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REPORT ON 'INCLUSIVE EDUCATION IN THE EUROPEAN SCHOOLS'

**Board of Governors
Meetings on 4 to 7 December – Brussels**

I. Introduction

In 2006 the UN Convention on the Rights of Persons with Disabilities (CRPD - hereafter: the UN Convention) has been adopted.

As parties to the UN Convention, both the European Union and its Member States are obliged to implement and safeguard the set of human rights and fundamental freedoms enshrined in the Convention.

Article 24 of the UN Conventions provides the **right to inclusive education** (see the text of Article 24 in Annex I).

Article 24 of the UN Convention proclaims the right of persons with disability to education on equal basis with others. States Parties shall provide an inclusive education system at all levels and ensure that persons with disabilities are not excluded from the general education system based on disability and can access an inclusive, quality and free primary and secondary education on an equal basis with others, while receiving individualised reasonable accommodation and the support required.

In the European Union, the implementation process of the UN Convention has been subject to an initial report of the European Union (CRPD/C/EU/1)¹ in 2014.

In October 2015, the UN CRPD Committee provided 'Concluding Observations' on the initial report of the EU. These Concluding Observations include a number of recommendations, one of them addressing the European Schools.

Point 84 and point 85 of the Concluding Observations read as follows:

"84. The Committee is concerned that not all students with disabilities receive the reasonable accommodation needed to enjoy their right to inclusive quality education in European schools in line with the Convention, and that the schools do not comply with the non-rejection clause. It is also concerned that European schools are not fully accessible to children with disabilities nor do they provide for inclusive, quality education.

85. The Committee recommends that the European Union take the necessary measures to ensure that all students with disabilities receive the reasonable accommodation needed to enjoy their right to inclusive quality education in European schools. It also recommends that European schools implement a non-rejection policy on the grounds of disability and ensure inclusive, quality education for all students with disabilities."

The European Parliament has adopted two resolutions related to this matter. The first one was adopted in September 2016 and dealt with the implementation of the

¹ See also the Commission Staff Working Document 'Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) by the European Union' of 5 June 2014, pages 27 – 29 and pages 56 – 57.

UN Committees' recommendations. The second one has been adopted on 30 November 2017 and dealt with the Commission mid-term report on the EU Disability Strategy.

With respect to the European Schools the resolution of 30 November 2017 states:

"101. Calls on the European Schools, nurseries and after-school centres to provide quality inclusive and UNCRPD-compliant education to all children of EU staff, including those with complex or high-level support needs".

The observations of the UNCRPD Committee have also triggered a debate within the European Schools and in particular within the Educational Support Policy Working Group.

The Concluding Observations give reason to analyse the level of inclusive education and the situation of children with disabilities in the European Schools, to identify possibilities to promote and communicate the already established educational support policy in a more efficient way and to identify potential areas for further development to improve the provision of inclusive education and the situation of children with disabilities in the European Schools.

In order to progress it was decided in the Educational Support Working Group on 16 January 2017 to 'mandate' a Sub-Working Group 'UN Convention'. This Sub-Working Group was asked to further deal with the question of inclusive education in the European Schools and support the European Commission in the preparation of a progress report concerning the implementation of the UN Convention within the European Union envisaged in 2019.

The Sub-Working Group 'UN Convention' is composed of

- two representatives of the Office of the Secretary-General of the European Schools (Deputy Secretary-General and Assistant to the Deputy Secretary-General),
- two representatives of the National Inspectors,
- one representative of the Directors,
- one representative of the Deputy Directors Nursery and Primary Cycle,
- one representative of the Deputy Directors Secondary Cycle,
- three representatives of the EU Commission (DG HR and DG Employment),
- one representative of the Support Coordinators,
- one representative of the teaching staff,
- one representative of INTERPARENTS (umbrella association for the Parents Association of the European Schools).

Moreover, one representative of the European Agency for Special Needs and Inclusive Education (EASNIE) participated in the meetings of the Sub-Working Group as an external expert.

At its first meeting on 26 April 2017, the members of the Sub-Working Group 'UN Convention' agreed to work in the coming months on a report on 'Inclusive Education in the European Schools' which should

- address the concept of inclusive education and analyse to which extent 'inclusive education' is already provided in the European Schools within their educational support policy as reflected in the relevant documents,

- provide – mainly based on the first ‘Evaluation Report on the Implementation of the Educational Support Policy in the European Schools’ - an analysis of the current practice and the implementation of the educational support policy,
- identify areas for further development and concrete measures to improve inclusive education and to ensure compliance with the obligations enshrined in the UNCRPD and
- provide on that basis concrete recommendations’.

The draft report was discussed in five meetings of the Working Group scheduled on 20 June, 12 September, 24 November 2017 and 11 January and 5 September 2018.

The final report of the Sub-Working Group is now forwarded together with the ‘Evaluation Report on the Implementation of the Educational Support Policy in the European Schools’ for discussion to the Joint Board of Inspectors and the Joint Teaching Committee before submitting it to the Board of Governors in December 2018.

II. Concept of ‘inclusive education’

As stated above, Article 24 of the UN Convention proclaims the right to inclusive education in mainstream schools. It obliges the contracting parties to ensure that children with disabilities can access inclusive, quality and free primary and secondary education on an equal basis with others, while receiving individualised reasonable accommodation and support required within the general education system.

The UN Committee on the Rights of Persons with Disabilities has published in September 2016 the ‘General Comment No. 4 (2016)’ with respect to Article 24 of the UN Convention.

The ‘General Comment No. 4’ clarifies the normative character of Article 24, explains the obligations of the States Parties and identifies the measures to be addressed at national level in order to implement and sustain an inclusive education system for all persons with disabilities.

In this document, the UN Committee highlights the importance of recognising the differences between exclusion, segregation, integration and inclusion and provides the following ‘definitions’²:

“**Exclusion** occurs when students are directly or indirectly prevented from or denied access to education in any form.

Segregation occurs when the education of student with disabilities is provided in separate environments designed or used to respond to various impairments, in isolation from students without disabilities.

² UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 4.

Integration is a process of placing persons with disabilities in existing mainstream educational institutions as long as the former can adjust to the standardized requirements of such institutions.

Inclusion involves a process of systematic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences.”

Furthermore, the UN Committee clarifies that *“placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organisation, curriculum and teaching and learning strategies, does not constitute inclusion”*. In this respect, the *“educational system must provide a personalized education response, rather than expecting the student to fit to the system”*³.

States Parties have a specific and continuing obligation to move as expeditiously and effectively as possible towards the full realisation of Article 24. In general, this is not compatible with sustaining two systems of education: mainstream and special/segregated education systems.

Finally, the UN Committee reiterates the distinction between the general ‘accessibility duty’ and the obligation to provide ‘reasonable accommodation’. Accessibility benefits groups and is based on a set of standards that are implemented gradually in an anticipatory manner whereas ‘reasonable accommodation’ relates to an individual and is complementary to the accessibility duty. This means that an individual (for example a pupil) can legitimately request reasonable accommodation measures even if the State party (for example the European Schools) has fulfilled its accessibility duty.⁴

³ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 4.

⁴ UN Committee on the Rights of Persons with Disabilities – General Comment No. 4 (2016), paragraph 28.

III. Inclusive education in the European Schools

1. General observations

The European Schools are an intergovernmental organisation ‘sui generis’ and as such not a contracting party of the UN Convention. Nevertheless, it has to be acknowledged that all contracting parties of the Convention defining the Statute of the European Schools (hereafter: Convention of the European Schools) are a party to the UN Convention⁵. In this sense, the European Schools are at least ‘politically bound’ by the UN Convention.

