



Universities for labour inclusion of people with intellectual disabilities

Education and Employment for Persons with Intellectual Disabilities in Europe: Psychological and Legal Perspectives



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I. INTRODUCTION. EDUCATION AND LABOR INCLUSION OF PERSONS WITH INTELLECTUAL DISABILITIES: RETHINKING PSYCHOLOGICAL AND CULTURAL APPROACHES

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The inclusion of people with intellectual disabilities into educational systems and labor market represents a continuing challenge for the European countries. The precious work of the European Agency for Special Needs and Inclusive Education shows that, despite the considerable efforts made by the members of the European Union, children and adolescents with intellectual disabilities face barriers and obstacles in the access to education, and young adults experience deep difficulties in finding a job that fits their capabilities and competencies. For this reason, national and European governments should make any efforts in developing policies and strategies aimed at facilitating paths of inclusion, and high schools and universities should project and implement specific trainings and courses aimed at providing people with intellectual disabilities with competencies that promote not only employment, but also the maximal proximal level of autonomy.

The Lisbon Declaration – Young People’s Views on Inclusive Education (2007)¹ indicated the route for the European policies of inclusion. Young people with disabilities demand:

- the right to the same opportunities as everyone else, but with the necessary support to meet their needs;
- support in the acquisition of subjects and skills that are meaningful for their future life;
- improvements in inclusive education with individualized, specialized support, in order to acquire more social skills, to live wider experiences; to learn about how to manage in the real world, and to have and interact with friends with and without special needs.

The current tendencies in the EU may be divided into three broad policies on inclusive education, as noted by the European Agency for Special Needs and Inclusive Education² (2003):

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¹ Retrieved from: https://www.european-agency.org/sites/default/files/lisbon-declaration-young-people2019s-views-on-inclusive-education_declaration_en.pdf

² Meijer, C., Soriano, V., & Watkins, A. (2003). *Special Needs Education in Europe*. Report of the European Agency for Development in Special Needs Education. Retrieved from: https://www.european-agency.org/sites/default/files/special-needs-education-in-europe_sne_europe_en.pdf



- A “one-track approach” to pupils with special needs. This approach includes policy and practices geared towards the inclusion of almost all pupils within mainstream education, and it is usually supported by a wide range of services focusing on the mainstream school. This approach can be found in Italy, Greece, Portugal, Sweden, Iceland, Norway, Malta and Cyprus.
- A “multi-track approach” to pupils with special needs. This approach offers a variety of services between the mainstream and special education systems. This approach can be found in Spain, Denmark, France, Ireland, Luxembourg, Austria, Finland, the United Kingdom, Latvia, Liechtenstein, the Czech Republic, Estonia, Lithuania, Poland, Slovakia and Slovenia.
- A “two-track approach”, with two distinct and disconnected education systems. In this case, pupils with special needs are usually placed in special schools or special classes and do not follow the mainstream curriculum among their non-disabled peers. This approach can still be found in Belgium, Netherlands, Germany, and Switzerland, even if Netherlands and Germany are progressively moving towards a multi-track system.

Naturally, each of these approaches has its own advantages and disadvantages, particularly because the set of competences that children and adolescents with intellectual disabilities need is extremely complex. It is clear that the one-track approach is most conducive to social and interactive competencies, and seems to be very useful also for the educations of non-disabled peers, while the two-track approach has probably the advantage to focus more on the specific needs of such population.

The Erasmus plus project U4Inclusion gathers partners coming from these three different “cultures” of inclusive education, in an effort to project and implement a common European curriculum for young adults with intellectual disabilities at university. It is an ambitious goal aimed at promoting the labor inclusion of this population, and that requires a deep analysis of the contextual conditions, public policies, and cultural aspects of each country involved in the project, in order to take advantage of the best public and private experiences in the field of inclusive education.

The following document, therefore, would offer a deep and broad analysis of inclusive education policies and experiences in Spain, Italy, Germany and Belgium.

II. METHODOLOGICAL NOTE

In the following chapters we shall propose an updated analysis of public policies, national legislations, and current educational practices, for people with intellectual disabilities in the countries involved in the Erasmus plus project U4Inclusion, namely Spain, Italy, Belgium and Germany. This state of the art will take into account:

- The system of inclusive education in each country
- Accessibility, quality of the educational offer and characteristics of the students with support in each country
- A comparison of the data provided for each country with those provided by the European agency for special needs and inclusive education
- The legislative framework, the best practices, the educational and psychological issues, and the inclusion policies in higher education and job placement for young adults with intellectual disabilities, in each country.
- The report shall refer to national and international statistics on the accessibility of people with intellectual disabilities to the education systems and to the labor market, to national and international legislative frameworks, and to the best practices present in each country.



III. INTELLECTUAL DISABILITY AND INCLUSIVE POLICIES IN EDUCATION. STATE OF THE ART IN SPAIN

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1. Education Systems of the U4INCLUSION Member States: Spain

The structure of the Spanish educational system is made up of the following levels: Pre-primary, Primary school, Compulsory Secondary Education (ESO), post - secondary, Vocational Educational Training (VET), Adult Training and Higher Education. In addition, Language Teaching, Artistic Teaching and Sports Teaching, considered Special Regime Teaching, are offered. The features of each one of these teachings can be briefly described as follows:

- **Pre-primary education** is not compulsory and it is ordered in two cycles: Cycle 1, including up to 3 years, and Cycle 2, from 3 to 6 years of age, which is free of charge.
- **Primary school** is free for all children, and is the first compulsory stage of the education system. It includes six academic years for children between 6 and 12 years old.
- **Compulsory Secondary Education (ESO)** is also free, and it is the second and last compulsory stage, for students from 12 to 16 years old. It covers four academic courses, organized in two cycles: the first is composed of 1st, 2nd and 3rd ESO, and the second only by 4th of ESO, which is preparatory to post-compulsory teaching.
- **Post-secondary education** is made up of two academic years, which are for students between 16 and 18 years old. It provides the Title of "Bachillerato" (Bachelorship), which allows access to the different teachings of higher education.
- **Vocational Educational Training (VET)** includes a set of training cycles, each one of which has a duration of two years:
 - Basic VET: Students between 15 and 17 years can enter, if they have passed the first cycle of ESO. Its completion gives access to mid-level VET.
 - Mid-level VET: Entrance requires completion of Basic VET or second cycle of ESO, and students who pass these teachings receive the title of Technician, with which they can access post-secondary education.
 - Higher-level VET: Entrance requires completion of mid-level VET or post-secondary, and students who pass these teachings obtain the title of Higher Technician, which allows access to university studies that are related to the same field of specialization.
- **Adult Education and Training** is aimed at people aged over 18 and, as an exception, workers aged over 16 who cannot attend school in ordinary regime or high performance athletes. Classroom-based education leading to the award of official degrees of the education

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system is provided in ordinary schools or specific schools for adults. Adult Education and Training covers also different types of teachings provided by different institutions.

- **Higher education:** In order to access university education, in addition to the Bachelor's degree it is necessary to pass an entrance exam (EVAU/PAU). University education is divided into three cycles:
 - Degree: the purpose is to provide the student a general training, in one or several disciplines, aimed at preparing for the exercise of professional activities. The teachings lead to obtain the Degree of Graduate and consist of at least 240 ECTS credits. The expected duration is 4 years.
 - Master: the objective is the acquisition of advanced training, oriented to academic or professional specialization or to initiation in research tasks. The teachings lead to obtain the Master Degree and have between 60 and 120 credits, which are distributed uniformly in two courses of 60 ECTS each. Therefore, the expected duration is 1 or 2 years, respectively.
 - Doctorate: It allows advanced training in research techniques. In order to obtain the Doctor's degree, it is necessary to pass a training period and a research period called the Doctoral Program.
- **Artistic, Sports and Language teachings** have their own organization and are considered Special Regime Education.
 - Artistic Education includes Elementary Music and Dance education, professional artistic education and advanced artistic education. Professional and advanced artistic education are analogous to mid-level and higher-level FP and higher education, respectively, and have similar access requirements. These studies are provided in specific schools.
 - Sports Education is organized in intermediate and advanced training cycles, with different access requirement in each case. Students who pass intermediate training receive the title of Sports Technician in the corresponding sport modality or specialty. Students who pass advanced training receive the title of Senior Sports Technician.
 - Language teachings are organized in three levels: basic, intermediate and advanced. These levels correspond respectively to levels A, B, C of the Common European Framework of Reference for Languages, and are subdivided into levels A1, A2, B1, B2, C1 and C2. Access to language teachings requires being 16 years old, or 14 years old for a different language to the one studied in ESO (which is usually English).

It is also important to add that Spanish Education laws do not allow the provision of compulsory education at home. Home schooling is authorized only in exceptional circumstances, for health reasons, for those students who cannot attend school because a medical prescription requires them to remain at home. Educational attention in these cases can take place at home or in the hospital, lasting this modality until the disappearance of the health condition that has led to it. In this sense, we have hospital classrooms or home education programs.

2. Inclusive education in Spain

In Spain, right to education is an essential and basic right for everyone, recognized and protected by Article 27 of the Spanish Constitution. In this context, while the former preconstitutional General Education Act only contemplated the education of students with disabilities or students with Special Educational Needs (SEN) as a parallel system to the regular education followed by students without disabilities, in development of the Constitution the



Spanish Government approved in 1985 a new regulation on Special Education, which integrated special schools in the general education system and established integration of students in ordinary schools as the preferred option, opening thus the path to inclusion (García, 2017).

Currently, the Organic Law for the Improvement of the Quality of Education (LOMCE, 2013), which is the most recent Spanish law in this field, stipulates that SEN have the right to receive an inclusive and quality education and free of charge, on an equal basis with any other students.

This law aims to promote the maximum personal and professional development of students. It defines students with Special Educational Needs as those who require, during a certain time or during their whole school period, specific educational support and attention derived from disability or serious behavioural disorders. Schooling for SEN is governed by the principles of standardization and inclusion, with the aim of ensuring non-discrimination and effective equality in access to and permanence in the education system. However, on certain occasions, when the needs of the SEN cannot be met in the ordinary school, those students are referred to Specific Educational Units or to special schools. Specific Educational Units are classrooms located in ordinary schools in which a small number of students, who need very significant curricular adaptations, are enrolled in, but participate in different socializing activities in the ordinary school. Special schools only provide schooling for students with special educational needs associated with a disability. In these schools, resources, services and measures that lack in ordinary schools are provided and implemented.

In Spain, in accordance with the Order of 25 July 2008, which regulates the attention to SEN, two types of curricular adaptations are contemplated: i) non-significant adaptations, when the curriculum is not modified, but other aspects are adapted, such as the methodology of learning content, without modifying the objectives of the Educational Stage or the evaluation criteria; ii) significant adaptations, which, unlike the previous ones, imply a substantial modification of obligatory elements of the official curriculum, such as objectives, contents, evaluation criteria or evaluable learning standards.

The profile of students with SEN is very diverse, as their needs may be linked to: i) physical, intellectual or sensorial disabilities; ii) severe conductual disorder; iii) high intellectual capacities; iv) limitations resulting from late entry into the education system; v) specific learning difficulties; vi) attention deficit and hyperactivity disorder (ADHD). Therefore, the measures requested must be adjusted to the needs of each student. According to the most recent available data from the Ministry of Education, Culture and Sports (MECD), in academic year 2017-2018 students with SEN associated with a disability were 219,720, of which 36,512 (16.3%) were in special schools and 183,208 (83.4%) were enrolled into ordinary schools. However, these percentages vary a little within Spanish Autonomous Communities. SEN with Intellectual disability represented 28.4%, and it was the most numerous group, followed by serious conduct/personality disorders with a 23.1% and pervasive developmental disorders with 18.9%. The number of students with physical disabilities were 6.3% and the number of students with sensorial disabilities were 4.0% for hearing impairments and 1.6% for visual impairments.

Finally, students who presented different disabilities were classified as a plurideficiency, representing 5.4% of the total. Regarding the type of education, basic education, including special education, concentrates 84.1% of the students (Primary Education 49.5%, Special Education 5.5% and Secondary Education 29.1%). In comparison with previous statistics, these data show a certain growing trend in the number of enrolments of students with disabilities, as well as a decrease of the percentage of students with SEN which attend special schools, although still almost 1 out of every 5 students with disabilities are segregated in special schools.

Considering the distribution between men and women, the former represented the 62.6% of the total of SEN (10.1% of the total number of men students) and the latter represent the remaining 37.4% (6.5% of the total number of women students). It is interesting to mention that in all categories, the number of boys with special needs is greater than girls, showing that the number of women with disabilities who access education in Spain is lower than of the number of the men. Additionally, statistics show that the support received by girls with disabilities is lower than for boys (31,8% vs. 68.2%).

