

Inclusive education: from right to reality: is legislation enough to empower families?

Policy Brief

COFACE Families Europe launched a discussion in October 2018 at its Graz conference “Building sustainable and future-proof education systems: How can families contribute to a paradigm shift?” by exploring education in a holistic way and bringing the family perspective to debates on education, including the core values of COFACE Families Europe: social inclusion, equal opportunities, solidarity, empowerment, human rights and non-discrimination. As a result of the conference, we produced a series of short briefs summarising some of the emerging trends and challenges.



During the COFACE Conference on Inclusive Education in Graz, Workshop 1 looked into the legislative framework on inclusive education in Italy, Luxemburg and Portugal. Its aim was to explore the challenges and the opportunities of the creation of an inclusive schooling system adapted to the needs of children with disabilities.

Inclusion and equal opportunities of persons with disabilities are at the core of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by all the European Member States and by the European Union itself. Article 24 of the Convention calls on State Parties to ensure an inclusive education system at all levels guaranteeing that persons with disabilities are not excluded from the general education system on the basis of their disability and that they can therefore access education in the communities where they live, receiving the support they require within the general education system, through individualized support measures. By means of reasonable accommodation, States Parties have to ensure the participation of persons with disabilities in primary, secondary and general tertiary education vocational training, adult education and

lifelong learning without discrimination and on an equal base with others.

Luxemburg, Italy and Portugal have legislative frameworks addressing the right to education of children with disabilities in place since before the UNCRPD ratification and different ways to integrate the special and regular education systems to create barrier-free societies and education systems.

Challenges and opportunities

The main challenges in the implementation of inclusive education systems emerging in the presentations are:

- the transformation of existing regular schools structures to ensure a reasonable accommodation for children with special needs;
- the transfer of know-how from the specialized professionals to those of the mainstream sector;
- and the reconversion of specialised services in resource centers and the establishment of forms of cooperation between civil society and administration in the support to children with disabilities.



The speakers, representing civil society organisations of Luxembourg, Italy and Portugal illustrated the legislative process of inclusive education in their respective countries showing also how the legislation changed after the UNCRPD ratification and how administrations, schools, families and services worked together in their context to ensure the inclusion of children with special needs.

Luxembourg

Michèle Racke, Deputy Director of APEMH, presented the case of Luxembourg where children with special needs were excluded from the school system until the 1973 law, extending the schooling right and obligation to all children. This led to the development of special schools for children with disabilities. In 1994, mainstream schools opened their doors to children with disabilities, and starting from 1998 they also offered support services to them. The approach of Luxembourg developed in the direction of society inclusiveness, accompanying schooling with non-formal education activities and investing in inclusive pedagogy to accommodate all children. The role of civil society has been to accompany this inclusion strategy by transferring their know-how to the mainstream sector. In 1994, mainstream schools opened their doors to children with disabilities, and starting from 1998 they also offered support services to them.

APEMH has been active for 50 years in the field of support for people with intellectual disabilities and their families and offered training to professionals, documenting their best practices and creating a resource center on inclusive pedagogy to support, promote and develop inclusive child care services.

Italy

Gaetano Santonocito, Managing Director of A.I.A.S. Città di Monza Onlus, illustrated the legislative process in Italy on the inclusion of children with disabilities in the education system. In Italy children with special needs are included in mainstream schools by law starting from 1971 with the right to a support teacher starting from 1977. In 1992 the inter-ministerial law 104 guaranteed social inclusion and respect of human rights of persons with disabilities. In 2009, Italy ratified the UNCRPD.

The 2017 law on social inclusion focused on qualifications of support teachers and on a multi-stakeholders approach to guarantee the social inclusion of children with disabilities beyond the education system: every pupil with disabilities is entitled to an Individual Education Plan, drafted by school managers with parents, care workers and teachers. Also, school inter-institutional working groups look at the social inclusion of pupils with disabilities involving rehabilitation centers, school, health officers and families.

The law re-defines the role of support teachers who have to pass a specific exam after at least 300 hours of training. In 2017, the total of pupils with disabilities increased by 8,3% compared to 2014/2015, in particular in the schools of the South of Italy.



Portugal

The psychologist Isabel Amaro, and the occupational therapist Maria José Lorena working at Fundação LIGA presented the case of Portugal. There, regular schools opened to students with special education needs in 1991, whereas the 1986 law settled special schools. In 2009 the Law Decree 281 created a national system on early intervention addressing children from 0 to 6. In 2018 two different laws reorganised equal opportunities in education and created answers for each and every student, regardless of personal disability or social situation.

Fundação LIGA has been active in facilitating the inclusion of children with severe neuromotor disabilities in regular schools of the area of residence starting from 1987. They worked in specialised teams composed of different professionals including psychologists, social service technicians, occupational therapists, physiotherapists, and physiatrist. Their methodology was based on an ecological perspective, pedagogy centred on the student, work in partnership with the family through an interdisciplinary team, meeting biweekly and on continuous training.

They developed activities and actions addressed to students such as an Individual Educational Plan, individualized support, hippotherapy, adapted sport, they used support technology and produced pedagogical materials. They also worked on family empowerment by offering group meetings, information on community rights and services and counseling on support products.

Conclusion

The transition from specialised to inclusive schooling systems is necessary to comply with the UNCRPD and to avoid the segregation of children with disabilities from their communities. This process presents a few challenges and requires therefore policies that foresee investment in school settings adapted to the needs of children with disabilities and in training of school staff, where civil society can play a fundamental role in the capacity building process of the mainstream sector. Another fundamental element to ensure inclusion and well-being of children with disabilities and their families is the establishment of multi-disciplinary and multi-stakeholder partnerships that can get a deeper understanding of the specific needs of the children with disabilities and plan individualised tailor-made activities including formal education, non-formal education and family empowerment.

More information, contact: Policy and Advocacy Officer, Irene Bertana: ibertana@coface-eu.org

COFACE Families Europe - Rue de Londres 17, 1050 Brussels

Tel: +32 2 511 41 79 Email: secretariat@coface-eu.org

Website: www.coface-eu.org

Facebook /COFACE.EU Twitter @COFACE_EU

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