The European Schools are providing courses of studies for children from the nursery up to the baccalaureate. This is the main mission of the European Schools according to Article 3 of the Convention of the European Schools.

Within this single type of education, the European Schools have established an educational support policy that has been revised in 2013⁶. This policy is based on Article 4.7 of the Convention of the European Schools where it is stated “*measures shall be taken to facilitate the reception of children with special educational needs*”.

The revised educational support policy makes a distinction between General Support, Moderate Support, Intensive B Support (ISB) and Intensive A Support (ISA).

General Support (GS) is meant for pupils experiencing difficulties in a particular aspect of a subject, to ‘catch up’ due to late arrival in school or illness or need to work in their non-mother tongue. Pupils may also need additional help with acquiring effective learning strategies or study skills.

Moderate Support (MS) is an extension of General Support and is provided for pupils with a mild learning difficulty or in need of more targeted support. This could be appropriate for pupils who may be experiencing considerable difficulty in accessing the curriculum due to, for example, language issues, concentration problems or other reasons. Moderate support is provided for a longer period than General Support.

Intensive Support is provided according to the descriptions of A (ISA) and B (ISB) support.

ISA is given following an expert’s assessment of the pupil’s special individual needs and the signing of an agreement between the school and the parents. Intensive Support A is provided for pupils with special educational needs: learning, emotional, behavioural or physical needs.

In exceptional circumstances, and on a short-term basis only, ISB is given for a pupil without special educational needs, for example in the form of intensive language support for a pupil who is unable to access the curriculum.

⁵ 27 Member States have ratified the UNCRRPD; Ireland signed it, but is still in the ratification process.

⁶ Document 2012-05-D-14-en-9.

In both cases, support can be given in order to help the pupil develop his or her competences like subject knowledge, skills and attitudes.

All forms of support should be considered as progressive since they are intended to meet the pupil's concrete needs, which may vary over the time. Therefore, it is possible for a pupil to benefit from several different levels of support at the same time.

2. Discussions in the Sub-Working Group 'UN Convention'

In five meetings, the members of the Sub-Working Group 'UN Convention' discussed the recommendation of the UN Committee in the light of the educational support policy in place at the European Schools.

Based on the 'General Comment No 4' this report addresses key areas of inclusive education, illustrates the current policy of the European Schools, identifies based on the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools' areas for further development and provides concrete recommendations.

The key areas important for inclusive education are:

1. **Human resources** - support coordinators, support teachers, support assistants, educational adviser, psychologists, national inspectors, other relevant health, occupational and social services professionals, staff of the Office of the Secretary-General (OSG) and parents;
2. **Qualification and training of teaching and non-teaching staff;**
3. **Budgetary allocations;**
4. **Accessibility - built environment** (classes, canteens, leisure areas etc.), including ICT and school transport;
5. **Accessibility - information and communication.**
6. **Teaching material;**
7. **Personalized support;**
8. **Teaching methods and smooth transition between nursery and primary and secondary education;**
9. **Adaptability regarding curriculum, assessment and examination procedures;**
10. **Smooth transition to other systems and certification of capacities and attainment;**
11. **Legal redress;**
12. **Monitoring/Quality Assurance/Evaluation.**

IV. Key areas of inclusive education

- 1. Human resources - support coordinators, support teachers, support assistants, educational adviser, national Inspectors, psychologists and other relevant health, occupational and social services professionals, staff of the Office of the Secretary-General (OSG) and parents**

a) Requirements of Article 24

In Article 24.4 of the Convention highlights the importance of qualified staff.

According to the 'General Comment No 4' "*support in terms of general availability of services and facilities within the education system should ensure that students with disabilities are able to fulfil their potential to the maximum extent possible, including, for example, the provision of sufficient trained and supported teaching staff, school counsellors, psychologists, and other relevant health and social service professionals*". States parties must take effective measures, to provide habilitation and rehabilitation services within the education system, including healthcare, occupational, physical, social, counselling and other services.⁷

It is also emphasised that parents can play a significant role in advising and supporting teachers in provision of support to individual students.⁸

b) Policy of the European Schools

In the European Schools educational support is based on multi-professional cooperation. Roles, duties and working conditions of support coordinators, support teachers, support assistants and therapists are described in the document 'Provision of Educational Support in the European Schools – Procedural document' (2012-05-D-15).

The staff members actively involved in educational support are either seconded by a Member State (support coordinators, support teachers, educational adviser) or locally recruited (support assistants and psychologists and – if no secondments are possible - support coordinators, support teachers, educational adviser). The recruitment of seconded staff members lies mainly in the responsibility of the national inspectors and the seconding authorities in the Member States, while the recruitment of local staff lies in the responsibility of each Director.

⁷ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 31 and 52.

⁸ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 70.

aa) Support Coordinator

In each school the Director/Deputy Director appoints one or more support coordinators. The purpose of coordination in the schools is to organise and implement the educational support policy successfully and efficiently.

The support coordinator should have good management skills, a good knowledge of different languages, as well as qualifications and, whenever possible, experience in teaching pupils with diverse needs.

Coordinators' duties are modified in accordance with the particular conditions in each school. They will be clearly defined in the job description.

The coordinator has a key administrative and pedagogical role. Currently, the rules in the European Schools do not recommend or require a specific time allocation for a support coordinator to carry out the responsibilities of the position. The time allocation should reflect each school's particular needs. The time allocated should be sufficient to perform the job effectively and professionally.

bb) Support Teacher

In addition, support teachers (class teachers and subject teachers) are addressing the special needs of pupils. They are expected to have proper qualifications for the cycle and/or subject which they are teaching, recognised by the appointing country. The person will preferably have additional qualifications, experience or aptitude for teaching pupils with diverse needs.

cc) Support Assistant

Support assistant have an important role in supporting pupils and in the work done by the teachers. The assistant's role includes good communication skills, flexibility, patience, self-initiative and discretion.

The role and responsibilities of support assistant are specified in the Job description of a SEN Assistant document (2011-07-D-1 / Annex III to document 2011-01-D-57).

dd) Therapists

Further support is given by therapists for pupils whose development and learning needs require specific support given by paramedical auxiliary staff (essentially speech therapists and psychomotor therapists). The provision is organised on the basis of a tripartite agreement.

The school's role is to make a suitable room available to the pupil and to the professional whose services are used, to agree on a timetable, to take account of class activities and to provide coordination and monitor pupil's development through meetings of the Support Advisory Group.

The services provided by paramedical auxiliary staff are paid directly by parents. Only for attendance at each meeting of the Support Advisory Group, at the school's request, will the member of the paramedical auxiliary staff receive a flat-rate payment made by the school.

ee) Educational Advisers

Educational advisers are also seen as part of the Educational Support team in the school. According to Article 27 of the General Rules one of their tasks is to 'monitor pupils'.

ff) Psychologists

The school psychologists are Administrative and Ancillary Staff (AAS). Their role is not defined in the Educational Support Policy of the European Schools. As non-pedagogical staff, the school psychologists do not provide directly Educational Support. However, they do act as support for all stakeholders and are present at support advisory group meetings if requested.

gg) Support Inspectors

Support inspectors promote the harmonised and consistent implementation of the Educational Support Policy and Provision. They advise school Directors or attend meetings of Support Advisory Groups, when this is requested and, where needed, ensure consistent application of principles for allocating and organising support.

hh) Office of the Secretary-General

The Office of the Secretary-General takes a coordinating role with respect to the Educational Support Policy of the European Schools. It supports the national inspectors in charge, organizes the Educational Support Policy Working Group and develops policy papers in cooperation with the national inspectors and other members of the Educational Support Policy Working Group.

gg) Parents

Finally, the European Schools believe that where parents are involved in their children's education and work in partnership with the school, children achieve and thrive more. The European Schools aim at an open and regular communication between the schools and the pupil's legal representatives. It is essential that parents inform the school of any issues which could affect their child's learning progress.

c) Analysis

According to the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools', all schools have nominated educational **support coordinators** for Nursery/Primary and Secondary Cycles. The practice differs between the schools. Most of the schools have one coordinator for each cycle (N/P and S), but some big schools have nominated educational support coordinators for certain language sections or coordinators for different types of support.