Article 71 of Spanish Education Act states that "Spanish educational Administrations will establish the procedures and resources required for an early identification of the specific needs of students. Comprehensive attention to students with a specific need for educational support will begin when this need is identified, and will be governed by the principles of standardization and inclusion". The identification of SEN is a collaborative process of the entire school educational team. Once the needs are identified, before the student gets individual curricular adaptation it is necessary to undergo a process of psychopedagogical evaluation. This evaluation has a double purpose: on the one hand, the identification and evaluation of the SEN of the student; and, on the other hand, the decision-making regarding their schooling, evaluation of the educational process and the criteria for their promotion. This psychopedagogical assessment is regulated by the Order of 14 February 1996, which determines the procedure to be followed and establishes schooling criteria for students with SEN.

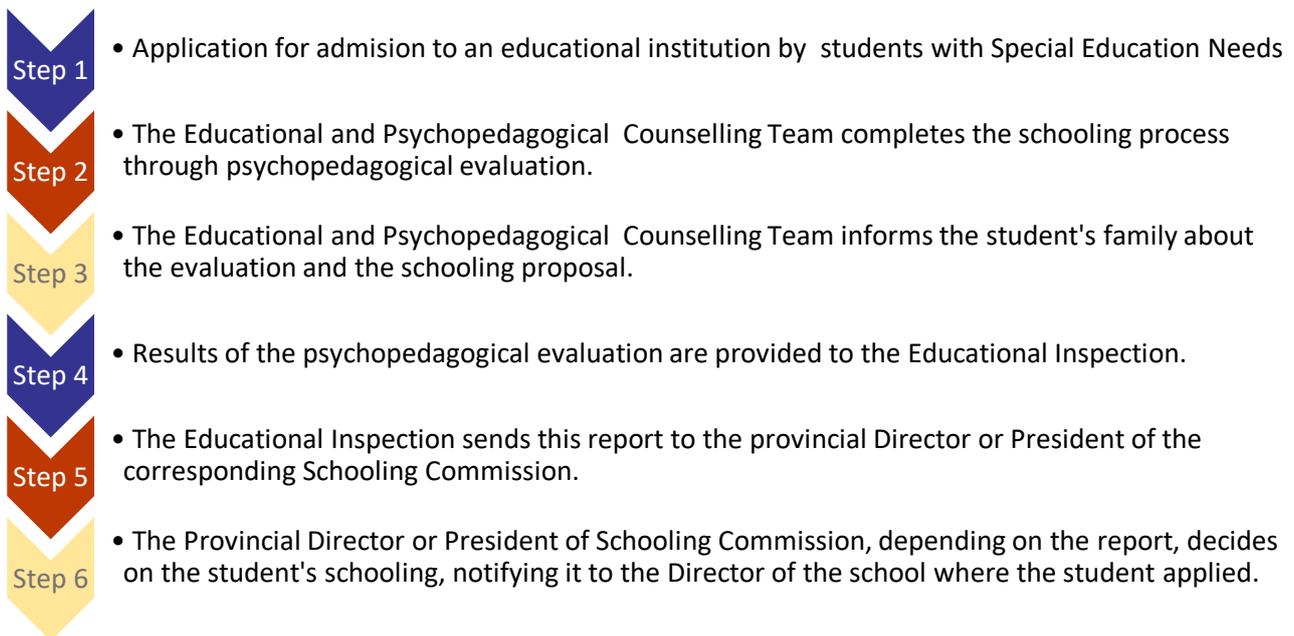


Figure 1 - Phases of the schooling process for children with Special Educational Needs in Spain

3. An assessment of Spanish educational system from the perspective of inclusion

Effective and full inclusion of students with disabilities in educational system is still a challenge in Spain, especially after the entry into force of the Convention on the Rights of Persons with Disabilities. Indeed, Article 24 of the Convention requires States Parties to “ensure an inclusive education system at all levels”. From the point of view of the Convention, Spanish educational system faces three major problems, which affect mainly students with intellectual and developmental disabilities:

1. Firstly, as has already been said, there are two separate educational modalities: ordinary education and special education. Although enrolment of children with intellectual and developmental disabilities has been constantly growing during the last years, almost a fifth part of students with SEN are still segregated in special schools. In February 2019, the Spanish Government approved a new Draft Law on Education, which foresaw the implementation of a Plan to provide mainstream schools the necessary resources for the education of students with disabilities, to be executed within ten years; special schools would then be limited to children who require a highly specialized care³. This Draft Law could not be debated and approved by Parliament due to its early dissolution, but has been approved again and sent to the Parliament in March 2020⁴. It is expected to be debated and approved before the end of this year or in the first months of 2021.

³ Proyecto de Ley Orgánica por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación (*Draft Law to reform Organic Education Law 2/2006, of May 3rd*). Boletín Oficial del Congreso de los Diputados (*Official Bulletin of the Congress*), n. 49-1, February 22, 2019. Retrieved from: www.congreso.es/public_oficiales/L12/CONG/BOCG/A/BOCG-12-A-49-1.PDF

⁴ Proyecto de Ley Orgánica por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación (*Draft Law to reform Organic Education Law 2/2006, of May 3rd*). Boletín Oficial del Congreso de los Diputados (*Official Bulletin of the Congress*), n. 7-1, March 13, 2020. Retrieved from: http://www.congreso.es/public_oficiales/L14/CONG/BOCG/A/BOCG-14-A-7-1.PDF#page=1

2. Secondly, it is important to point out that the choice between ordinary education and special education is not made by the parents, but by the Public Administration, following the process that has been described in the previous section, in which psychopedagogical evaluation is the main instrument on which the schooling decision is based. According to Article 74 of the Spanish Education Act, in this process the opinion of the parents has to be considered, but the educational authorities, and not the parents, decide whether the child goes to an ordinary school or to a special school. However, in the last years a very important and innovative jurisprudential trend has emerged, which, directly applying the Convention, recognizes the right of the parents of children with SEN to choose ordinary education -and even to choose the school-, provided that the adjustments that have to be implemented in the school do not impose a disproportionate or undue burden. Some recent judgments of the Spanish Supreme Court, especially those of 14th of December 2017 and 21st of June 2019, have been especially important in this context. However, the text of the Spanish Law explicitly entrusts the decision on ordinary/special schooling to the Public Administration, what means that the parents who wish that their child with an intellectual disability attends ordinary school very often have to undergo a long judicial battle.
3. Finally, the supports and adjustments that are necessary in order to allow students with intellectual disabilities to develop their potential, to achieve the educational goals and make progresses are not provided in educational system, at least not in a sufficient way. Therefore, as is shown by the conclusions of several focus groups that we have conducted with students with intellectual disabilities, when they are asked about their time in school most of them relate very negative experiences. The main consequence of this lack of adjustments and supports is that persons with intellectual and developmental disabilities normally do not complete Compulsory Secondary Education (ESO) and do not obtain the corresponding degree. Therefore, their only possibility is to study a cycle of basic vocational training (Basic VET), or simply to remain at school until they are 21 years old (which is the age limit to attend school). Of course, there has been a certain improvement in these last years, and there are some ordinary schools which are benchmarks for inclusion, but the general situation is far from satisfactory.

In fact, this situation has raised the concern of the Committee on the Rights of Persons with Disabilities of United Nations, which in June 2018 published the conclusions of an inquiry on alleged violations of the right to education of persons with disabilities conducted under Article 6 of the Optional Protocol to the Convention⁵. The report of the Committee, besides recalling that “an inclusive system based on the right to non-discrimination and equal opportunities requires the abolition of the separate education system for students with disabilities” (n. 82), shows that in Spain there is a generalized lack of the resources necessary to ensure inclusion, although it also recognizes that there are some initiatives and programs to move to educational inclusion which have yielded positive results. Therefore, it concludes that “although the available statistics indicate a high level of educational inclusion of persons with disabilities, a structural pattern of discriminatory exclusion and educational segregation on grounds of disability has been perpetuated, by means of a medical model, which disproportionately and particularly affects persons with intellectual and psychosocial disabilities and persons with

⁵ Committee on the Rights of Persons with Disabilities, *Inquiry concerning Spain carried out by the Committee under article 6 of the Optional Protocol to the Convention*, CRPD/C/20/3. Retrieved from: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRPD/C/20/3&Lang=en



multiple disabilities... The Committee notes that in the Spanish education system there is no widespread recognition of the human rights model of disability and there is a lack of access to quality and inclusive education for persons with disabilities... The findings of the inquiry reveal the inadequacy of the measures taken to promote inclusive education for persons with disabilities" (nn. 75-78).

4. Comparison of the situation in Spain with other European countries

However, although the Spanish educational system deserves a negative assessment from the perspective of inclusion, as has been argued in the previous paragraph, it has to be also recognized that, if we compare the situation of Spain with other European countries, Spain is not placed among the lowest positions of the rank.

In fact, according to the last report of the European Agency for Special Needs and Inclusive Education (EASNIE), the average percentage of children with special educational needs who attend inclusive educational settings in the 29 European countries participating in the survey is 66.67% for primary education. In Spain that percentage is exactly 14 points higher (80.67%), occupying the tenth position of the 29 countries.

In lower secondary education, the average percentage decreases to 62.75%. Once more the percentage in Spain is much higher, as 79.9% of the Spanish learners with SEN are educated in inclusive classes. The position of Spain in the rank is again the tenth.

In relation with the other countries participating in the U4INCLUSION consortium (Italy, Belgium and Germany), the inclusiveness of the Spanish educational system is quite low if we compare it with Italy, with a long tradition of inclusive education, and where 98.66% of the students with SEN in primary education and 99.73% in lower secondary education learn in mainstream classes. But it is very high compared with Belgium and Germany. In Belgium only 20.4% of the learners with SEN, in primary education, and 17.36% in secondary education, attend inclusive educational settings. In Germany those percentages are 47.82% and 40.37%.

According to the report of EASNIE, in upper-secondary education the percentage of Spanish students who attend mainstream classes is 100% (in this case, the average percentage is 70.57%). However, this datum does not provide a real information. It should be considered that upper-secondary education (which is addressed to students between 16 and 18 years old) is not compulsory in Spain, and, therefore, there are no special schools for this level of education, which means that all students with SEN who attend upper-secondary education have to do it in mainstream schools. And the problem is that most children with intellectual disabilities are unable to reach this level. In fact, as has already been explained, most students do not complete Compulsory Secondary Education (ESO) and do not obtain the corresponding degree, which is a prerequisite to access upper-secondary education. According to a recent report of the Spanish Ministry of Education, in the academic year 2016-2017 there were a total of 45.756 students with intellectual or developmental disabilities enrolled in secondary education (both in special

and mainstream schools), and only 755 in upper-secondary education, what means that only 1.6% of the students with intellectual and developmental disabilities reach this level.

There are no comprehensive studies available on the participation of students with intellectual disabilities in higher education (Universities). The inclusion of persons with intellectual disabilities in higher education is a very recent trend, and different training programs for persons with intellectual disabilities have been launched, mainly due to isolated initiatives of certain Universities in several European countries, among others Ireland, Finland, Iceland, Germany, Belgium and Austria (some examples in Izúzquiza-Rodríguez, 2016). As shall be explained in the following section, probably Spain has now in this field a position of leadership, because 24 Spanish Universities offer programs for persons with intellectual disabilities.

5. Inclusion policies in Higher Education and labor market: legislative framework and best practices

The Spanish Organic Law 4/2007 for Universities (LOU), stipulates the creation of “specific programs on gender equality, aid to the victims of terrorism, and the promotion of active policies to guarantee equal opportunities for people with disabilities”; putting special emphasis on their full and effective participation in the university environment. Additionally, the Royal Decree 1791/2010, which approves the Statute for University Students, in its Article 15, mentions regarding on *access and admission of students with disabilities* in order to “guarantee equal opportunities and full inclusion at the university,” as well as to guarantee accessibility to all of its spaces and buildings, including virtual ones. In Spain, the Conference of Rectors of Spanish Universities (CRUE Spanish Universities) is the main intermediary for universities with the central government, playing a key role in the regulatory developments that affect higher education in our country. It is responsible for coordinating the activities and proposals relating to the area of university students. CRUE Spanish Universities has the purpose to collect and disseminate information about the issues that affect students with disabilities and to promote joint actions related to their: i) academic system, ii) social and welfare services, iii) professional information and guidance, iv) scholarships and study grants, v) employability, vi) student partnerships and representation, vii) cultural and sports activities, as well as the formulation of proposals and general recommendations before entities that have power in their sphere of influence.

The Spanish University Student Statute states that universities must establish the necessary resources and adaptations so that students with disabilities can have the same rights as others in relation to the processes of access and admission, and the specific needs of these people must be taken into account, in order to guarantee equal opportunities and full integration into the university. Universities should make their spaces and buildings accessible, including virtual spaces, and should make available to students with disabilities the material, human and technical means to ensure their full integration.



All Spanish universities have a unit called Service of Support for Persons with Disabilities at University (SAPDU), which aims to offer the necessary support and advice for the development of university life on equal terms for its students with disabilities. For this, individually and considering the particularities of each student, technical reports will be issued that reflect the needs of access to the curriculum that are necessary for a teaching-learning process under an inclusive prism. Some of the most common tasks assigned by the SAPDU are:

Before students get into the university:

Conducting individual interviews pre-enrolment at the university to design specific guidelines and adaptations aiming to succeed at the university entrance examinations.

