Cyprus	"Rainbow"	93
	Integration of students in the elementary education with hearing problems	94
	Integration of students in the secondary education with hearing problems	95
	All-day as a voluntary afternoon school in primary and pre-primary education (SEN)	89
	All-day school as a unified morning-afternoon school (SEN)	90
France	Integrating pupils with special needs in preschool	259
	RASED (Network to help children with special needs)	260
	The PPRE (Individual School Success Programme)	261
Denmark	Development project for intensified rehabilitation for children with congenital or acquired brain damage	154
	Model test concerning the transition from kindergarten to school for children with brain damage	155
	Integration of training in the child's daily activities at home by education and tutoring of parents	156
	The inclusive day-care – Pedagogical curricula in an inclusion perspective	157
	Holistic view on the life of children and youth	147
	Including education context	148
Greece	Elementary and secondary education Teachers Training in Learning Disabilities	106
	Training and specialisation in the education of deaf and hard of hearing students	108
	Flexible Zone programme	117
Ireland	Special Fund for Students with Disabilities	27
	Visiting teacher service in Ireland	28
	Junior Certificate School Programme	38

²² For readability we used (if possible) the English translations of the projects in this table. Projects can be comprehensive and can concern other themes as well.

Luxembourg	The Ambulatory Rehabilitation Department (ARD)	270
	The Centre for Logopedics	269
Malta	Child Guidance Centre (CGE)	279
	Reaching the kids programme	237
	Inclusive Education Programme: Pilot Study at Maria Assumpta Girls Secondary School	238
	Diversity Strengthens	236
	Malta's Educational System Reform regarding Inclusive and Special Education	248
	Let Me Learn (LML) Project	239
	Safe Schools Programme: Anti-Bullying Service	242
	NWAR (Late Blossoms)	245
	My Ability: A primary prevention family literacy programme	246
	National Action Plan on Poverty and Social Inclusion 2006-2008	247
Netherlands	Project guided learning in the mbo for participators with a psychological impediment	65
	Pilot Inclusive Education Almere	66
	Linker	67
	Playing Together (Samenspel op maat)	81
	Show yourself	80
Slovakia	Work in a Pupil Fund Programme: Routes to Independence	192
	Drama education for hearing impaired persons in a Children's Theatre Ensemble EFFÍK	194
	Rehabilitation and Integration Stay for Children and Youth	196
	Programme of Disabled Pupils' Preparation Oriented on Skills for Labour Market	199
	New Diagnostic Programme HAMET2 – Opportunity for Disabled Pupils	200
	Introduction and Development of Community Based Rehabilitation in the Slovakia and in Latvia	203
	CREDA: Educational resources centres for hearing disabilities	204
Spain	Bikes for everyone! from strolling in a wheelchair to strolling in adapted bikes, tricycles and tandems	205
	ONCE Foundation (Blind Persons National Organisation)	206
	City Educational Project (PEC)	224
	Exit Project	225
	Occupational training and job placement plan for youth	226
	Transforming schools into "learning communities" (socio-economic and others)	227
	Disabilities	131
Sweden	The foot on the heart	132
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Appendix 2: Ground principles regarding education for persons with a disability

The right to education is guaranteed by international conventions, European conventions and national constitutional laws and legislation. The general principle is that children with a disability can be educated in regular schools. In some cases this general rule is nuanced.

Each country can choose freely how this fundamental right is guaranteed, but international conventions, European conventions and national constitutional laws and legislation restrict this freedom of choice. International conventions contain legislation that can serve as guidelines ('soft' laws). The European Declaration of Human Rights, as interpreted by the European Court for Human Rights, and national laws are binding.

International resolutions and documents acknowledge that not all persons with a disability can be educated in a regular school and that there is a need for special schools. The goal of such special schools is to make sure that "...all persons with handicaps, especially those with communication problems (...) have access to educational programmes adapted to their specific needs... so as to put the maximum of their capacity at the service of society" (Article 5 Sundberg Declaration)²³. Special education should be there only for people with serious or multiple disabilities (rule 6 (8) *Standard Rules of Equalization of Opportunities for Persons with Disabilities*).