From the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools' it is not clear whether all support coordinators currently dispose of the required qualifications and relevant professional experience in teaching pupils with diverse needs and if the time allocated to their coordinating role is sufficient to perform their tasks effectively and professionally.

The majority of the schools have written job descriptions for their coordinators. Usually, their role is both pedagogical and administrative but the pedagogical one prevails; in two schools, the role of the support coordinators is mainly administrative. Since the latest Educational Support Policy came into force, the role and responsibilities of the coordinator became more structured, transparent and there is better balance between the administrative and pedagogical role.

However, the interviewed coordinators and members of the school management consider the administration linked to Educational Support as very time consuming. This opinion has been supported also by the findings of the Whole School Inspection. Also according to parent's feedback support coordinators are often overstretched. Potentially, more simple and user-friendly IT systems of data collection and analysis on the ES system level could release coordinators working time and enable them to spend more time on their pedagogical duties.

Support teacher are either seconded or locally recruited. The number of locally recruited teaching staff is permanently increasing. According to the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools' the secondment or recruitment of proper qualified support teachers is a challenge for all schools. The qualification requirements for support teachers vary from Member State to Member State. Their nomination lies in the responsibility of the national seconding authorities.

According to the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools', the qualification and experience of the **support assistants** significantly varies both between and within the schools. As they are part of the Administrative and Ancillary Staff (AAS), they do not have a right to participate to the pedagogical training organised by the European School System or national authorities.

Since the year 2011, the importance of the support assistant has significantly increased. During the last three years, an increase of the number of support assistants has been observed.

Looking at the amount of time given in the educational support (minutes per week), the assistants provide 62,7 % of the minutes per week in school year 2016/17, while in 2014/15 it was only 48.5%.

In practice, the support assistants do not only provide nursing and care, but they do provide also pedagogical work. This is not in line with the initial policy and triggers legal questions.

Moreover, the contractual status of support assistants is weak. They only receive annual contracts. This leads to a high fluctuation of support assistants and to problems in the recruitment.

With regard to **therapists**, the consequences of the newly introduced system of tripartite agreements needs further clarification and harmonisation among the schools. According to the parents' feedback, parents having children benefitting from Intensive Support A are often not aware of the possibility of signing a tripartite agreement.

The role and duties of the **school psychologists** are not harmonised. The job descriptions in the different schools vary from each other. Moreover, only eight of the 13 Schools have employed a psychologist. Their access to pedagogical training is not entirely clarified.

With respect to the **Office of the Secretary-General (OSG)** the members of the Sub-Working Group came to the conclusion that more coordination in different areas would be appreciated. More guidance from the OSG in cooperation with the inspectors concerned would help the schools to harmonize their policy and to support the schools in providing inclusive education.

d) Recommendations of the Working Group

- **Review the recruitment policy (for secondments and locally recruited staff) in order to ensure that newly recruited staff disposes of the necessary qualifications.**
- **Strengthen the recognition of the support coordinators and provide them with secretarial support where necessary**
- **Improve the working conditions of support assistants (salary, job security, review of the job description) and strengthen their status.**
- **Create the function (full time) of a 'central coordinator for educational support and inclusive education' in the Office of the Secretary-General.**

Qualification and training of the teaching staff and non-teaching staff

a) Requirements of Article 24

According to Article 24.4 States Parties “*shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.*”

In the ‘General Comment No 4’ it is highlighted that “*an adequate number of qualified and committed school staff is a key asset in the introduction and sustainability of inclusive education*”. Therefore, State Parties should “*take appropriate measures to employ administration, teaching and non-teaching staff with the skills to work effectively in inclusive education environments*” and “*ensure that all teachers are trained in inclusive education based on the human rights model of disability*”. “*State parties must invest in and support the recruitment and continuous education of teachers with disabilities*” and “*all teachers must be provided with dedicated units/modules to prepare them to work in inclusive settings.*”⁹

b) Policy of the European Schools

The pedagogical staff in European Schools consists of seconded and locally recruited teachers. The organisation of the European Schools’ studies requires teachers with qualifications that differ in cycles, subjects and languages.

The teachers seconded by the Member States must have the qualification required in the seconding country for their post. This leads to a variety in knowledge and competences among colleagues who do the same work in the European Schools. The qualification for teachers working with pupils with special educational needs is also based on the national requirements.

According to document 2012-05-D-15-en-11, the national authorities have to ensure that the seconded teachers have the qualifications and experience to identify and take account of the different learning styles and needs of individual pupils and to differentiate their teaching according to the pupils’ needs.

Besides seconded teachers, the schools do employ locally recruited teachers. Locally recruited teachers must have the same qualifications as seconded teachers.

The national inspectors have to examine and approve the qualifications and experience of locally recruited support teachers with the aim of securing the relevant expertise to provide support.

⁹ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraphs 12 d), 35 and 69.

Particular attention shall be paid to the skills mentioned above when evaluating teachers. The knowledge and skills to differentiation and working with pupils with special educational needs are addressed in the 'Teaching Standards' (2015-09-D-3-en-1). This is the tool for the evaluation of the (seconded and locally recruited) teachers.

Moreover, the European Schools have recently established a coherent training policy for the teaching staff¹⁰.

This policy paper ensures that teaching staff receives training on a regular basis.

The organisation of teacher's professional development is done depending on the focus of the theme either centrally, locally in the schools or by individual training. Funding for continuous professional development is earmarked in the OGS's budget. The educational support coordinators meet and are trained annually in a two days training. The duty of the coordinators is to disseminate the information and best practices presented in the training in their schools and support colleagues in the field. The schools are obliged to organise local in-service training for all their teachers. Moreover, the seconding authorities are offering some in-service training to their seconded teachers.

c) Analysis

All members of the Sub-Working Group have highlighted the importance of qualified teaching staff and the need for further training in order to sensitize in particular the teaching staff and to provide teachers with necessary core competencies to work in inclusive educational environments. Teaching in an inclusive classroom requires particular training.

According to the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools' only in three schools an appropriate training in the area of individual learning needs was noticed. A plan for in-service training is missing in most of the schools.

Nevertheless, some schools have found a way to increase teachers' awareness about the special needs of pupils through internal school projects. Every year, part of the time during the in-service training of the coordinators, some time is foreseen to present and discuss local projects. Additionally, a platform for coordinators has been established to share the best practices of different schools within the support coordinators.

According to the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools' the majority of trainings offered by the national seconding authorities focused on differentiation of teaching and learning according individual needs of the pupils.

However, not all national authorities offer such trainings. Moreover, these trainings obviously do not address locally recruited teachers.

A more general problem is linked to the fluctuation of teaching staff. This requires that the schools ensure in particular in sensitive areas like the educational support policy a 'business continuity'.