During higher education.

- Assess students' specific educational needs to facilitate technical or/and human resources (e.g.: support students), to ensure real and effective equality of opportunities in relation to the other components of the university community.
- Facilitate accessible university environments, when possible, including virtual spaces, services, procedures and the provision of information.
- Teachers support in order to carry out students' adaptations (e.g.: examinations, environmental adaptations, etc.). University departments have to establish the necessary resources and adaptations so that students with disabilities can exercise their rights on an equal basis with all other students, without this implying a decrease in the academic level required.
- Guidance on aspects of daily and academic life that facilitate their social and professional insertion.
- Encourage participation in mobility programmes (e.g.: ERASMUS).

University students can request adjustments for each of their subjects or face-to-face tests through the Support Office. Once the application is received, the Support Office staff contact students and teachers to discuss students' needs to get an effective adaptation. Once the resolution of adaptations is done, the adaptations are considered for both classes and exams.

Regarding the labor market, the percentage of students with disability that accomplished high education levels in Spain is not very high, and like the rest of the students without disability, they have to face a difficult employment situation. From the university's points of view, there are several actions to promote inclusion in the labor market. These actions are carried out in collaboration among different university services. Some of those actions are:

Carrying out professional internships in different companies. A percentage of these internships are economically remunerated thanks to the collaboration that universities have with big organizations. For example, the ONCE SOCIAL GROUP (composed by ONCE, ONCE FOUNDATION and ILUNION) offers every year several internships called "*Talent opportunity*" available for students with disabilities to perform their internship in different companies⁶.

⁶ <https://becas.fundaciononce.es/Paginas/BecasOportunidadTalento.aspx>

Organizing activities regarding active employment search to help students with disabilities to advise students in the search for their first job.

Managing business contact networks, with the dual purpose of promoting internships in companies for students and work contracts for recent graduates.

Promote entrepreneurship, train, inform and advise students for the creation of companies (240 people advised last year), in addition to processing the presentation of their business plans to different awards and competitions such as the Innova-entrepreneurship Contest, in whose last edition participated 90 entrepreneurs with 63 business ideas.

Traditionally persons with intellectual disabilities were completely excluded from Universities, because they cannot fulfill the requirements for access to higher education (as has already been said, they usually do not even complete secondary education). However, in 2004 an innovative program was started by Autonomous University of Madrid, called PROMENTOR program, which was the first training program for labor inclusion of persons with intellectual disabilities implemented in a Spanish University. Afterwards, some other Spanish public and private Universities began to offer similar programs, among them Miguel Hernández University, which launched the first edition of the so-called "University Expert in Shop Assistance" in 2016. Since 2017, these programs have experienced a considerable development, because in that year ONCE Foundation launched a public call for grants to finance University programs of vocational training for persons with intellectual disabilities, cofounded by European Social Fund in the framework of Youth Employment Initiative. Currently a total of 24 Spanish Universities have initiated training programs of this type.

The features of these programs change from one University to the other, but some common trends can be outlined:

- They do not provide the students an official degree, but only a title awarded by the University, which has no general legal recognition.
- The program is oriented only to persons who have an official certificate of intellectual disability, who follow their own subjects. Therefore, they do not share regular classes with other students without disabilities, although in all programs different inclusive activities are organized in which students with intellectual disabilities share different experiences and educational contents with students from official degrees. In this way, an effective inclusion into University life is promoted.
- The duration of the programs is one or two academic years.
- The subjects are taught by academic staff of the University and by professionals specialized in attention of persons with intellectual disabilities, in many cases coming from associations of the sector.
- A prominent value is placed in all programs on training of soft skills, especially adaptive skills and social skills. Most of the programs include also teaching of English and training in information technologies, and they provide as well training of general labor skills. An important difference is, though, that, while some programs are oriented to a specific professional specialization, others have rather a generalist approach. The programs offered by Miguel Hernández University can be included in the first category; in fact, we offer two professional specializations in alternate years,



Shop Assistance and Administrative Assistance, each one lasting one academic year, so that those students who wish can do both and remain in the University for two years.

The experience of these programs shows some evident advantages of offering post-secondary education to persons with intellectual disabilities at the University (Cabezas-Flórez, 2015):

- With the presence of persons with intellectual disabilities, the University becomes a more inclusive environment, and it helps all students to accept diversity. This is facilitated by the fact that, in many of the programs, students of official University Degrees (for example, Psychology, Education, Law, etc.) collaborate in its development, doing mentoring tasks or teaching some lessons. Furthermore, students with intellectual disabilities share all the University facilities and, as has already been mentioned, participate in different activities with other students.
- The contact with other students and the experience of being accepted in a highly regarded institution like the University contributes to improve in a decisive way self-esteem and social skills of persons with intellectual disabilities. Indeed, the University is an environment which is highly valued in our society, and to receive training in it helps people with intellectual disabilities to reduce the perception of being different to the rest of the people, because they perceive themselves as “University students” rather than “students with disabilities”. The impact of the interaction with other students is also very important, and helps students with intellectual disabilities improve their social and communication skills. And the obligation to follow the normal regime of a University degree –classes of different subjects and by different professors, schedule, examinations, etc.- improves their adaptive skills.
- This kind of programs make available to persons with intellectual disabilities infrastructures and services that the University provides and to which otherwise they would have no access: sport facilities, library, cultural activities, etc.
- These programs improve the employability of persons with intellectual disabilities, also because having a University degree makes businesses trust in the training they receive. For these purpose, a period of practice in companies (internship) is included in all programs, which is especially useful. In fact, some of the students get a job in the company where they did the internship.

Spanish Law establishes different measures to promote the integration of persons with disabilities in the labor market. The most important is the obligation of all companies with at least 50 employees to reserve a 2% of the jobs for persons with disabilities, as ordered by Article 42 of the General Act on the Rights of persons with disabilities and their social inclusion. Moreover, various financial aids and fiscal incentives are provided to companies hiring persons with disabilities. Nevertheless, these affirmative action measures, which started in Spain more than 50 years ago, have not been quite successful, because the employment rate of persons with disabilities is still much lower than that of persons without disabilities. According to the most recent Report of the Observatory on Disability and Labor Market (ODISMET) of ONCE Foundation, with data referring to 2018, the employment rate of persons with disabilities in Spain is only 25.5%, 40 points under the average of the general population, which stands at 65.9%. The employment rate of persons with intellectual disabilities (ID) is particularly low, at a level of 20.2% (ODISMET, 2020).

Different legal reforms have been proposed to improve this situation (Fernández Orrico, 2017). The revision of the 2% quota would be perhaps specially significant. In fact, in other European

countries, the minimum percentage of employees with disabilities is much higher (6% in Germany, for example), and the obligation to hire persons with disabilities is extended to a larger number of companies (in Italy to companies with 15 employees, in Germany with 16 or in France with 20 employees). Moreover, in Spain the application of the quota has been very deficient; for example, the number of employees with disabilities required to comply with the quota is rounded to the next whole figure, and the number of working hours is not considered (that means, in practice, that for a company with 99 employees it would be enough to comply with the quota to have one employee with disability working one hour pro week). Finally, it is important to point out that no specific percentage has been established for persons with intellectual disabilities (except for public employment, where, according to Article 59 of the Basic Act of Public Employees, in every public employment offer 7% of the vacancies must be reserved to persons with disabilities, 2% for persons with intellectual disabilities and 5% for persons with other disabilities).

Of course, legal reforms are not enough to improve the employment rate of people with disabilities. It is also very important to raise awareness among companies about the labor inclusion of people with disabilities. And, especially in relation to people with intellectual disabilities, it is necessary to carry out an intermediation task that helps companies find the most suitable jobs for them, as well as providing them with the support they need at workplace. These tasks could be performed with the greatest efficiency by associations, with the necessary public funding to be able to carry them out.

6. Educational tools

New technologies can play a key role in ensuring that all students are included in the education system, as they can help SEN to gain autonomy and interact with their environment without outside help; this directly enhances their motivation and self-esteem, as they are better able to face new challenges.

The TICs that are provided in schools to facilitate the day-to-day life of students with disabilities are very varied, such as for example: The Digital Boards, multimedia computer, video projector, Laptop, etc.

At University level, *Universia Foundation* and *ONCE Foundation* manage the support of products through a loan system in order to facilitate the training development and employment of people with disabilities. Through the *Support Products Bank (BPA)*, these foundations lend free of charge to university students with disabilities the devices, equipment, instruments or software that best adapt to their individual needs in order to improve their personal autonomy and facilitate participation in university activities. The beneficiaries of this program are students enrolled in Spanish universities, recent graduates/diplomates or graduates who are doing a professional internship or have reached their first job, as well as Teaching and Research Staff



(PDI) and Administration and Services Staff (PAS) of the university, who have a disability equal to or bigger than 33%⁷.

Finally, in 2018, a guide was published about university teaching supports for SEN. The guidelines were created by SAPDU. In this book most common adaptations for any type of disability and, also, specific technical and equipment resources to achieve an effective inclusive education at the university can be found⁸.

⁷ <https://www.fundacionuniversia.net/banco-de-productos-de-apoyo/>

⁸ University Guide of Students Adaptations. Network of Support Services for Persons with Disabilities at the University. Retrieved from:

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IV. INTELLECTUAL DISABILITY AND INCLUSIVE POLICIES IN EDUCATION. STATE OF THE ART IN ITALY

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1. Education Systems of the U4Inclusion Member States: Italy

The education system in Italy is organized according to the principle of subsidiarity and autonomy of schools. The schools are autonomous (D.P.R. n. 275/99), with regard to educational activities, organization, research and development. The Italian education system currently provides the following levels of education and training:

- pre-primary school
- primary school
- **secondary school level I** (lower secondary school)
- secondary school level II (upper secondary school)
- post-secondary
- higher education

Pre-primary education for children aged less than 3 years is offered by nursery schools and it is not part of the education system. Pre-primary for children aged from 3 to 6 years old is part of the education system but it is not compulsory.

Primary education which starts at 6 years old and lasts five years.

Lower secondary education which starts at 11 years old and lasts three years. At the end of first cycle, students who pass the final state examination progress directly to the second cycle of education.

Second cycle of education starts at the age of 14 and offers two different pathways:

- the upper secondary school education
- the regional vocational training system

The first two years of the second cycle of education are compulsory.

After a four – year course, learners willing to enroll in a Higher Technical Institute, at tertiary level, must attend an additional one-year course in the Higher Technical Education and Training System (post-secondary non – tertiary education).

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Higher Education includes the following institutions:

- Universities (Polytechnics included)
- High Level Arts, Music, and Dance Education (AFAM) institutes
- Higher Schools for Language mediators (SSMLs)
- Higher Technical Institutes (ITs)

Education is compulsory in Italy for 10 years, from 6 to 16 years of age, and it covers the eight years of the first cycle of education (5 years of primary school and three years of secondary school level I) and the first two years of the second cycle.

The **State** has exclusive legislative competences on the general organization of the system.

It deals with:

- minimum standards of education
- school staff
- quality assurance
- state financial resources

The Ministry of education, University and Research is responsible for the general administration of education at national level.

The Regional School Offices guarantee the:

- application of general provisions
- respect of the minimum performance requirements and of standards
- regions have joint responsibility with the State in some sectors of the education system
- define the school calendar
- establish the distribution of schools in their territory
- are responsible for the right to study at higher level

Regions have legislative competence in the organization of the regional vocational education and training system.

Local authorities organize the training offer (e.g. maintenance of premises, merging or establishment of schools, transport of pupils) from pre-primary to upper secondary education at local level.

Schools have a high degree of autonomy:

- define curricula
- widen the educational offer
- organize teaching (school time and groups of pupils)
- draw up, every three years, their own Educational Offer Plan

At higher education level, Universities and high Level Arts, Music, and Dance Education (AFAM) institutions have:

- statutory
- regulatory
- teaching

- organizational autonomy

The Italian education system is “mainly” a public state system. Private subject and public bodies can establish education institutions.

Such non-state schools can be:

- equal to state schools called *paritarie*
- merely private schools and cannot issue qualifications

The State directly finances state schools, *paritarie* schools receive state contributions, according to criteria established annually by Ministry of Education.

Parental school, during compulsory education, is a possible option only upon certain conditions.

Students attending a merely “private school” or a “parental school” must sit for specific exams to prove the acquisition of the expected competences.

2. Inclusive education in Italy

Italy was among the first countries to choose the way of integration of pupils with disability in schools and regular classes. The legislative process that led the Italian school to abandon “differential” education and to move towards an educational process of integration, in an inclusive perspective, has been marked by important legislative stages. Already in 1971, the Law n. 118 established that even the disabled students must fulfill the compulsory education in the common schools, with the exception of the more serious ones (the blind, the deaf and the serious engines like the tetraplegics, that is with impossibility to move the four joints). 4

The concept of social integration begins to take shape and it is also involved in the field of economic and health assistance (free use and adaptation of public transport vehicles) and the removal of architectural barriers. With the law n. 517, as early as 1977, the term “integration” was introduced, referring to all the disabled pupils, and individualized educational interventions were started and aimed at the full development of the personality of the students.