Special education for blind and deaf people should be adjusted to their specific communicational needs (rule 6 (9) *Standard Rules of Equalization of Opportunities for Persons with Disabilities*). This kind of education should be given in special schools or in special classes in regular schools. Special education should not hinder people to follow the general learning program, although it is important that education will result in effective communication skills.

1. The right to education

Many international resolutions guarantee the right to education. A number of resolutions contain separate legislation in relation to persons with a disability. The underlying motivation for this is that education is the most important way to integrate persons with a disability into society. Education promotes:

- the opportunity of work and economical independence;
- the rehabilitation process, since by developing their capacities, persons with a disability become more independent and can be integrated more easily into society;
- the prevention against the lack of information, poverty and lacking health care, can be avoided by good education.

The right to education can also be found in most of the constitutional laws.

2. The right to access to education

Access to education is the most fundamental aspect of the right to education. All legal and practical hindrances should be removed and measures should be taken to guarantee access to all persons with a disability.²⁴ General legislations that concern access to education can be found in:

- *Convention Against Discrimination in Education*²⁵:
"For the purpose of this Convention, the term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education." In Article 3 the states declare to eliminate discrimination in education, Article 4 claims that the states promote equal opportunities in education.

²³ UNESCO Sundberg Declaration, 7 November 1981.

²⁴ ICESR General Comment 5 (Eleventh session, 1994); Persons with Disabilities, E/1995/22 (1994) 99 at par. 1-38, 15.

²⁵ UN Convention Against Discrimination in Education, 14 December 1960.

- Article 13 of the *International Covenant on Economic, Social and Cultural Rights* declares that: “...secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by progressive introduction of free education.”
- *Convention on the Rights of the Child* (article 23) emphasises: “...free of charge, whenever possible, and taking into account the financial resources of the parents or others caring for the child.”

Diverse international documents foresee explicitly in equal access to educations for persons with a disability:

- Convention against Discrimination in Education (Article 1);
- Salamanca Statement (par. 2)²⁶
- Sundberg Declaration (Article 1).

Such legislations are also anchored in action programmes:

- Rule 6 of the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* emphasises that states ought to have special attention for vulnerable groups of persons such as very young children, girls, women and persons with a severe disability.
- Article 3 (1) of the *World Declaration on Education for all – Meeting Basic Learning Needs*²⁷ contains the principle that basic education should be given to all children, youngsters and adults. Article 3 (5) states that education for persons with a disability of each category needs special attention and that measures should be taken to guarantee equal access to education at all levels of education (preschool, primary and secondary schools, higher education and adult training programmes). This is one of the goals of the *World Programme of Action concerning Disabled Persons*²⁸. The *World Programme of Action concerning Disabled Persons* demands special attention for persons with a disability that live on the country and for transport problems of persons with a disability.
- The *Sundberg Declaration* declares in:
 - o Article 1: “Every disabled person must be able to exercise his fundamental right to have full access to education, training, culture and information.”
 - o Article 2 declares that the government and national and international organisations should take action to guarantee the maximum participation in education form persons with a disability.
 - o Article 5 declares that persons with a disability should have access to educational programmes that are adjusted to their special needs.
 - o Article 11 declares that persons with a disability should be foreseen in the facilities and equipment necessary for their education.

3. The Right to qualitative education for persons with a disability

The quality of education for persons with a disability should be of the same quality of education for persons without a disability.

- The *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* (rule 6) states that: “(...) the quality of such education should reflect the same standards as general education and should be closely linked to it.”
- The *World Programme of Action concerning Disabled Persons* (par. 122) states that educational services for persons with a disability should be holistic, individualised and aimed towards specific goals that should be revised and adjusted regularly.

²⁶ UNESCO, The Salamanca Statement And Framework For Action On Special Needs Education, Adopted By The World Conference On Special Needs Education: Access and Quality, Salamanca, Spain, 7-10 June 1994.

²⁷ UNESCO World Declaration on Education for all and Framework for Action to Meet Basic Learning Needs, adopted by The World Conference on Education for all, Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990.