¹⁰ Document 2016-01-D-40-en-4.

d) Recommendations of the Working Group

- **Develop a training policy for teaching and non-teaching staff on inclusive education and set up a dedicated budget.**
- **Provide all new teaching staff as part of their induction training with information on the policy and procedures of educational support provision.**
- **Ensure awareness of all members of the school community (staff, parents and pupils).**

3. Budgetary allocations

a) Requirements of Article 24

According to the General Comment "*states parties are encouraged to redefine budgetary allocations for education, including transferring budgets to develop inclusive education*". "States parties must reform their governance systems and financing mechanisms to ensure the right to education of all persons with disabilities. States parties should also allocate budgets using mechanisms available under public procurement processes and partnerships with the private sector. These allocations must prioritize, inter alia, ensuring adequate resources for rendering existing educational settings accessible in a time bound manner, investment in inclusive teacher education, making available reasonable accommodations, providing accessible transport to school, making available appropriate and accessible text books, teaching and learning materials, ensuring assistive technology provisioning and Sign Language, and providing awareness raising initiatives to address stigma and discrimination, particularly bullying in educational settings."¹¹

b) Policy of the European Schools

Until the year 2015, the funds allocated to Educational Support were separated to the budget called Learning Support, SEN and SWALS. In 2014 the Board of Governors decided to merge these budget lines and to base the schools' annual Educational Support Budget for cycle coordination, timetabling and provision of support on the school population.

In 2015 the BOG decided that the Educational Support would no longer be included in the 'Internal Structures of the European Schools', but funded from a specific budget line (2015-04-D-6-en-3).

Another change was the decision of the Board of Governors to allow the creation of Educational Support courses with fewer than seven pupils (document 2014-02-D-14-en-3). These measures significantly contributed to the schools' flexibility in the Educational Support provision according to the individual needs of the pupils.

c) Analysis

The total number of the pupils in the European Schools increases every year attaining almost 27 000 in the school year 2016-2017. According to the Statistical Reports of Educational Support, the total amount of the budget used for Educational Support, increased within three calendar years (2014 to 2017) from €7 815 699 to €10 085 859. This represents an increase of 29%. This amount covers the salaries, social charges and other staff costs linked to Educational Support, as well as equipment and material in relation with General Support (GS), Moderate Support (MS) and Intensive Support (IS). The budget per pupil increased from €1 129,73 (school year 2014-2015) to €1 313,12 (school year 2016-17).

¹¹ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 39 and 67.

In the year 2016, five schools did not fully use the budget reserved for the Educational Support. The other eight schools used more money than originally planned for Educational Support.

Because the schools' work is organized by school years and the budget year is a calendar year, it is difficult to analyze clear connections between the budget and actual situation provision of the Educational Support in the school at certain period.

The use of the budget can be demonstrated by the example of the use of the ISA budget in 2016-2017. Most of the budget (about 74%) is used to pay the teachers' salaries. The percentage of the budget used to pay assistants' salaries is about 23%.

The budget used for pedagogical material, including ICT for Educational support purposes, is only about 1%. The situation was similar also in the school years 2014-2015 and 2015-2016.

Table: Use of the ISA budget by cycle in the year 2016/17

<i>Average of all schools</i>	<i>Nursery</i>	<i>Primary</i>	<i>Secondary</i>	<i>N+P+S</i>
ISA teaching	1,4%	29,7%	44,3%	75,4%
ISA assistance	3,8%	14,2%	5,5%	23,5%
Pedagogical material and equipment for ISA (including ICT)	0,0%	0,5%	0,4%	0,9%
Other	0,0%	0,0%	0,0%	0,0%
TOTAL	5,3%	44,3%	50,3%	99,9%

According to the findings of six Whole School Inspections carried out in the school years 2014-2015 to 2016-2017, the schools dispose of appropriate range of support materials including relevant ICT software.

From the Statistical Report on Educational Support it is also obvious that the allocation of budget varies from school to school and quite often even among cycles and sections in the same school. The reasons for this variation need further analysis.

Nevertheless, in particular the offer of Intensive Support A was in no case subject to budgetary restrictions.

d) Recommendation of the Working Group

- **Provide schools with more guidance on how to allocate the budget.**

4. Accessibility: built environment (classes, canteens, leisure areas etc.), including ICT and school transport,

a) Requirements of Article 24

Article 24 of the Convention requires that educational institutions and programmes must be accessible to everyone, without discrimination. The environment of students with disabilities must be designed to foster inclusion and guarantee their equality throughout their education including buildings, information and communication, school transport, school trips, water and sanitation facilities, school cafeterias and recreational spaces.¹²

This implies that pupils with disabilities should not face physical or environmental barriers.

b) Policy of the European Schools

The European Schools have not yet established an accessibility policy which sets standards. However, they are committed to ensure accessibility for all pupils and to ensure barrier free access to the school buildings, water and sanitation facilities, canteens, recreational spaces, school transport, school trips and to information and communication technology. When preventive accessibility measures are not sufficient to provide equal access, then the European Schools are committed to provide in addition reasonable accommodation to fit the individual needs.

In this context, it needs to be reminded that the hosting Member States are responsible for the school buildings and their initial fittings. This is laid down in the individual Convention between the Board of Governors and the Government of the hosting Member State. In general, the hosting Member States are required to provide the European Schools with buildings which are respecting the national requirements. These requirements also cover barrier free access.

c) Analysis

The European Schools have never conducted a specific analysis in terms of accessibility. However, in a first analysis, the members of the Sub-Working Group concluded that physical barriers rarely exist in the thirteen schools. Either the buildings have become barrier free or organisational measures have been taken by the school to overcome such barriers in order to ensure reasonable accommodation to the individual pupil concerned.

¹² UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 21.

Also the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools', which was based on fact finding missions to all 13 schools, does not refer to any physical barrier.

d) Recommendation of the Working Group

- **Set up a comprehensive accessibility policy with clear standards. Monitor its implementation and maintenance.**
- **Check the accessibility needs of pupils (and parents and teachers) on a regular basis in order to ensure reasonable accommodation.**

5. Accessibility – information and communication

a) Requirements of Article 24

One aspect of ‘accessibility’ is also that all stakeholders are aware of their rights and well informed about the support offer provided by the educational system.

For a school this means that parents receive the necessary information which will enable them to protect the rights of their children, to benefit from existing support measures and to have an open and transparent dialogue with the school how to ensure the best interest of the child.

b) Policy of the European Schools

According to the Educational Support Policy, schools are requested to define in their own internal guidelines the procedures for early identification of the child’s needs, the provision of General, Moderate and Intensive Support and the process for monitoring the degree of the success of its activities. The school guidelines should be in line with the policy documents and should be clearly communicated to the different stakeholders of the school community. In the case of disagreement, the ES documents overrule the local rules and practices put in place by the Schools.

c) Analysis

According to the ‘Evaluation Report on the Implementation of the Educational Support Policy in the European Schools’ the majority of schools have **school specific** written guidelines for Educational Support.

In eight schools, the guidelines for Nursery and Primary and Secondary cycles are structured in the same way, while in the other schools, the structure and content differ significantly. The guidelines were transparently published on the school website only in three schools. Some schools have more detailed, internal guidelines for the school staff, some schools have also a more simplified version of the guidelines for parents and some have simply copied the general guidelines.

d) Recommendation of the Working Group

- **Ensure that all schools have comprehensive and easy accessible school specific guidelines.**

6. Teaching material

a) Requirements of Article 24

The teaching material should be adapted to the learning needs of the pupils with disabilities in order to support them.

The 'General Comment No 4 emphasizes the necessity for the provision of specific learning materials in alternative/accessible formats, modes and means of communication. States Parties are encouraged to invest in this area and to make use of innovative technologies.¹³

b) Policy of the European Schools

Students with special educational needs are provided by the schools with the necessary special equipment and teaching materials to overcome obstacles. There is a dedicated budget available in this respect.