Subsequently, the law 104/1992 concerning the integration, assistance and overcoming of the alienation of a “disabled” person, protects equal opportunities and freedom, dictating rules for the prevention and removal of any obstacle to development of the disabled person.

The right to education and school integration of the students with disabilities is based on two main organizational instruments:

- the elaboration of a specific document involving different institutions, with the purpose to obtain personalized interventions
- the selection of specialized teachers having particular cultural and professional titles

Law 104/1992 provides a particular educational treatment with regard to disabled students, which implies a personalized training course also through the realization and verification of important documents such as the:



- Medical Sanitary Certification
- Functional Diagnosis
- Functional Dynamic Profile (*PDF in italian*)
- Personalized Education Plan (*PEI in italian*)

At the beginning of a new school year, the Head Teacher invites Teachers Council to select the most suitable classes for the integration of a student with disabilities. The classes in which a student with disabilities is present must have a maximum of 25 pupils.

After, the Class Council, the support teacher, the ASL (Local Health Authority) operators and the parents (all the group named "operative GLH, working group for disables) prepare the Functional Dynamic Profile, only after the Functional Diagnosis and before the Personalized Education Plan formulation.

PEI describes all possible levels of response by the student and includes both the functional description by the student regarding all difficulties he meets in his various activities and the analysis of the potential development of the student in the short and medium term with reference to:

- cognitive style
- transversal competences
- relation, linguistic and no-verbal communication
- sensorial, motor and neurological capabilities
- self-esteem
- learning level

The Personalized Education Plan points out the interventions in favor of the student, regarding:

- the teaching education and rehabilitation projects
- the integration and socialization programs
- the school and extra-school activities, with ongoing strategies and conclusive verification forms

Law 107 passed in July 2015, better known as "*Buona Scuola*", gave a blank proxy to the government regarding the scholastic inclusion of students with disabilities and special educational needs. Through this pedagogical-educational system in Italian schools we can work to build a society based on the acceptance and coexistence of diversity, experienced as added value and as a useful experience of growth for all.

Recently, the implementation decree 66/2017 of law 107/2015, "*Rules for the promotion of the scholastic inclusion of students with disabilities*", modifies the law 104/1992 regarding the methods and criteria of certification. From 1 January 2019, a single document, the Operating Profile, will replace the Functional Diagnosis and the Functional Dynamic Profile, as a new and innovative tool for the definition of the "functioning" of the student with certified disability, passing from the attention to the pathology of the person, to the attention towards the functioning of the same. The Operating Profile is based on the concept of disabilities as biological, psychological and social values, approved by WHO in 2001, with the International Classification of the Functioning, Disability and Health (ICF), recommending its use to the

member States. The new bio-psyco-socio model introduced by ICF, promotes a global and holistic approach of the person, overcoming the exclusively sanitary one, as implemented by Italian law.

It is important to underline that in Italy, the evaluation of the quality of the school inclusion is an integral part of the evaluation process of the educational institutions foreseen by article 6 of the President's decree, march 28, 2013, n. 80. The National Institute for the Evaluation of the Education and Training System (INVALSI), in the preparation of the evaluation protocols and reference frameworks of the self-evaluation reports, after hearing the Permanent Observatory for inclusion Scholarship referred to in Article 15 of this decree, defines the indicators for the assessment of the quality of school inclusion on the basis of the following criteria:

- A. level of inclusiveness of the three-year plan of the educational offer as embodied in the Plan for school inclusion;
- B. realization of paths for personalization, individualization and differentiation of the processes of education, education and training, defined and activated by the school, according to the specific characteristics of girls and children, pupils and students, students and students;
- C. level of involvement of the various subjects in the elaboration of the Plan for the inclusion and implementation of the inclusion processes;
- D. implementation of initiatives aimed at enhancing the professional skills of school staff including specific training activities;
- E. use of shared tools and criteria for the evaluation of the learning outcomes of pupils and students;
- F. degree of accessibility and usability of resources, equipment, facilities and spaces and, in particular, adopted textbooks and management programs used by the school.

Education at all levels must be open to everyone and the principle of inclusion also applies to pupils with disabilities, pupils from disadvantaged backgrounds for social and economic reasons, immigrant pupils; in such circumstances, measures focus on: personalization, didactic flexibility, linguistic support (in the case of immigrants with low levels of Italian). The State also guarantees the right to education to students who are unable to attend school because: hospitalized, detained or, at home for a long illness. In a school acting as a teaching community, the teacher is called to structure and utilize personalized teaching methods, a strategy attentive to: the needs of the students, their cognitive and perceptive characteristics or problems, the related modalities and relationship difficulties. A teaching method mainly focused on the individual is necessary even if more demanding as in the case of disability and maladjusted students and other cases included in the diversity pedagogy.

3. Italian school inclusion: accessibility, quality of the offer and characteristics of the students with support

Starting from the 2017/2018 school year, the ISTAT survey extended the field of observation also to preschool and secondary school, providing a broad information framework, in terms of resources for inclusion, on all schools in the Italian territory. There are a total of 56,690



schools, attended by 272,167 students with support (3.1% of the total subscribers). There are approximately 156,000 teachers for support, with a ratio of 1.5 pupils per teacher. The students with support who attend primary and secondary schools of first degree are just over 165 thousand (3.7% of students enrolled). Notable gender differences: 213 males for every 100 females. The pupils observed receive an average of 14 hours per week of support. Students with serious problems of autonomy have an average of 12.9 hours per week of assistance for autonomy and communication, for 9% of students with support, the teaching aids used at school are little or not adequate for their needs (ISTAT, 2019).

The characteristics and quality of the school offer have great importance in defining the inclusion process: the accessibility of space, the presence and usability of appropriate technologies and the support of appropriately trained competent figures, play a fundamental role in encouraging participation of pupils to an inclusive didactics, however, to outline an explanatory framework of the level of inclusion, it is fundamental to relate the resources that the school makes available with the needs of the pupils. In the 2017-2018 school year, only 32% of the schools are physically and structurally accessible.

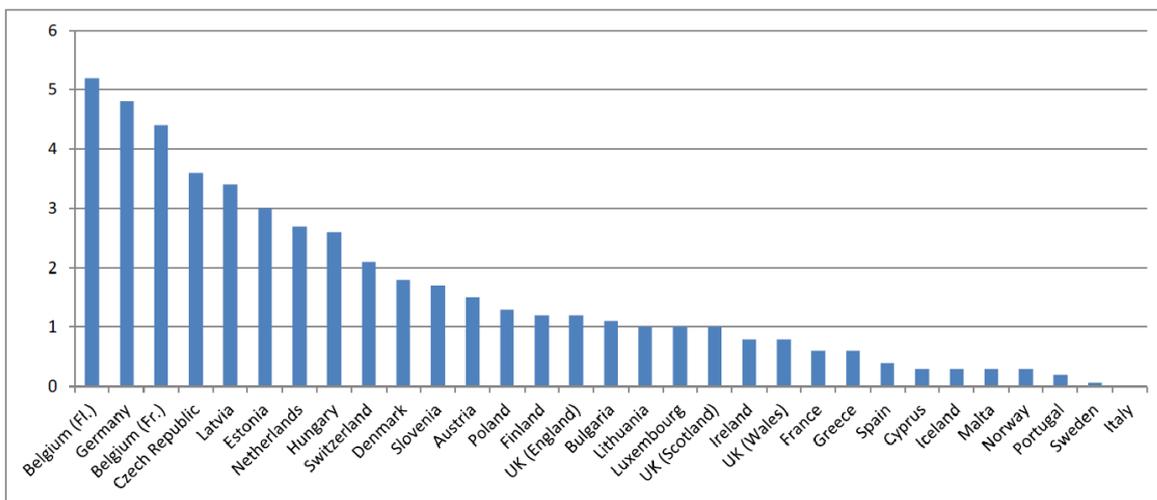
Technology can play a "facilitator" role in the process of school inclusion, especially when it is easy to use and located in the place where the class group conducts classes; the placement in dedicated environments, outside the classroom, can hinder the interaction between the students and prevent the daily use of the tool to support teaching. The survey shows, for each school complex and for all orders, the presence of computer stations with special hardware peripherals and specific software for students with support and their location (in the classroom, in laboratories, in classrooms for support). Contrary to what would be more functional for an inclusive educational path, the location of computer workstations in the classroom is not very widespread (43% of schools), the placement is more frequent in specific classrooms for support (45%) or in laboratories dedicated (57%). To improve the quality of learning it is important that the teacher for the support is able to use the appropriate equipment, for this purpose it is essential to training in educational technologies. For the 2017/2018 school year, in 13% of Italian schools no support teacher attended a specific course, in 61% of the courses only some schools, while in the remaining cases (26%) all teachers attended at least one course. In line with the level of training found, there is little use of the technology from teachers for support: only in half of Italian schools all teachers are able to use technology to support inclusive education.

The knowledge of the levels of autonomy of the individual pupil is one of the prerequisites necessary for the implementation of an adequate training path aimed at inclusion. For this reason the survey reveals the level of autonomy in carrying out some essential activities, such as moving around the school building, eating, going to the bathroom alone. Non-autonomous students in at least one of the activities considered, constitute 17.5% of the total students with support. Among these, 6% have more serious problems of autonomy, as they are not able to carry out any of the three activities alone. As for the number of hours provided by the assistant

to autonomy and communication, it is estimated that students with problems of autonomy have an average of 8.8 hours of weekly assistance; for the most serious, non-autonomous students in all the activities considered (move, eat, go to the bathroom) the hours go up on average to 12.9.

4. Comparison of the data provided in the previous points with those provided by the European agency for special needs and inclusive education

There are marked discrepancies among EU countries with regard to their use of special schools (see Figure 1), which reflect the broader education systems in place. European countries with selective rather than comprehensive school systems (including the Netherlands, Germany, and both the French and Flemish communities of Belgium), where pupils are divided along ability lines, correspondingly have a relatively high number of special schools per head of population. In contrast, Spain and the UK, with comprehensive school systems, have less special provision, and countries such as Italy and Greece, in the absence of any historical tradition of special schooling, educate almost all children in mainstream schools.



Source: EADSNE Country Data 2010. Note: The statistics for Bulgaria are drawn from EADSNE Country Data 2008, since they are not included in the 2010 publication.

Figure 1 - Percentage of special schools and special classes in the European countries

The evidence suggests that any differences in outcomes for children with SEN (Special Educational Needs) between special and mainstream schools are small, but tend to favour mainstream schools in terms of educational attainments and social integration. The most prominent beneficiaries of inclusion policies tend to be higher-achieving children with physical or sensory impairments, who might once have been taught in special schools but are now routinely educated in mainstream classes. An OECD study found that other pupils may also benefit from the inclusion of Children with SEN in their schools: their inclusion necessitates that teachers devote more energy to the curriculum to ensure it is appropriate for the learning



needs of all pupils, which increases teachers' overall teaching skills. Contact with children with a disability in an inclusive setting is also said to increase familiarity and reduce prejudice over the long term.

A statistical survey was conducted on the percentage of pupils with an official decision of SEN in inclusive education, based on the population of pupils with an official decision of SEN (%). The data focuses on pupils with an official decision of SEN in line with the EASIE operational definition. Data is available from 28 countries. The inclusive education enrolment rates of pupils with an official decision of SEN, based on the whole population of pupils with an official decision of SEN, range from 4.98% to 99.21%; the total average for the 28 countries is 60.56%.

5. Inclusion policies in Higher Education and labour market: legislative framework and best practices

Law 17 of 28 January 1999 to "Integration and amendment of the framework law 5 February 1992, n. 104, for assistance, social integration and the rights of disabled people ", introduces specific directives regarding the activities that Italian Universities must put in place in order to favor the integration of students with disabilities during their university training. Each university is required to provide specific services, including the use of technical and educational subsidies, the establishment of specialized tutoring services, as well as individualized treatment for passing exams. In addition, the Law provides for the finalization of a specific quota of the Ordinary Financing Fund of the universities for this purpose and the obligation, for each university, to appoint a Delegate from the Rector to disability, with functions of: coordination, monitoring and support of all initiatives concerning the inclusion of students with disabilities within the university.

Each university also provides a University Disability / DSA Service (SDDA) coordinated by the Rector's Delegate for disability, which is the first point of contact for students, and plays a strategic role in welcoming and managing services.

The basic tasks assigned to the SDDA are:

- the delicate function of interface between the university system and the students, as well as, if necessary, with families and local and health services;
- liaison with university services and, in particular, with mentoring and orientation services;
- personalized itineraries accompanied designed to favor educational success;
- organization and administrative management for the provision of services and monitoring of their effectiveness;
- support to the Delegate and, where required, to the individual Referents of the university structures.