²⁸ UN World Programme of Action Concerning Disabled Persons, United Nations, A/Res/37/52, 3 December 1982.

- Paragraph 2 of the *Declaration on the Rights of Mentally Retarded Persons*²⁹ contains the right of persons with a mental disability to good education in which they can develop their capacities to their maximum potential.
- Paragraph 6 of the *Declaration on the Rights of Disabled Persons*³⁰ states that persons with a disability have the right to education that admits them to develop their possibilities and skills to the maximum and that promotes their (re)integration.
- The *Tallinn Guidelines for Action on Human Resources Development in the Field of Disability*³¹ (par. 27 and 28) states that the content and the quality of education should prepare a person with a disability to an independent existence and should be aimed to their economic integration.

4. Integrated Education

Integrated education is the education of persons with a disability in the same school and according to the same learning plan as persons without a disability. Integrated education can be implemented in special classes in regular schools or in the form of education with supplementary care in regular classes. Integrated education is considered to be the key to equal educational opportunities for persons with a disability³². It maximises the opportunities of persons with a disability to participation in society and facilitates the transition from school to work³³.

Integrated education is an international right:

- Article 23, 1 of the *Declaration of the Rights of the Child* states that:
“States Parties recognise that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.”
- The *UN Standard Rules on the Equalization of Opportunities for Disabled People* (rule 6) states:
States should recognise the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. The rule also recognises that the education of persons with disabilities is an integral part of the educational system.”

This means that:

“...general educational authorities are responsible for the education for persons with disabilities in integrated settings (...) education for persons with disabilities should form an integral part of national education planning, curriculum development and school organisation.”

The Committee on Economic, Social and Cultural Rights declared that in order to realise this, states should make sure that teachers are trained to teach children with a disability in regular schools and that the necessary equipment should be foreseen so that persons with a disability can benefit from education of the same level as their peers without a disability³⁴:

- According to the *Sundberg Declaration* (article 6), *“education, training, culture and information programmes must be aimed at integrating disabled persons into the ordinary working and living environment (...) as early as possible.”*
- The *World Programme of Action concerning Disabled Persons* (par. 120) asks the states to make a policy *“...which recognise the rights of the disabled persons to equal educational*

²⁹ UN Declaration on the Rights of Mentally Retarded Persons, 20 December 1971.

³⁰ UN Declaration on the Rights of Disabled Persons, Resolution 3447 of 9 December 1975.

³¹ UN Tallinn Guidelines for Action on Human Resources Development in the Field of Disability, 8 December 1989.

³² ICESR General Comment 5 (Eleventh session, 1994): Persons with Disabilities, E/1995/22 (1994) 99 at par. 1-38, 1.

³³ ICESR General Comment 5 (Eleventh session, 1994): Persons with Disabilities, E/1995/22 (1994) 99 at par. 1-38, 35.

³⁴ General Comment no 5 on Persons with Disabilities (1994).

opportunities with others. (...) the education of disabled persons should as far as possible take place in the general school system.”

- The *Salamanca Statement on Special Needs Education* (article 2) pleads for integration as the norm of education of children with a disability. All children, no matter what their physical, intellectual, social, emotional or other qualities are should be educated in regular schools: “... *regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all. Moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education systems.*”
- The *Standard Rules on the Equalisation of Opportunities for Persons with Disabilities* (rule 6) emphasise that the states should guide a clear policy that is accepted on school level and by society. This policy and its financial measures should make integrated education possible and should take away the hindrances of the transition of special education to regular education. The educational policy should consider individual differences and have special attention to the needs of persons with a severe or multiple disability.
- The *Salamanca Statement* emphasises the importance of school management and supplementary training in order to develop adjusted educational equipment, diverse learning methods, child-by-child aid and the development of participation of parents and the community. The directions have the greatest responsibility in promoting a positive attitude and in accomplishing an effective partnership and teamwork between educational and supporting personnel (article 35). Curricula should be adjusted to the specific needs of every child in this manner that every child benefits from the same kind of education (article 28).
- The *Sundberg Declaration* (article 11) emphasises the need to specific material.