The equipment of the schools is reviewed in the context of the Whole School Inspections.

c) Analysis

According to the findings of six Whole School Inspections carried out in the school years 2014-2015 to 2016-2017, the schools dispose of appropriate range of support materials including relevant ICT software.

However, when a new pupil with a particular impairment arrives, the school may due to the lack of practical experience need time not meet the particular needs of that individual pupil.

In this context it was highlighted that the schools face difficulties to get an overview on available tools and support materials.

However, the necessary financial means are provided within the budget of the schools.

¹³ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 22 and 32.

d) Recommendation of the Working Group

- **Explore ways for strengthening the cooperation with national resources centres.**
- **Establish a procurement policy to purchase accessible teaching material and assistive material.**

7. Personalized support

a) Requirements of Article 24

According to Article 24.2 e) of the UN Convention “*effective individualized support measures*” have to be provided.

In the ‘General Comment No 4’ it is highlighted that the education system should “*provide a personalized educational response, rather than expecting the student to fit the system*”.¹⁴

The Committee in particular emphasizes the necessity of individualized education plans including the provision of assistive compensatory aids, specific learning material, communication aids and assistive and information technology. Support can also consist of a qualified learning support assistant.¹⁵

"A consistent framework for the early identification, assessment and support required to enable persons with disabilities to flourish in inclusive learning environments."

Parents/caregivers of students with disabilities, where appropriate, can serve as partners in the development and implementation of learning programmes, including individualized education plans.¹⁶

The nature of provision must be determined in collaboration with the student, together, where appropriate, with the parents or caregivers/third parties.¹⁷

b) Policy of the European Schools

According to the ‘Policy on the Provision of Educational Support’¹⁸ each pupil has either a group-learning plan (in General Support) or an **Individual Learning Plan (ILP)** (in Moderate and Intensive Support). The ILP includes specific learning objectives and criteria for evaluating the pupil’s progress and the success of the support. Pupils receiving Moderate Support are following the standard curriculum

¹⁴ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 12 c).

¹⁵ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 32.

¹⁶ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 70.

¹⁷ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 32.

¹⁸ Document 2012-05-D-14-en-9.

and are assessed according to the given criteria and learning objectives for his/her class.

Moderate Support is provided for pupils with a mild learning difficulty or in need of more targeted support. This could be appropriate for pupils who may be experiencing considerable difficulty in accessing the curriculum due to, for example, language issues, concentration problems or other reasons.

This support is given to small groups of pupils with similar needs or, where appropriate, to individual pupils in or outside the classroom. Groups are organised vertically, horizontally, within or across sections, by focusing on the needs of the pupils concerned. The methods of assessment used by the subject teacher may be adapted and special arrangements may be considered appropriate.

Finally, parents of pupils with disabilities can apply for **Intensive Support A (ISA)**. According to document 2012-05-D-14-en-9 such support “*is provided on the basis of a medical/psychological/psycho-educational and/or multidisciplinary report produced by an expert, justifying the pupil’s special individual needs and including the signing of an agreement between the Director and the parents.*”

Intensive Support is provided for pupils with special educational needs such as learning, emotional, behavioural or physical needs (see also the document ‘Provision of Educational support in the European Schools – Procedural document’ (2012-05-D-15).

The provision of Intensive Support is recommended to the Director by the Support Advisory Group. Pupils can follow the standard or modified curriculum. In the latter situation, the pupil accompanies his/her class with progression but without promotion to the next class and as long as this can be shown to be in the best interest of the pupil’s social and academic development.”

The maximum limit of pupils for classes is 30. This general threshold is not modified for classes having several children receiving ISA.

c) Analysis

According to the available statistics, the proportion of pupils receiving different forms of support varies significantly across the schools and between the cycles within the schools. There seems to be a need of a harmonisation across and within schools.

The provision of educational support in and outside the classroom tends to become more difficult in secondary.

With respect to ‘early identification’ of special needs of pupils the ‘Evaluation Report on the Implementation of the Educational Support Policy in the European Schools’ states that clear guidelines could be identified only in a few schools. Moreover, rules or procedures for monitoring the degree of progress are missing.

The medical/psychological/psycho-educational/multidisciplinary report was identified as a very important resource for determining appropriate support for pupils with special educational needs. The basic criteria for the report are set in the Educational Support Policy, however, certain points, e.g. professional credentials of the experts who examined and diagnosed the pupil; completeness and reliability, frequency of retesting etc. still need clarification.

Moreover, the classification of diagnosis as one of the basis for timely and appropriate educational support provision does not correspond with the WHO classification.

With respect to class sizes the members of the Sub-Working Group concluded that more flexibility would help schools to better address the needs of pupils.

d) Recommendations of the Working Group

- **Provide the schools with more autonomy to adapt the thresholds for maximum number of pupils in cases where a class has several pupils receiving ISA. Alternatively, ensure that classes with 25-30 pupils and having several pupils receiving ISA receive get a support teacher on a permanent basis.**
- **Develop and introduce a more comprehensive and harmonised framework and procedure for early identification of pupils' abilities and needs.**

8. Teaching methods and smooth transition between nursery and primary and primary and secondary education

a) Requirements of Article 24

According to the 'General Comment No 4', "inclusive education should offer flexible curricula, teaching and learning methods adapted to different strengths, requirements and learning styles".

According to 'General Comment No 4' the UN convention also "requires that persons with disabilities can access inclusive, quality and free primary and secondary education and ensure a smooth transition between the two on an equal basis with others in the communities where they live. Students should not be sent away from home."

b) Policy of the European Schools

aa) Teaching methods

The European Schools give particular emphasis to **differentiated teaching** that takes account of individual differences in learning style, interest, motivation and aptitude. Differentiated teaching shall ensure that in planning and delivery of lessons teachers are aware of and take into consideration the different learning styles and individual needs of pupils. Differentiation is considered essential for all pupils, including those pupils requiring support for whatever reason.

The first round of the Whole School Inspections has highlighted the main areas for pedagogical developments in the European Schools. Differentiation has been identified as one of these main areas for development and is addressed in trainings and in a particular Working Group.

bb) Smooth transition

The European schools try to ensure a smooth transition between cycles of all pupils. Concerning pupils with particular needs the following measures are foreseen¹⁹:

Transition from the Nursery to the Primary Cycle:

- The nursery teachers inform the support coordinator about any pupils who have received support and/or who may continue to need support.
- The support coordinator and the future class teacher attend the Support Advisory Group meetings for the N2 classes and ensure that all relevant information is passed on to all primary class/subject/support teachers.

¹⁹ See also Doc. 2012-05-D-15-en-11 and the 'Framework for school-specific guidelines for transition nursery/primary/secondary' – Doc. 2015-09-D-41.

Transition from the Primary to the Secondary Cycle:

- The primary support coordinator informs the secondary support coordinator of any pupils who have received support and/or who may continue to need support.
- The secondary support coordinator and the future secondary class teacher attend the Support Advisory Group meetings for the P5 classes and ensure that all relevant information is passed on to all secondary class/subject teachers at the beginning of the school year.
- In order to ensure that the needs of pupils studying in a language section which does not correspond to their mother tongue are met, their Language 1 and section class teacher work together and ensure that any relevant information is passed on to subject teachers.

c) Analysis

In general, the members of the Sub-Working Group came to the conclusion that in the Nursery and Primary Cycle and even in the secondary cycle up to S 5 the teaching methods are to certain extent inclusive.

On the other hand, it was concluded that in S 6 and S 7, the schools provide integrative measures to help pupils to cope with the requirements of the baccalaureate. In this sense, they are as of S 6 rather 'integrative' than 'inclusive'.