SDDA, in addition to having accessible premises suitable for conducting individual interviews, must be able to make use of human resources, possibly stable and structured, appropriately trained both for front office and support activities during the university course, both for those relating to the granting of technical and IT aids. Beginning in 1999, the delegates of the Rectors

of Disability meet on several occasions with the aim of facilitating the exchange of experiences and good practices already in place in some universities. In order to share the need to establish a coordinating body for all Italian universities on the subject of the integration of students with disabilities in the university, in 2001 the National University Conference of Disability Delegates (CNUDD) was born, which published in 2014 Guidelines CNUDD (2014). They are intended as basic indications to prepare, while respecting the autonomy of each university, suitable and homogeneous services and they want to represent a reference model, in harmony with the laws in force, in order to guarantee the right to study for students with LSD and disability and realize inclusive academic communities.

When dealing with the issue of people with disabilities and the workplace, in addition to the legislative aspects, it is necessary to reflect in the perspective of the path and the life project that the same people start and develop over time.

In this direction a crucial role is played by the training, which should guarantee to recover the training moments that are lacking at the start of work experience, but also to continue to form an identity throughout the whole life. This sense becomes extremely important a 360-degree training, which goes beyond the formal educational context, even non-formal and informal contexts, in order to promote universal inclusion. In Italy there are no precise censuses on the number of workers with disabilities, but certainly they are lower than the number that could be had, hence the need to intervene on the issue with policies aimed at increasing their entry into the labour market. The synergistic collaboration between the academic, business and social cooperatives worlds is indispensable, in order to identify the optimal employment position of people with disabilities and especially those with intellectual disabilities.

One of the greatest achievements regarding the right to work of people with disabilities in Italy is represented by the law n. 68 of 12 March 1999 "Rules for the right to work of the disabled", which protects the inclusion in the workplace of people with disabilities ". The text of article 1 reports: "The purpose of this law is to promote the integration of disabled people into employment through targeted support and placement services". The method used to integrate the disabled person into the labour market is that of "targeted placement". It is a method of job placement which, starting from the customized analysis of the residual capacities and using a series of technical tools, aims to establish a personal address for starting up vocational training, guaranteeing a working identity. To facilitate the functioning of the law, and to implement the actions aimed at the inclusion of the subject in the workplace, it was necessary to create a network of links between public and private bodies, associations, directors and employers. By law, they are obliged to hire people with disabilities, equal to 7% of the total number of workers, if they exceed 50 employees; two workers, if they employ 36 to 50 employees; a worker, if they employ 15 to 35 employees. Through agreements, employers, in order to fulfill the legal obligation, apply for the employment of disabled persons at the competent offices.

One of the most important services created to facilitate the entry of the disabled into the workplace is the "Fund for the right to work", established at the Ministry of Labor, Health and



Social Policies. This fund has been allocated to finance the agreements between employers and the offices that deal with the placement of disabled people, including the expenses of social security contributions for companies and partial reimbursements for expenses incurred.

However, according to the "First Alternative Report of the Italian Forum on Disability to the United Nations Committee on the Convention on the Rights of Persons with Disabilities 2016", the total unemployment and inactivity rate of people with disabilities settles at over 80% compared to 12% of the general population.

Recently, Parliament approved a law reforming labor legislation (Legislative Decree 151/2015) which introduced some adjustments to legislation in favor of people with disabilities, but these do not yet seem sufficient to guarantee a policy that supports job inclusion. People with disabilities are discriminated against compared to other categories in job opportunities, in active labor policies, in investments to facilitate their integration into the workplace. Furthermore, women with disabilities live in conditions of multi-discrimination that penalizes them in obtaining a job. In order to arrive at a greater level of work inclusion, each of the actors involved should play an active and participatory role and have a strong sense of responsibility regarding the issue. People with disabilities need to communicate and collaborate with associations, institutions, schools, families, services, the business world and communities.

6. Educational tools

To facilitate the process of inclusion and learning, schools provide teaching aids for pupils who need support. The aids most frequently used by pupils are computer and multimedia devices for the personalization of teaching, and didactic software for learning (used respectively by 43% and 20% of pupils). A large proportion of students with support, 38%, do not use any type of teaching aid. The equipment made available by the school, in 9% of cases is little or for nothing appropriate to the needs of the students. For those who use a PC / tablet (60% of students with support), the tool is not always available from the school, in 12% of cases it is the family that provides the device, a percentage that rises to 21% if we consider the pupils who use them the PC every day.

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V. INTELLECTUAL DISABILITY AND INCLUSIVE POLICIES IN EDUCATION. STATE OF THE ART IN BELGIUM

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1. Education Systems of the U4INCLUSION Member States: Belgium

The education system in Belgium is organized according to worldview. Most schools are Catholic schools, but the state also organizes education. The state schools are better subsidized, but Catholic education is still regarded as running the better quality schools. The Belgium education system currently provides the following levels of education and training:

- pre-primary school
- primary school
- secondary school
- higher education
- special education
- Pre-primary education

In Belgium, children can start in kindergarten from the age of 2 years and 6 months. The kindergarten consists of an entry level class and three years of kindergarten.

Primary education

Children between the ages of 5 and 12 year old are expected to attend primary school. Due to circumstances (e.g. a later enrolment in primary school) pupils may be delayed. However, the maximum duration a pupil can spend in primary education is eight years. Moreover, if a pupil turns 15 before January 1st of the ongoing school year, he can no longer start in primary education that same school year.

Secondary school

Secondary education is open to students between the ages of 12 and 18 (with a maximum of 25 years old). Just like primary school, secondary school consists of 6 years of education. The first two years are called 'the first grade'; the next two years are called 'the second grade' and the last two years are called 'the third grade'.

In the first grade, a distinction is made between A and B courses

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A-course:

- For students with a certificate of primary education.
- First and second year in the A-course prepares the student for General Secondary Education (ASO), Technical Secondary Education (TSO) or Art Secondary Education (KSO).
- After the first year of secondary education the student can also transfer to the second year of Professional Preparation (BVL).

B-course:

- For students without a certificate of primary education.
- The student will have the opportunity to catch up as much as possible with the learning arrears that you have incurred in primary education.
- The student is prepared for Vocational Secondary Education (BSO).

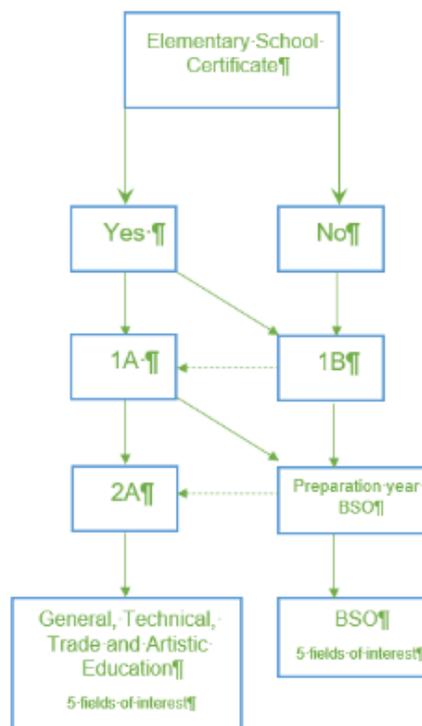


Figure 2 - Secondary education for people with learning disabilities and people with intellectual disabilities

From the 2nd grade onwards, pupils definitively choose between General Secondary Education, Technical Secondary Education, Art Secondary Education or Vocational Secondary Education.

Higher Education

As elsewhere in Europe, we know the classification in higher education, as laid down in the Bologna Declaration:

- Graduate (level 5)
- Bachelor (level 6)
- Master (level 7)



- PhD/doctor (level 8)

All recognized institutions for higher education and their programs can be found in the Higher Education Register. An integrated system of external quality assurance at institutional level guarantees the quality of Bachelor's, Master's and PhD programs. The Universities of Applied Sciences provide practice-oriented programmes, such as graduates and bachelors. The academic Universities provide basic scientific programmes, such as masters and PhD-programs.

Education for specific vulnerable target groups

Some special training for vulnerable target groups in secondary education

In addition to secondary education, there is also the 'learning and working' system. From the age of 15 pupils can participate in this system. Part-time vocational secondary education (DBSO) is intended for pupils who no longer wish to attend school full-time. It combines learning with work and is organized by a Centre for Part-Time Education (CDO). This is a full-time commitment.

Also in BSO, the student is working full-time (= minimum 28 hours/week) on the training. The term 'part-time' only refers to following the lessons.

A typical week looks like this:

- 2 days of lessons (minimum 15 hours per week) in a CDO +
- 3 days of work (minimum 13 hours per week).

Dual programs are intended to learn a profession and to obtain a diploma/certificate or (partial) certificate. Dual learning is meant for students who want to obtain their diploma in secondary education through the combination of learning at school + learning in a company. The pupil learns at school, in a center for part-time education or in a SYNTRA classroom and he/she learns through work experience in the workplace. Dual Learning was definitively implemented as of 1 September 2019.

Reception classes for foreign-speaking newcomers

In both primary and secondary education, a school can set up reception classes for non-Dutch-speaking newcomers (OKAN). In primary education, these pupils usually join their peers in regular classes. If there are enough non-Dutch-speaking newcomers, the school can organize a separate reception class. For these pupils, the emphasis is on learning Dutch during one or two years.

In secondary education, non-Dutch-speaking newcomers start in a separate welcome year no matter what.

Special education for people with disabilities

Primary education in special needs education

For pupils with specific needs (because of a physical or mental disability, serious behavioral problems or serious learning disabilities), the first step is to see whether they can go to regular education (inclusive education). If this is not possible, they can go to special primary education (BuBaO).

There are seven different types of special nursery education:

- -Type 1: pupils with a moderate or severe mental disability
- -Type 2: pupils with serious emotional or behavioral problems
- -Type 3: students with a physical disability
- -Type 4: pupils admitted to a hospital or preventorium
- -Type 5: visually impaired learners
- -Type 6: pupils with an auditory disability
- -Type 7: learners on the autism spectrum disorder who have no specific mental disability.

In special primary education, in addition to the seven types mentioned above, there is also a type referred to as a 'basic offer' for pupils with a mild intellectual disability or pupils with mild learning disabilities.

Secondary education in special needs education

Special secondary education (BUSO) is aimed at young people with a disability or young people with learning or educational difficulties.

We list the different types below. We must mention that the type of basic offer will gain in importance and will include type 1 and type 8.

-Type of 'basic offer': children with one or more slight intellectual disabilities and children with learning disabilities.

- -Type 1: children with a mild mental disability
- -Type 2: children with moderate or severe mental disabilities
- -Type 3: children with serious emotional or behavioral problems
- -Type 4: children with a physical disability
- -Type 5: children admitted to a hospital or preventorium
- -Type 6: visually impaired children
- -Type 7: children with hearing disabilities
- Type 8: children with severe learning disabilities
- -Type 9: children on the autism spectrum disorder, but without specific intellectual disabilities

Young people of different types can choose from four forms of education:

Form 1: social adaptation

- This form of training provides social training with a view to integration into a protected environment.

Form 2: social adaptation and making work fit for purpose



- This form of training provides general and social education and work training with a view to integration into a protected living and working environment.

Form 3: vocational training

- This form of training provides social and professional training with a possibility for integration into a normal living and working environment. Various training courses are organized.

Form 4: general, vocational, artistic and technical education

- This form of training provides preparation for higher education studies and for integration into working life. The courses of study correspond to the courses of ordinary full-time secondary education.

All the more general guidelines that apply to ordinary education also apply to special education. Disabled children are also subject to compulsory education. The admission ages in special education are the same as in ordinary education. In order to be admitted to special education, a registration report with orientation to a certain type is required, which is made by the CLB. In primary and secondary education, the 'Centra voor Leerlingbegeleiding' (CLBs) are pupil guidance centers offering services for pupils in compulsory education, their parents, their teachers and other school professionals. In special education, a child can spend the first as well as the second year of compulsory education in pre-school education and a pupil can continue primary education in the year in which he or she reaches the age of 13. This can then be extended by a further year.

For special education, we are not talking about so-called 'learning objectives', but about 'development objectives'. Schools should not draw up a curriculum, but rather an individual action plan for each group they teach. This plan contains the pedagogical didactic planning for a certain period, the development goals they want to achieve, the integration of psychological, social, orthopedagogical, medical and paramedical assistance.

A certificate of primary education can only be given if the inspectorate considers the learning objectives of the action plan to be equivalent to those of ordinary primary education.

For special primary education, there are separate regulations for rationalization, programming and calculation of the teaching time packages per type.

2. Inclusive education in Belgium

In Belgium, Inclusive Education began with the introduction of 'integrated education'.