With respect to the transition from one cycle to the next cycle the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools' stresses that all schools pay attention to transition of pupils with special needs between the cycles. There is relevant communication and transfer of information between educational support coordinators of different cycles. When possible, the future class teachers attend the Support Advisory Groups' meetings at the end of the school year.

The schools use various ways to facilitate the process for both pupils and teachers; the teachers share the documentation, participate in common meetings and class council's meetings, make class visits etc. Older pupils give presentations to younger ones, younger pupils make visits in the buildings and classrooms of the higher cycle, buddy system etc.

Nevertheless, the report also highlights that there is still room for improvement how to facilitate transition of pupils with special educational needs between the Primary and the Secondary Cycle.

Differentiation was addressed in the last years twice in In-Service Trainings for the support coordinators. Moreover, differentiation was addressed in several schools at their pedagogical days.

d) Recommendation of the Working Group

- **Explore ways for facilitating the successful transition from pupils with educational needs in particular from the Primary to the Secondary Cycle.**

9. Adaptability regarding curricula, assessment and examination procedures

a) Requirements of Article 24

The UN Convention requires that curricula must be conceived, designed and applied to meet and adjust to the requirements of every student, and providing appropriate educational responses. In this context, replacing an element of curriculum by an alternative element must also be considered.²⁰

Moreover, in the 'General Comment No 4' it is stated that "*standardised assessments must be replaced by flexible and multiple forms of assessments and recognition of individual progress towards broad goals that provide alternative routes for learning*".²¹

The Committee stresses that "*quality inclusive education requires methods of appraising and monitoring students' progress that considers the barriers faced by students with disabilities. Traditional systems of assessment, utilising standardized achievement test scores as the sole indicator of success for both students and schools may disadvantage students with disabilities*".²²

b) Policy of the European Schools

aa) Curricula

The European Schools offer personalized curricula to students with disabilities.

In document 2012-05-D-14-en-9 it is stated that "*a pupil benefiting from a modified curriculum in order to meet his/her needs will be promoted only if he/she meets the expected requirements for his/her study level as defined in the General Rules of the European Schools and in the assessment criteria of the different subjects.*

If a pupil is not promoted, he/she may progress with his class group for as long as this is beneficial to the pupil's social and academic development. In that case, this is referred to as progression without promotion. From a formal point of view, the pupil who progresses without promotion remains 'non-promoted' (for example, with a view to integration into another school system).

Promotion from S5 to S6 is only possible when the pupil has followed the full curriculum and met its requirements.

All European Baccalaureate candidates must have followed the full S6 and S7 curriculum in order to qualify for award of the Baccalaureate diploma.

²⁰ See also UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 25 and 28.

²¹ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 25.

²² UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 72.

A pupil can only qualify for award of the European Baccalaureate when he/she has been duly promoted from S6 to S7.”

Pupils who are not promoted to the next level may progress nevertheless with their class mates. Progression is also foreseen from S 5 to S 6 and from S 6 to S 7.

bb) Assessment

With respect to assessment it can be noted that valid assessment policy stresses formative assessment in parallel with the summative assessment. New tools have been created, like the portfolio (mainly in the Nursery and the Primary). The method to build and use a portfolio allows to better illustrating the knowledge, skills, attitude and competences of a pupil. Also the School Report, which is a combination of the scale and comments, allows teachers to describe the progress of the pupil. Pupils with special educational needs receive the same school report as the others. The Individual Learning Plans monitor and visualise the pupil’s progress in the area, in which he/she receives educational support.

Pupils with special needs do receive particular support.

This support may include ‘**special arrangements**’ during examinations, test or other forms of assessment. They are not intended to compensate for a lack of ability but allow the pupil to fulfil his/her potential in the fairest possible way²³.

The list of special arrangements is available in the document ‘Provision of Educational support in the European Schools – Procedural document’ (2012-05-D-15).

In document 2012-05-D-14-en-9 it is stated that *“special arrangements are authorised when they are clearly related to the pupils’ diagnosed need(s) by means of a medical/psychological/psycho-educational and/or multidisciplinary report justifying these special arrangements.*

The implementation of special arrangements is decided on an individual basis by the school Management (up to and including S5) following discussion with parents and teachers.

A non-exhaustive list of special arrangements **up to and including S 5** can be found in Annex II of this document.

In S6 and S7, certain special arrangements can be directly authorised by the Director, other arrangements require the approval of the Board of Inspectors for the secondary cycle. A list of these arrangements can be found in Annex III of this document.

In the policy document 2012-05-D14-en-9 it is clarified that *“if the evaluation conditions during the Pre-Baccalaureate and Baccalaureate examinations present a risk to disadvantage the candidate in terms of his/her performance – especially if he/she shows special educational needs – by preventing him/her from demonstrating*

²³ See also document 2012-05-D-14-en-9.

the level at which he/she has acquired the required competences, special arrangements may be requested and authorised for the written and oral examinations.

These special arrangements are not intended to compensate for any lack of knowledge or skills whatsoever.”

c) Analysis

The ‘Evaluation Report on the Implementation of the Educational Support Policy in the European Schools’ indicated that there are important differences across schools regarding the proportion of Intensive support pupils in progression.

Another matter of concern is the approach concerning ‘special arrangements’. The fact that special arrangements for pupils from S 1 to S 5 are decided on local level while special arrangements for the BAC cycle are decided on central level risks to lead to different treatment among the schools and to create potential conflicts when the special arrangements have to be agreed for the BAC cycle.

d) Recommendations of the Working Group

- **Mandate the Pedagogical Reform Group to analyse how to introduce some flexibility to the curriculum with the aim of allowing more pupils with special educational needs to be promoted (e.g. replacing an element of the curriculum with an alternative element in case of physical disability or important learning difficulty, clarify rules for promotion in case of skipped subject etc.).**
- **Review in this context the criteria for promotion and progression with the aim of allowing pupils with minor modifications of the curriculum or for those, who cannot attend some subject/s because of their disability, to be promoted.**

10. Enrolment, transition to other schools and certification of capacities and attainment

a) Requirements of Article 24

According to Article 24.5 of the Convention *“States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.”*

According to ‘General Comment No 4’ the UN convention also *“requires that persons with disabilities can access inclusive, quality and free primary and secondary education and ensure a smooth transition between the two on an equal basis with others in the communities where they live. Students should not be sent away from home.”*²⁴

According to the ‘General Comment No 4’ should receive equality regarding certification of their capacities and attainments on an equal basis with others. The recognition of individual progress towards broad goals that provide alternative routes for learning is important.

b) Policy of the European Schools

aa) Enrolment

On enrolment the school will collect relevant information from the parents, including the pupil’s level of academic attainment and previous educational support provision and/or special educational needs. Parents are invited to provide a detailed diagnosis and/or a multidisciplinary medical-psychological-pedagogical assessment.

According to the enrolment policy it is up to the Director of the school to agree to the admission of a child with special educational needs. In the case of a pupil who may require Intensive Support A, the Director will decide to convene a meeting of the Support Advisory Group to consider whether the school is able to meet the child’s needs.

Neither the enrolment policy nor the educational support policy establish clear procedures and criteria for assessing whether a school is able to meet the special educational needs of a child.

²⁴ See also UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 12 g), 19 and 26.

bb) Transition to other schools

The European Schools are providing courses of studies for children from the nursery up to the baccalaureate. This is the main mission of the European Schools according to Article 3 of the Convention of the European Schools.

According to the Policy Document the school has to be able to make appropriate provision for the pupil's pedagogical and social integration. If this is not the case, on the opinion of the Support Advisory Group, the school is entitled to declare itself unable to meet the pupil's needs and to recommend that the parents seek an alternative solution for their child's education, in an establishment better suited and equipped to meet the child's educational and developmental needs. In such circumstances, the school assists the parents as far as reasonably possible.

cc) Certification of capacities and attainment

For pupils who decide to leave the system in order to continue with a different type of schooling the European Schools issue a (leaving) certificate describing the subjects followed, the hours completed and the level of the pupil's attainment in the child's best interest.

c) Analysis

Taking in consideration the mission of the European Schools (providing education from nursery up to the BAC) and the limited size of the system (currently 13 schools in six Member States) the members of the Working Group agreed that the European Schools cannot provide 'inclusive education' to the same extent as for example the national education systems of a contracting Member State.

Nevertheless, the Members of the Working Group agreed that European Schools might have an obligation to reinforce the access to 'inclusive education' within the hosting Member States where the European Schools face limitations due to their size and mission.

Already the current practice in the European Schools focuses on an intensive dialogue with parents in order to discuss with them the possibilities of educational support and its potential limits. In this sense, the cited phrase in the current educational support policy, stating that 'the European Schools are not fully inclusive' should not be misunderstood as an expression of a 'rejection policy'.

All schools reported having clear procedures for evaluation of admission requests. However, based on the material given by the schools, the evaluation team could not check if those procedures were clearly documented. Which person besides the Director is involved in the enrolment procedure was not documented by any school.

Being enrolled in the European Schools the dialogue between the school, the support coordinator and the parents does continue in order to plan the next steps in the educational development of the pupil.

In particular, in case a continuation of the educational career of the pupil in the system of the European School might not be in the best interest of the child, the support in an effective transition from the European Schools to the national education system (for example in vocational or technical education) of the hosting Member State or the country of origin of the pupil becomes crucial.

Ensuring a smooth and effective transition to a national system can be seen as a measure to provide inclusive education in cooperation with the national education systems.

The decision on enrolling a child with special educational needs or of declaring itself unable to meet the special educational needs of an already enrolled child is taken by each school autonomously. The Office of the Secretary General of the European Schools does not provide particular guidance although the multi-annual plan 2014-2017 for the implementation of the Educational Support Policy foresaw among the planned actions guidelines for the schools as how (formal letters) and when they can declare themselves unable to meet the pupil's needs.

d) Recommendations of the Working Group

- **Establish clear procedures, criteria and responsibilities for assessing the requests for enrolment of children with special educational needs and for advising parents in case the continuation of the enrolment might not be in the best interest of the child.**
- **Ensure a 'four-eyes-principle' before rejecting a pupil and ensure proper documentation of any rejection in order to ensure a follow-up on system level.**
- **Ensure that the Director consults the educational support inspectors before advising parents to leave the school and ensure proper documentation of any such decision.**
- **Develop two new certificates at the end of S5 which are recognized by the national education systems of the Member States:**
 - 1) an alternative leaving certificate for students with modified curriculum who are not promoted but progressed,
 - 2) certificate for all pupils at the end of S5.
- **Strengthen further the cooperation between the School and the hosting Member State/Municipality and the local schools.**

11. Legal redress

a) Requirements of Article 24

The 'General Comment No 4' stipulates that "*states parties must ensure that independent systems are in place to monitor the appropriateness and effectiveness of accommodations, and provide safe, timely, and accessible mechanisms for redress when students with disabilities, and if relevant, their families, consider that they have not been adequately provided or have experienced discrimination*".²⁵

The UN Committee underlines the need to establish "*independent, effective, accessible, transparent, safe and enforceable complaints mechanisms and legal remedies in cases of violations of the right to education*".²⁶

b) Policy of the European Schools

Base on Article 27 of the Convention defining the Statute of the European Schools the Complaints Board has the sole jurisdiction on the European Schools.

The Complaints Board has been recognized by the European Court of Justice as an independent Court which has established clear and transparent rules of procedure.

If an application for enrolment or integration is rejected, an appeal may be lodged with the Secretary-General of the European Schools. In the event of disagreement with the decision of the Secretary-General, a contentious appeal may be lodged with the Chairman of the Complaints Board.

c) Analysis

Over the last ten years about eleven administrative appeals related to the refusal of admission/integration of a pupil with specific educational needs had been launched. They mainly concerned pupils with significant learning disabilities.

Seven of them were rejected by reasoned decision of the Secretary-General. Two of these decisions of the Secretary-General were subject to a contentious appeal in front of the Complaints Board. One of these two contentious appeals was removed from the register following the withdrawal of the appeal by the applicants. The other contentious appeal was rejected by the Complaints Board as unfounded. In its decision (09/14) the Complaints Board took the view that the European Schools have the right to declare themselves incompetent to ensure the integration of pupils with special educational needs if the schools cannot meet these needs.

²⁵ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 30.

²⁶ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 63.

12. Monitoring/Quality assurance/Evaluation

a) Requirements of Article 24

The UN Committee stresses that inclusive education must be evaluated and monitored on a regular basis. States parties must develop monitoring frameworks with structural, process and outcome indicators, and specific benchmarks and targets for each indicator. This monitoring should involve persons with disabilities as well as parents of pupils with disabilities.²⁷

Moreover, States Parties should collect appropriate disaggregated data to formulate policies, plans and programmes to fulfil their obligations under Article 24 of the Convention.²⁸

b) Policy of the European Schools

The effectiveness of the educational support provided is supposed to be monitored and evaluated at both the system and the school level.

At the system level, a number of measures are in place. In the 2016/17 school year particular inspections addressed the educational support policy in all 13 schools. These inspections involved parents of pupils with particular support needs, support coordinators and support teachers.

Within the revised framework for the Whole School Inspections, particular emphasis has been given to educational support.

Moreover, an annual statistical report on educational support is provided.

The educational support inspectors fulfil an important role in this respect. They are promoting the harmonised and consistent implementation of the Educational Support Policy and Provision. They advise school Directors or attend meetings of Support Advisory Groups, when this is requested and, where needed, ensure consistent application of principles for allocating and organising support.

They also organise annual in-service training for support coordinators.

Finally, they are in charge of the statistical reports referred to above and will follow up on any issues arising from the statistical analysis of support.²⁹

²⁷ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraphs 12 i) and 73.

²⁸ UN Committee on the Rights of Persons with Disabilities - General Comment No.4 (2016), paragraph 66.

²⁹ See also document 2012-05-D-15-en-11.

Each school is requested to create clear and transparent guidelines for early identification, provision of General, Moderate and Intensive Support and to monitor the degree of success of its activities (professionalism of the staff, self-evaluation, etc.).

c) Analysis

The European Schools have implemented a system that monitors the implementing of the Educational Support Policy and aims to assure a harmonised, high quality teaching and learning of pupils with educational needs.

Main actors are the national inspectors who are independent from the schools and the Office of the Secretary-General representing the Board of Governors of the European Schools. Nevertheless, they are 'part' of the system of the European Schools and could therefore be considered to be not entirely 'independent'.

The multi-annual plan 2014-2017 for the implementation of the Educational Support Policy foresaw an internal and external evaluation on the implementation of the educational support policy.