As of the 2019-20 school year, so-called Integrated Education (GON) and Inclusive Education (ION) will be completely replaced by support networks that come to support ordinary schools based on the expertise of the schools for pupils with special needs (special education). GON was a collaboration between mainstream and special needs education with the aim of enabling students with disabilities, learning difficulties or educational problems to attend classes in a mainstream school. This could be temporary or permanent, partial or complete. This was done

with the help of the special education schools that received additional hours (GON hours) and a budget for running costs. The school for special education (service school) was allocated resources to realize the GON guidance in regular education (host school). These counseling was provided by GON counselors, staff employed by the special education school for this. It was an additional educational support. GON could therefore not be seen as therapy (which could replace a possible after-school therapy). GON was intended to allow young people with a disability and / or learning and upbringing difficulties to follow the lessons or activities temporarily or permanently, in part or in full in a mainstream school with special education assistance. With this form of education, the government wanted to meet the provisions of the Flemish equal opportunities and equal treatment policy and the definition of persons with disabilities in the UN Convention of 13 December 2006 on the rights of persons with disabilities. If a child has a moderate or severe intellectual disability and has a type 2 special education report, then he / she could take lessons in mainstream education with supervision, Inclusive Education (ION guidance, by special education people and in the form of personal assistants). The child follows an IAC (individually adapted curriculum) and is therefore not eligible for a primary education certificate or a secondary education diploma

Between 1980 and 1996, GON was only covering physical disabilities (types 4, 6 and 7). After 1996, for type 1, 3 and 8, integration facilities could also be used. The framework meant that a GON counsellor rather individually supports a child in regular education:

- 2 hours of GON supervision per week for 2 years for children of type 4, 6 and 7 with a moderate disability.
- 4 hours for children of these types with a severe disability.
- for type 1, 3 and 8 there is a guidance of 2 hours per week during 1 year.
- For type 2 and 5 there is no framework in the GON scheme.

Measures that can be taken for the GON student are (*STICORDI*):

- **Stimulating:** supporting the affective component of learning such as showing understanding, social reward, recognition problem,...
- **Compensation:** providing tools to solve problems/shortcomings, allowing resources to facilitate learning (e.g. laptop in class), a lift in school building for wheelchair users, have more time for taking exams or making exercises, use of reading and speech technology, use of pocket calculators, use of algorithms,...
- **Remedying:** specific training, brushing up, splitting into smaller parts and working intensively on a particular issue with the student who has problems/shortcomings: e.g. giving extra instructions, giving extra exercises,...
- **Dispensing:** granting full/partial exemption from specific subjects/tasks/activities and an equivalent replacement by other assignments, so that the attainment targets can still be achieved.

Whereas GON paid attention to the integration of students with a disability in regular education, ION wanted to take a different approach. The key word here is diversity. The school adapts itself to the pupil and its possibilities. The class teacher tries to involve the pupil in the classroom as



much as possible. It is therefore important that the class teacher has an idea of what the child can and cannot do. Differentiation in the making of exercises is a little easier, because the inclusion student can be provided with less or perhaps other exercises (material from previous years, use of tools, etc.). Here too, the ION teacher plays an important role, because he/she can apply material at the level of the inclusion student.

In a well-functioning project, it also happens that the ION teacher deals with the classroom, while the class teacher focuses on the weaker students and the inclusion student. This is enriching for the class teacher (gets a better picture of the inclusion student) but also often for the class itself, because it avoids an association between the ION teacher and 'being stupid' or 'not being able to follow'.

In concrete terms, this translates into abandoning learning outcomes, for example, because these are simply impossible for an inclusion student. The pupil then develops on his or her own path that is proposed in an integration plan. An integration plan is a basic document, an action-oriented commitment statement that contains essential data and is drawn up for a certain period of time.

Before, every pupil with a disability would be entitled to reasonable adaptations, tailored to his individual needs. With the new decree, the aim is, among other things, to strongly reduce the number of pupils in special education, but of course taking into account those pupils who, provided that these reasonable adjustments can be made, can go to ordinary education. However, the classification according to a certain type, which would then be directly accompanied by a standard package of measures, does not apply anymore. The basic question is always: 'What does this student with his own qualities and limitations need in order to function optimally?'

Pupils with special educational needs are those with long-term and significant participation problems due to the interplay of one or more disabilities on a mental, psychological, physical or sensory level; limitations in the execution of activities; personal and external factors. This is a very broad and general definition. There is no mention of a diagnosis (which would be contrary to the UN Convention on the Rights of Persons with Disabilities). However, the pupil must have a disability, which means that a personal characteristic must be present. The disability cannot be the result of external factors alone, although these can certainly have an additional impact.

So-called 'reasonable adjustments' refer to remedial, differentiating, compensatory and dispensing measures. The teacher's didactic qualities are therefore called upon in order to create the most powerful learning environment possible for each pupil. But the concept is broader than the qualities of the teacher, the school can also make efforts in providing facilities such as extra guidance hours per pupil and/or class, investing in infrastructure such as the provision of a lift or computers with speech technology.

Another measure introduced as from 1 September 2017 is the possibility of setting up flexible learning pathways. For example, gifted pupils and pupils with temporary learning difficulties or a temporary learning deficit will be able to take up an accelerated or delayed learning pathway.

3. Belgium and inclusion... no obvious combination

Despite the overall quality of education, Flanders does not appear to be the best pupil of the class in terms of inclusion in education if we compare this with neighboring countries. In Flanders alone, we speak of 6.63% of pupils with specific educational needs, who often end up in separate schools (special education). In total, we are speaking 4.35% of pupils attending classes in special education. Flanders, and therefore also Belgium, seems to have the least inclusive education compared to the neighboring countries.

Whether the new Decree (M-Decree) achieves effective inclusive education is still a question mark at the moment. However, it is undeniable that the introduction of the M-decree will lead to more recognition for pupils with disabilities and their right to education. This implies that one wants to create equal opportunities and feels that there is structural discrimination (GRIP vzw, 2015). The available figures following the introduction of the M-decree show that pupils and parents actually try to follow the path to regular education. The M-decree aims and demands the development of a continuum of care in which action-oriented working is central. From this point of view, the aim is to achieve qualitative education and strong pupil guidance for pupils in general, so that (regular) education as a whole improves (The Flemish Ministry of Education and Training, 2016).

The greatest advantage of the M-Decree is that it serves as a stepping stone to ION. Therefore, this means working towards an inclusive view of people and society. Because people learn to interact with each other from an early age, there is a greater chance of inclusion. By investing in supportive measures to make education inclusive from the earlier stages of life onward, one ensures more independence in later life (Bolsenbroek & van Houten, 2010; GRIP vzw, 2015). For the inclusion students, inclusive education usually also means being together with family or friends. In concrete terms, this means that inclusive education contributes to active citizenship within society through initiatives such as the M-Decree. In many cases we see that 'inclusive learners' have more opportunities to participate in the regular labor and housing market and leisure activities because they are usually more socially skilled, communicate better, have more self-confidence, have more insight into their own abilities and perform better cognitively than non-inclusive learners. A major advantage of the M-decree is that weak pupils who often perform better in a more heterogeneous group are given more opportunities for development. Moreover, their social network becomes more diverse and therefore stronger because of the greater attention paid to the emotional and social development of the pupil (Verhaegen, 2016). Roughly speaking, it can be said that inclusive education contributes to achieving the three areas of Schalock: independence, social participation and well-being (Bolsenbroek & van Houten, 2010).



It is well known that people with disabilities are all too often viewed from a medical point of view. This is a reality despite the fact that the M-Decree offers the underlying challenge to look at people with disabilities differently and to deal with pupils with disabilities in a more effective way. It is, as it were, a 'compelling' platform to discover and question prejudices (GRIP vzw, 2015). One of the biggest factors that contributes to the implementation of the M-decree and the failure of inclusive education can be found mainly in the mindset of the schools themselves. The M-decree and inclusive education are a challenge for teachers and schools to develop themselves personally, professionally and didactically and thus also to stimulate the entire education system positively (Verhaegen, 2016). The fact that the M-Decree will ultimately lead to less paperwork is an incalculable gain for education (The Flemish Ministry of Education and Training, 2015). ION as a 'value' or 'right' is the added value that the M-Decree puts forward and must defend. Nevertheless, it is doubtful whether the M-Decree contributes to ION as a 'practice'.

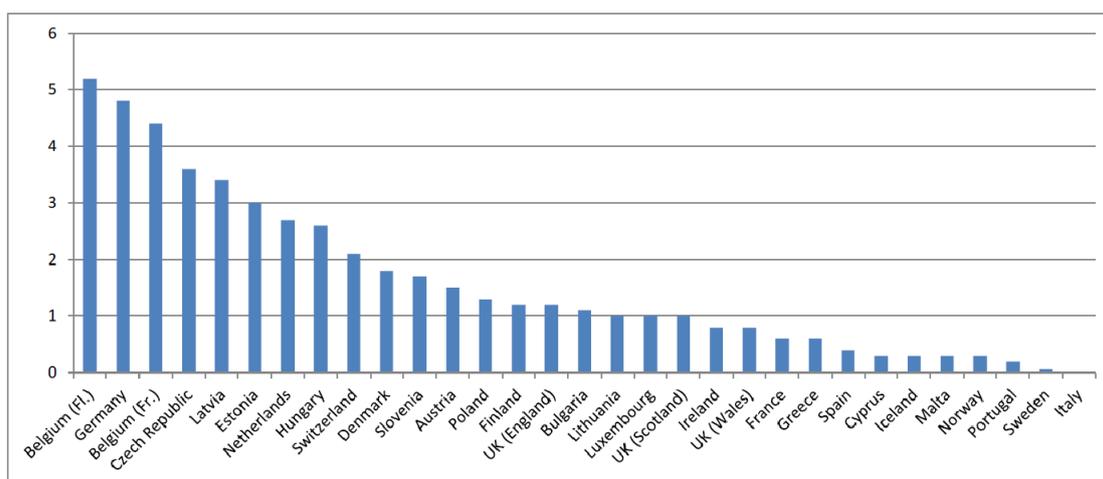
Resistance and prejudices make the success of the M-Decree more difficult, because according to some, inclusive education feels like an 'obligation' (Verhaegen, 2016). In addition, a disadvantage of this effect is that pupils are labelled on the basis of their special educational needs. In many cases, this leads to lower expectations, while obstacles are largely found in aspects that lie outside the individual. That is why achieving equal participation is just as important (Bolsenbroek & van Houten, 2010). As mentioned earlier, this is the strength and challenge of the M-Decree. Another threshold is that many schools are afraid that children with a disability will cause a suction effect. In order to ensure a natural and productive balance, it is important to take into account the relationships within society, i.e. 10% to 12% of pupils with a disability (Department of Orthopedagogics in cooperation with the Flemish Community, 2005).

On the other hand, resources and staff are made available for special education because of the M-Decree. A guarantee measure must allow these resources to be transferred to regular education in order to provide extra support. Because of the lack of clarity regarding this measure, it is evident that regular schools do not make enough use of these support measures to provide inclusive education. In addition, it should be noted that the resources earmarked for support in regular education still fall short (Verhaegen, 2016; GRIP vzw, 2015). This can be seen as a perverse effect that originates from the fact that the policy allocates funds for the reform of special education and thus invests in its further development. In addition, a lot of money is lost when one considers the amount for annual transport, which for pupils in special education, costs Flanders a lot of money. This is in contrast to the fact that inclusive education in the neighborhood could be provided almost free of charge. In addition, special education carries a cost of 10,000 euros averagely per pupil per year more than a pupil in regular education. However, the choice of school is also influenced by family characteristics and the socio-economic situation. The problem of inclusion in education clearly extends beyond education policy and the system. The absence of additional support measures tends to charge the 'costs' of the M-Decree and ION on the tabs of schools and families, and we can say that ION is in

danger of becoming a matter for strong socio-economic families (GRIP vzw, 2015; The Flemish Agency for Persons with Disabilities, 2014; Sebrechts, 2012). The accessibility of school transport can also be seen as an advantage or a disadvantage. From this point of view, it is essential to identify and combat exclusion on the basis of other factors (Sebrechts, 2012). We also see that 45% of school buildings do not offer integral accessibility, a point to bear in mind when making structural adjustments and renovations in the future (GRIP vzw, 2015).

4. Comparison of the data provided in the previous points with those provided by the European agency for special needs and inclusive education

Belgium is by no means a pioneer in the field of inclusive education in Europe. This may be partly due to the quality of special education in Belgium, but recently people have been looking for more inclusion in education, also partly obliged by international regulations. Since the 2015-2016 school year, the 'M-Decree' in education has come into force. This decree aims to offer more students with a disability a place in mainstream education.



Source: EADSNE Country Data 2010. Note: The statistics for Bulgaria are drawn from EADSNE Country Data 2008, since they are not included in the 2010 publication.

Figure 3 - Percentage of special schools and special classes in the European countries

5. Inclusion policies in Higher Education and labor market: legislative framework and best practices

An annual budget of 4 million euros is made available for support in higher education, which can be used to create a support model of its own, regardless of GON's working methods in the past or the elaboration of the support model in primary and secondary education. The equivalent of the framework that used to be provided to higher education by GON staff members through special education was converted into resources (4 million euros). This budget is now used directly in higher education (both in colleges and universities).



The 4 million euro budget is divided between Universities and Universities of Applied Sciences for 30% and 70% respectively, based on the current distribution of students with disabilities who are eligible for the additional weighting within the framework of the determination of the operating resources of higher education institutions.

The resources for higher education are intended as an addition to the care policy with respect to students with disabilities that both universities of applied sciences and universities are already pursuing, under the supervision of the Policy Research Centre for Inclusive Higher Education (Steunpunt Inclusief Hoger Onderwijs, SIHO).

If a student wishes to make use of support during the transition from secondary to higher education or in the course of his or her study period in higher education, he or she will contact the care contact point of the institution, which can be found on the website of the Policy Research Centre for Inclusive Higher Education (SIHO).

There is absolutely no policy for the employment of people with disabilities in higher education. The few initiatives that exist are usually based on projects with their project subsidies. For example, there is the Erasmus+ KA2 project 'InclusiveCampus Life' that took care of the implementation of a number of tools at Thomas More University of Applied Sciences in Flanders.

6. Educational tools

To facilitate the process of inclusion and learning, schools sometimes provide teaching aids for pupils with support. This support is part of the autonomy of each school and there are major differences between schools in Belgium in this respect. Perhaps because special education knows and implements these tools better, more and more parents of children with a mental disability choose Special Education and not inclusive education.

For example, Thomas More exempts one teacher per program to coach students with disabilities. This tutor can for example decide that a student can take a written exam orally or that the student can use a PC, etc. Depending on the specific disability or limitation, a decision will be made in function of attending classes, participating on campus and the conditions for taking the exam.

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VI. INTELLECTUAL DISABILITY AND INCLUSIVE POLICIES IN EDUCATION. STATE OF THE ART IN GERMANY

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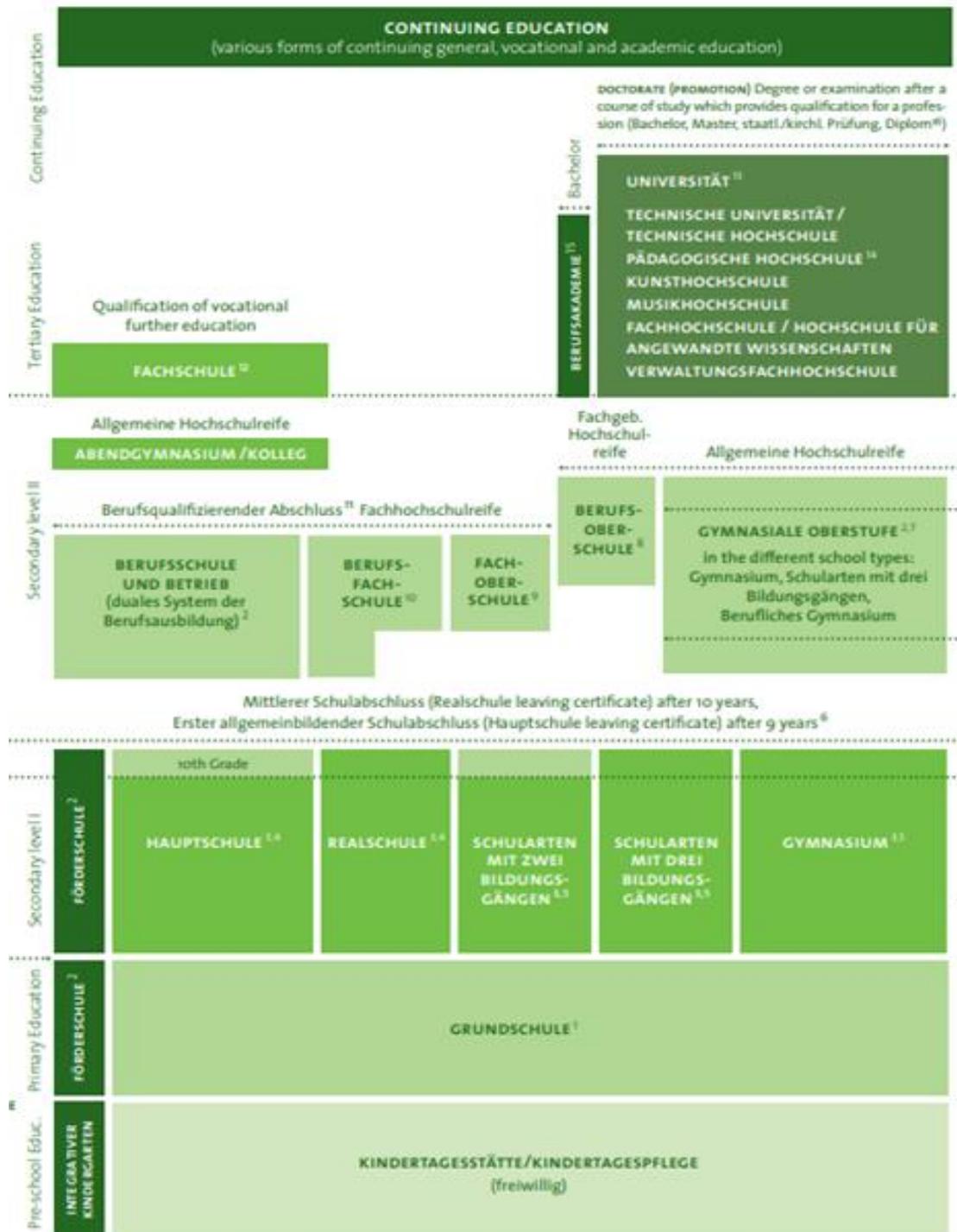
1. Education Systems of the U4Inclusion Member States: Germany

In Germany, the education system has the cultural sovereignty of the 16 federal states. The cultural sovereignty of the states is the primary responsibility of the German states for legislation and administration in the field of culture, e.g. in particular for language, schools and higher education, radio, television and the arts.

In German federalism, the cultural sovereignty of the states' results from the regulation of competences in the Basic Law (Article 30 GG): the federal states are responsible for matters which are not expressly assigned to the Federation as titles of competence.

The German education system is described below. Due to the federalism outlined above, differences between the individual states can occur. The individual regulations and models are not described in detail.

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Figure 4 - Basic Structure of the Education System in the Federal Republic Germany

The education system in the Federal Republic of Germany currently provides the following levels of education and training:

- Pre-school education
- Primary school
- Secondary level I and II
- Tertiary education
- Continuing education

Pre-school education for children until six years at which they normally start school (voluntary).

Primary education starts at 6 years of age and lasts from 1-4 class in the primary school (*Grundschule*). For pupils with special educational needs, additionally a range of special schools exists (e.g. special schools (*Förderschulen*), special centers (*Förderzentren*), schools with a focus on special education (*Schulen mit sonderpädagogischem Förderschwerpunkt*), special education learning or counselling centers (*Sonderpädagogische Bildungs- und Beratungszentren*) or schools for pupils with disabilities (*Schulen für Behinderte* or *Sonderschulen*)).

Secondary education starts at 11 years of age. It leads to one of two different types of leaving certificate, depending on which level students decide to pursue: *Hauptschule* or *Realschule*. Alternatively, pupils have the option of remaining at school and enter the *gymnasiale Oberstufe*, which is upper second education leading to the possibility of entering the university.

In some systems, these three types of secondary education are integrated into one. These are called *Gesamtschule*.

For pupils with special educational needs various types of special schools have been set up within the organisational framework of general and vocational education.

After reaching the compulsory school (at around 15 years of age) pupils can move into upper second education.

General education schools:

- Upper second education (Gymnasium)
- School systems with three educational backgrounds and upper second education

Vocational schools:

- Professional or trading school (Berufsschule)
- Full-time vocational or technical school (Berufsfachschule)
- College or specialised secondary school (Fachoberschule)
- Upper vocational school (Berufsoberschule)
- Occupational upper second education (Berufliche Gymnasien)

Tertiary education includes the following institutions:

- Universities (*Universitäten*), technical universities/ technical colleges (*Technische Universität/Technische Hochschule*), colleges of education (*Pädagogische Hochschulen*), colleges



of art (*Kunsthochschulen*), colleges of music (*Musikhochschulen*), advanced technical colleges (*Fachhochschulen*), administrative technical colleges (*Verwaltungsfachhochschule*)

- University of cooperative education (*Berufsakademie*)
- Fachschule

Continuing education is becoming increasingly important in the context of lifelong learning. In response to the vast range of demands made on continuing learning, a differentiated structure, with municipal institutions, has been developed.

Education is compulsory in Germany for 9-10 years and begins in the year in which children reach the age of six. Differences exist due to the cultural sovereignty of the federal states.

Where the Federation has responsibility for education, science and research, within the Federal Government this responsibility lies primarily within the Federal Ministry of Education and Research. The Federal Ministry for Family Affairs, Senior Citizens, Woman and Youth is responsible for the elementary sector.

The Federation Ministry of Education and Research is responsible for the following domains:

- Policy Issues; Strategy, Digital Transformation
- European and International Cooperation in Education and Research
- Vocational Training; Lifelong Learning
- Science System
- Key Technologies – Research for Innovation
- Life Science – Research for Health
- Provision for the Future – Basis and Sustainability Research

Due to the cultural sovereignty of the federal states (Basic Law), the Federation has (almost) no legislative or administrative powers in the field of education. The Standing Conference of the Ministers of Education and Cultural Affairs of the federal states in the Federal Republic of Germany (KMK) is a voluntary association of the federal states; its decisions are not binding, but are enacted in the individual federal states as legal provisions under individual state law.

The Ministries of Education and Cultural Affairs of the federal states are traditionally the highest administrative authority of a state for schools and education, and in some cases also for higher education and cultural affairs. Depending on the federal state, this authority is often referred to as the Ministry of Education. There are also considerable differences between the individual tasks of the federal states.

General administration at the level of the federal states: The Ministries of Education, Cultural Affairs and the Ministries of Science in the (different titles in the various states) in their capacity as highest authorities of a state are responsible for education, science and culture. They develop policy guidelines, adopt legal provisions and administrative regulations, cooperate at national and state level and supervise the work at authorities under their purview and of subordinated bodies, institutions and foundations.

Together with the subordinate school authorities, they are responsible for the following areas:

- Organisation
- Planning
- Management
- Supervision of the entire school system.

In addition, this includes internal school matters (*innere Schulangelegenheiten*), e.g. the detailed regulation of the school's mission and its educational goals within the framework of school laws.

Local authorities, including school authorities (e.g. towns, municipalities and counties), are responsible for external school matters (*äußere Schulangelegenheiten*).

Among them:

- The building
- Interior fittings and equipment
- Procurement and provision of teaching materials
- Administration

As a rule, **tertiary institutions** are public corporations and at the same time state institutions of the federal states. In the field of university administration, the university and the competent state ministry work together.

The German education system is mainly a public state system. Private subject and public bodies can establish education institutions.

The requirements for private institutions in the school sector are laid down in the Basic Law (Article 7 GG). Approval is granted by the competent school authority. Depending on the school's recognition, pupils may have to sit their examination before an examination board at a public school. In the field of higher education, the federal states are responsible for accrediting private institutions. The requirements are laid down in the respective university laws.

2. Inclusive education in Germany

In the period from 1950s to 1980s there was a huge expansion of special schools (*Sonderschulen*) in Germany. Since the 1980s Germany chose the way to integration of peoples with disabilities in schools and regular classes. The ratification of the "Convention on the Rights of Persons with Disabilities" 2009 arouse the discussion about inclusion and effects further development.

The right of people with disabilities to education and training appropriate to their needs is enshrined in the Basic Law (Article 3 GG), in equality legislation, in Book Twelve of the Social Code (*Sozialgesetzbuch XII*) and in the constitutions of the federal states.

The aim of special educational support is to enable children and young people who either have disabilities or face the threat of disablement to exercise their right to a form of schooling, training and education that is tailored to their personal capabilities and needs. Children and



young people receive support in the form of individual assistance measures so that they can achieve the highest possible level of integration at school and at work, participate in society and lead an independent life as far as possible.

The development and organisation of special education in the federal states was harmonised by several resolutions adopted by the Standing Conference of the Ministers of Education and Cultural Affairs of the federal states.

- 1972: Recommendations on the Organisation of Special Schools (*Empfehlung zur Ordnung des Sonderschulwesens*)
- 1994: 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*)
- 2010: Position paper on “Educational and legal aspects in the implementation of the United Nations Convention of 13 December 2006 on the Rights of Persons with Disabilities in school education” (*Pädagogische und rechtliche Aspekte der Umsetzung des Übereinkommens der Vereinten Nationen vom 13. Dezember 2006 über die Rechte von Menschen mit Behinderungen (Behindertenrechtskonvention) in der schulischen Bildung*)
- 2011: decision on inclusive education of children and young people with disabilities in schools (*Inklusive Bildung von Kindern und Jugendlichen mit Behinderungen in Schulen*).

The recommendations of the Standing Conference apply to pupils with special educational needs, regardless whether support takes place at a mainstream school or at a special education institution.

In Germany a differentiation is made between eight funding priorities:

- Sight
- Learning
- Emotional and social development
- Speech
- Mental development
- Hearing
- Physical and motor development
- Instruction for sick pupils

The procedure of determining special educational needs comprises establishing the individual need for support as well as deciding on the course of education and in some states also the place of support. Generally, the responsibility for the procedure lies with the school supervisory authorities.

Special education needs provision within mainstream education is realised either with an inclusive education setting (1) or with special educational support in forms of cooperative measures (2).

(1) Pupils with special educational needs can attend mainstream schools provided that they require special educational assistance, human and practical support and the right physical

environment are guaranteed. As a rule, special educational support is provided during joint class lessons.

(2) Many special education institutions and mainstream schools have developed close educational cooperation. Cooperative forms of organisation can greatly benefit from both lessons and the general life of the school. Also, this trend expands the opportunities for changing between school types and educational courses, increases the proportion of joint lessons and encourages the transfer of pupils from special education institutions to mainstream schools.

Children and young people who are not attending a mainstream school receive instruction either at **special education institutions**, at trading schools (*Berufsschulen*) with special emphasis on different types of special educational support or at comparable institutions (e.g. *Förderschulen, Förderzentren, Schulen mit sonderpädagogischem Förderschwerpunkt, Sonderpädagogische Bildungs- und Beratungszentren, Schulen für Behinderte* or *Sonderschulen*).

Special education institutions must be able to provide the required technical equipment and special teaching aids. They may turn to external organisations to obtain assistance such as therapy, care and social support.

In so far as the type of disability or illness allows, special education institutions award the qualifications obtained from mainstream schools (*Hauptschulabschluss, Mittlerer Schulabschluss, Allgemeine Hochschulreife*), provided that instruction was based on the curricula of the respective school type and the educational course was completed successfully.

For young adults who finished secondary level 1 there is a great range of measures of support for the transition from school to vocational education and training. A common factor of the many different courses on offer in the transitional system is that they do not provide a vocational qualification, but endeavour to improve the trainability of individuals and sometimes enable participants to obtain a general education qualification. In October 2013 the Standing Conference adopted a recommendation on optimising and standardising school provision in the transitional system (*Empfehlung zur Optimierung und Vereinheitlichung der schulischen Angebote im Übergangssystem*). The transition from school to working life is to be guided by the following principles:

- Gearing the curricula of education programmes in the transitional system to the targets and contents of recognised training occupations, and integrating practical on-the-job training phases
- Creating a flexible set of instruments that leads to a qualification in a recognised occupation requiring formal training, through differentiated transitional offers
- Offering all young people who are ready and willing to train an apprenticeship in a recognised occupation requiring formal training, preferably in the system of dual vocational education and training
- Efficient, targeted and standardised use of resources with close coordination between the Federation, the federal states and the Federal Employment Agency (*Bundesagentur für Arbeit*) to develop a sustainable support system



- Strategic and operative management of the transitional system at state level between all stakeholders under reliable framework conditions
- Coordinating measures and educational offers between all stakeholders and monitoring in a regional transitional management.

Finally, the number of pupils with disabilities learning in inclusive setting is rising constantly. In the school year (2013/14) 31.4 % of children and young adults with special educational needs attended mainstream schools. Despite this significant number the well-known educational researcher Klaus Klemm (2015) refers to three problems:

- The number of pupils attending special education institutions hardly declined. This is mainly because the number of pupils with certified special educational needs is constantly rising.
- The number highly differentiates in relation to levels of education and training. In pre-school education the inclusion quote is at 67 % (2013/14) and at the primary education level the quote is at 46,9 %. At secondary level only 29,9 % (2013/14) of young adults with certified special educational needs attend mainstream educational institutions.
- The inclusion rate differentiates on a great scale between the individual states.

3. Inclusion policies in Higher Education and labour market: legislative framework and best practices

Under the Framework Act for Higher Education (*Hochschulrahmengesetz*) and the federal states legislation on higher education, the higher education institutions are responsible for ensuring that students with disabilities are not disadvantaged and can take up courses without assistance where possible. The examination regulations must take account of the particular requirements of students with disabilities in order to ensure equal opportunities. Advocates representing the needs of students with disabilities, and lobbies for students with disabilities have an important function as an intermediary between the students and the higher education institution's governing boards. Most student support organisations (*Studentenwerke*) also offer advice for students with a disability or chronic illness.

In 2009 the German Rectors' Conference (*Hochschulrektorenkonferenz*) adopted a recommendation on studying with a disability or chronic illness ("*Eine Hochschule für alle*").

Further measures are mentioned in the National Action Plan 2.0 issued by the German Government (*Nationalen Aktionsplan 2.0 der Bundesregierung*):

- The information and advisory service for studying and disability (Studium und Behinderung) at the German Student Services Association (Deutsches Studentenwerk). The information and advisory service has served for a number of years as the competence centre for students with health concerns, and is regarded by all stakeholders in German higher education as the competent German authority with specialist expertise (www.studentenwerke.de/behinderung)
- Survey about the situation of students with a disability or chronic illness (beinträchtigt studieren – best 2)
- Elevation of deadlines for temporary contracts in academics

Students with disabilities or chronic illness are a heterogeneous group.

By the students' self-report the following impairments have an effect on their studies (best2):

- 53% mental illness
- 20% chronic-somatic disease
- 6% further ongoing diseases
- 4% motoric impairment
- 4% specific developmental disorders
- 3% hearing/speech impairment

Germany provides a high amount of state support and measures for the participation in working life for people with disabilities. In the field of social law, the Social Code IX (Rehabilitation and Participation of People with Disabilities) is of central importance. The purpose of the SGB IX is to promote self-determined and equal participation in life within the society for people with disabilities and people threatened by disability and to avoid or counteract discrimination.

The measures include, among others:

1. An employment obligation of employers (according to Part 3 Special provisions for the participation of severely disabled persons (Severely Disabled Persons Act), Chapter 2 Employment obligation of employers, Book IX of the Social Code):
2. Employers with at least 20 employees are required by law to allocate at least five percent of their jobs to people with severe disabilities. Employers who do not comply with this requirement must pay the compensatory levy. Almost one third of employers who are obliged to do so do not meet this requirement and do not provide jobs to people with severe disabilities.

Rehabilitation and integration services provided by rehabilitation agencies and integration offices:

- Rehabilitation providers are institutions that carry out and provide measures and services for social, medical and vocational rehabilitation.
- Integration offices are financed from the compensation results and secure and promote the employment of people with severe disabilities in the federal states.
- The main areas of work of the integration offices are:
- Collection and use of the compensatory levy
- To enforce special protection against dismissal for people with severe disabilities or severely disabled persons with equal status and to monitor compliance: According to § 168 SGB IX, dismissals of severely disabled or equivalent disabled employees are invalid if they are made without the prior consent of the Integration Office. The severe disability or equality must, however, have already been recognised upon receipt of the notice of termination, or the application for a severely disabled person's identity card or for equality must have been filed at least three weeks before receipt of the notice of termination.
- Organisation and implementation of accompanying assistance in working life for people with so-called severe disabilities.
- Training and education measures for internal integration teams in work and staff councils within organisations, as well as for severely disabled representatives and employer inclusion representatives.
- The performance of various specialist services, i.e. technical advisory service or integration specialist service.



3. Inclusion enterprises, until 2018 known as integration projects, are legally and economically independent enterprises or departments within organisations for the employment of people with severe disabilities on the general labour market, whose participation in other areas within the general labour market involves particular difficulties. Inclusion enterprises (§§ 215 SGB IX) are a form of employment for people with severe disabilities regulated by the Severely Disabled Persons Act (Part 3 SGB IX), which legally belongs to the general labour market, but which in fact establishes ties between the workshops for disabled people (*WfbM*) and the general labour market. Inclusion enterprises employ at least 30% severely disabled people. As a rule, their share of all employees should not exceed 50%.
4. For many people with disabilities, participation in working life in Germany means being dependent on special systems, *WfbM* or comparable service providers. Either they have no other option due to a lack of training prospects, or access to the general labour market at a later point in life is made more difficult for various reasons.

In 2017, 272,942 people in Germany worked in *WfbM*. This activity is not recognised as an employment relationship, but is regarded as a form of rehabilitation and is compensated with less than 200 Euros per month. The workshop is intended to promote the transition of suitable persons to the general labour market by means of measure. It offers as wide a range of vocational training and jobs as possible, as well as qualified personnel and accompanying social services. The so-called outsourced jobs on the general labour market are also to be offered for the purpose of transition and as permanently outsourced jobs (§ 219 SGB IX).

- The Federal Participation Act (2016) is a comprehensive package of laws that provides for many improvements for people with disabilities. The Federal Participation Act creates more opportunities for participation and more self-determination for people with disabilities. These include, for example, the budget for work according to § 61 SGB IX. In the case of a transition from a workshop to an employment relationship subject to social insurance contributions, the employer can receive a wage subsidy of up to 75% to compensate for the reduction in the employee's performance and the expenses for the guidance and support required at the workplace due to the disability.

The current National Action Plan for the implementation of the UN Convention on the Rights of Persons with Disabilities, NAP 2.0 for short, is intended to contribute to inclusion becoming a principle to be taken into account in all areas of life. In the field of action, "Work and Employment", 41 measures are listed, most of which pursue the instrumental goals of sensitising and further developing regulations.

4. Educational tools

To facilitate the process of inclusion and learning, schools sometimes provide teaching aids for pupils with support.

This support is part of the autonomy of each school and there are major differences between schools in Germany in this respect.

Special education institutions are often schools with all-day offerings. Some of them are also run as boarding schools. The comprehensive support of the pupils is part of the pedagogical

concept, teaching and individual support complement each other. Special attention is paid to individual needs when designing the lessons. The lessons are partly held in small groups or in the form of individual support. In addition, the class sizes at special educational institutions are particularly low. Depending on the type of disability, therapeutic measures such as physiotherapy, behavioural exercises and speech therapy are added to the actual lessons. Technical and disability-specific equipment and media are used as required.

Pupils can apply for personal aids through their health insurance company.



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VII. CONCLUSIONS

This report shows how educational policies for people with intellectual disabilities are heterogeneous in EU. This heterogeneity reflects the different “educational cultures” of inclusion that each country has developed. Nevertheless, the European Agency for Special Needs and Inclusive Education verified that the enrolment rate of pupils with disabilities in mainstream education ranges from 92.02% to 99.97%, and the total average for the 29 EU countries is 98.64%.⁹ This means that the actual trend of inclusive education in Europe consists in a full or partial inclusion of pupils with disabilities in mainstream education.

However, the processes of inclusion are actually more complex for students with intellectual disabilities, particularly at university and in the following process of access to employment. University policies of inclusion could play a key role in this process, projecting and implementing an educational and vocational “multi-track approach”, common for all European universities. A “multi-track approach” means to propose a “special” class for student with intellectual disabilities, but with broad opportunities of interaction with non-disabled peers and workers. This perspective is consistent with the indications of the European Agency for Special Needs and Inclusive Education, that addressed some specific recommendations to policy makers and university tutors/teachers in order to improve the inclusion processes. The European Agency also proposed a structured student-centered “action plan”, that can be an useful tool for implementing an university training/curriculum.

The phases of this action plan are:

Phase 1: Information, Observation and Orientation

A preparatory phase, taking place while the Individual Transition Plan is being prepared. The goal is to help the young person to make an individual choice of a job and to find a suitable training place.

Phase 2: Training and Qualifications

This phase is mainly focused upon actions to be undertaken during the training process. The goal is for the young person to obtain qualifications, competences and corresponding certifications.

Phase 3: Empowerment, Employment and Follow-up

⁹ Ibidem.



This phase is focused upon the required results. The goal is for the young person to succeed in getting and keeping a job, to benefit from an increased quality of life and to ensure and maintain employment integration.”¹⁰

To this end, a common university curriculum should entail:

- Clear analysis of the young person’s possibilities, assessing present abilities, identifying and discussing wishes and planning and preparing a consequent career plan with the family. In this step it should be extremely important to adopt a “self-reflection tool”, in order to implement the meta-reflective skills of the person with intellectual disabilities.
- The involvement of teachers/tutors, professionals, families and non-disabled peers in the training/employment processes. This cooperative approach is the core of the education process, and express the “multi-tracking” perspective of the training.
- The evaluation of the whole process, conducted on standardized basis. Monitoring the outcomes of the training/employment process over years is fundamental for implementing enhancements of the curriculum.

To this end, the Erasmus plus project U4Inclusion, starting from the best European experiences and practices, is aimed at proposing a common European curriculum for young people with intellectual disabilities. The challenge is to gather the different cultures of inclusion in a common project, involving private and public stakeholders, in order to create an “ecosystem” of inclusion, grounded on education, empowerment, psychological wellbeing, and promotion of the individual competencies of people whit intellectual disabilities. Three essential keys to meet the challenge of inclusion.

¹⁰ Meijer, C., Soriano, V., & Watkins, A. (2006). *Special Needs Education in Europe (volume 2). Provision in post-primary education*. Report of the European Agency for Development in Special Needs Education, p. 78. Retrieved from: https://www.european-agency.org/sites/default/files/special-needs-education-in-europe-volume-2-provision-in-post-primary-education_Thematic-EN.pdf

U4 INCLU SION



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