According to the 'Evaluation Report on the Implementation of the Educational Support Policy in the European Schools' the success of the support given to each pupil is monitored, analysed and used well for further planning in six schools out of the 13 schools, while in the rest of the schools it is done only partly. Only one school has a cyclic and systematic procedure to evaluate the implementation of the Educational Support, even if it is not fully integrated in the multiannual and annual planning. In five schools, it is undertaken partly.

d) Recommendations of the Working Group

- **Conduct an independent, external monitoring/evaluation concerning the inclusiveness of the policy of the European Schools in the context of the UNCRPD recommendations.**
- **Cover in future statistical reports additional aspects such as qualification and training of teaching staff, information on therapists and on reasons why pupils are not enrolled or leave the European School system.**

V. Summary

The European Schools are committed to fulfil their obligations with respect to Article 24 of the UN Convention on the Rights of Persons with Disabilities.

The current support policy of the European Schools is a combination of integration and inclusion of pupils who need extra help in order to fit in with the curricula and the requirements of the system.

The schools try to integrate all pupils and help them, if needed, to achieve adequate results by means of different techniques of in-class differentiation with the aim of taking them to a successful baccalaureate exam at the end of year 7 of the secondary cycle.

At the same time the schools do apply a wide range of support methods and different forms of support classes / groups or individualised programmes in the course of the inclusion of pupils with learning difficulties and disabilities as well as special arrangements at examinations in order to provide them with tailored pathways throughout their studies.

This inclusive teaching and learning process cannot always result in a baccalaureate examination.

This report illustrates the measures already taken by the schools to ensure that pupils with disabilities receive the reasonable accommodation needed to enjoy their right to inclusive education.

Analysing the requirements of the UN Convention and the policy on educational support in the European Schools it can be stated that the European Schools have moved from an integrative to a more inclusive school system. At the same time, the report identifies areas for improvement with a view to providing inclusive quality education.

The recommendations provided in this report are meant to support and guide the schools to make further progress in this direction.

VI. Opinion of the Joint Board of Inspectors

The Joint Board of Inspectors expressed a favourable opinion on the 'Report on Inclusive Education'.

The Joint Board of Inspectors sent the document forward to the Joint Teaching Committee and to the Budgetary Committee for an opinion and to the Board of Governors for a decision.

V. Opinion of the Joint Teaching Committee

The Joint Teaching Committee welcomed the report, which provided in the light of Article 24 of the UN Convention on the Rights of Persons with Disabilities, an honest overview of the current situation and a thorough analysis of the current level of inclusive education provided with the European Schools' system.

The Joint Teaching Committee expressed a favourable opinion on the report, which would be forwarded to the Budgetary Committee for opinion, and to the Board of Governors for approval.

VII. Opinion of the Budgetary Committee

The Budgetary Committee took a favourable position with respect to the report.

VIII. Proposal for the Board of Governors

The members of the Board of Governors are invited

- to give their opinion on the report and
- to mandate the Educational Support Policy Working Group to provide a draft action plan addressing the recommendations of this report and the recommendations provided in the ‘Evaluation Report on the Implementation of the Educational Support Policy in the European Schools’.

**Article 24 of the UN Convention
on the Rights of Persons with Disabilities**

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

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.

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

- a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c) Reasonable accommodation of the individual's requirements is provided;
- d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

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

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

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

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

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

List of special arrangements that can be authorised by the school, up to and including S5:³⁰

- a) Separate room for the test/examination/assessment.
- b) Change of seating arrangements.
- c) Taking of medication and/or refreshment in the case of a medical condition, for example, diabetes.
- d) An assistant to provide physical care for a pupil to ensure his or her well-being and safety. This assistant may not be a relative of the pupil or the teacher of the subject that is being examined.
- e) The use of a specific learning aid which is normally used in class, for example, a magnifying glass; a hearing aid; coloured overlay; a low vision aid; coloured lenses.
- f) For colour-blind pupils, colours can be substituted with words on the test/examination paper or a reader can name the colours for the pupil.
- g) Use of a spell checker because of severe dyslexia. This request has to be confirmed by the school.
- h) Modifications to the format of the assessment.
- i) Additional time can be granted to pupils whose working pace is affected by their condition. For each hour of examination, a maximum of 10 minutes can be granted. For 90 minutes' assessments, an additional 15 minutes can be granted.
- j) Use of a computer or laptop or a typewriter to replace handwriting for pupils diagnosed with dyslexia, dysgraphia or any other disorder affecting written expression. The school ensures that any computer/laptop being used is cleared of stored information and the spell check function and is not connected to the Internet. It should be noted that in examinations, other than language examinations, content/skills and not language errors, are assessed.
- k) The use of a simple arithmetic calculator, whenever no calculator at all would be allowed.
- l) A scribe to transcribe word for word the pupil's dictated answers and to read back the pupil's answers where necessary. In this case additional time of 10 minutes per hour is allowed.
- m) An audio recording of answers where a scribe is not available.
- n) A reader to read both the assessment paper and to read back the answers. In this case, the additional time of 10 minutes per hour is allowed.
- o) A communicator to provide assistance to a hearing-impaired pupil through sign language or lip speaking.

³⁰ See also doc. 2012-05-D-15-en-11.

- p) A prompter to assist a pupil with severe concentration difficulties or neurological disability in paying attention to the assessment tasks.
- q) Written instructions for hearing-impaired pupils.
- r) Written answers for oral examinations by a candidate who has severe difficulties in oral expression.

Extraordinary arrangements

The list above is not intended to be exhaustive. Where a pupil's needs cannot be met by any of these arrangements, the school may make further appropriate arrangements. These arrangements will be made only if the school is able to find solutions locally.

List of arrangements that may be authorised by the school for S6 and S7:³¹

Schools must inform the Central Office by 15 May of all special arrangements which have been authorised by the Director.

- a) Separate room for the test/examination/assessment.
- b) Change of seating arrangements.
- c) Taking of medication and/or refreshment in the case of a medical condition, for example, diabetes.
- d) An assistant to provide physical care for a pupil to ensure his or her well-being and safety. This assistant may not be a relative of the pupil or the teacher of the subject that is being examined
- e) The use of a specific learning aid which is normally used in class, for example, a magnifying glass; a hearing aid; coloured overlay; a low vision aid; coloured lenses.
- f) For colour-blind pupils colours can be substituted with words on the test/examination paper or a reader can name the colours for the pupil.

List of arrangement that may only be authorised by the Board of Inspectors (Secondary) or the Inspector responsible for support (Secondary)

The justification for any of these arrangements needs to be confirmed by the specialist's reports and by the school

- a) Modifications to the format of the assessment.
- b) Additional time can be granted to pupils whose working pace is affected by their condition. For each hour of the examination, a maximum of 10 minutes can be granted. For 90 minutes' assessments an additional 15 minutes can be granted.
- c) Use of a computer or laptop or a typewriter to replace handwriting for pupils diagnosed with dyslexia, dysgraphia or any other disorder affecting written expression. School ensures that any computer/laptop being used is cleared of stored information and the spell check function and is not connected to the Internet. It should be noted that in examinations, other than language examinations, content/skills and not language errors, are assessed.
- d) Use of a simple arithmetic calculator, whenever no calculator at all would be allowed because of severe dyscalculia.

³¹ See also doc. 2012-05-D-15-en-11.

- e) Use of a spell checker because of severe dyslexia. This request has to be confirmed by the school.
- f) Rest period(s) – during this time a pupil may not read, write or take notes of any kind and may leave the room under supervision.
- g) A scribe to transcribe word for word the pupil's dictated answers and to read back the pupil's answers where necessary because of severe dyslexia.
- h) An audio recording of answers because a scribe is not available and because of severe dyslexia.
- i) A reader to read both the assessment paper and to read back the answers because of severe dyslexia.
- j) A communicator to provide assistance to a hearing-impaired pupil through sign language or lip speaking.
- k) A prompter to assist a pupil with severe concentration difficulties or neurological disability in paying attention to the assessments tasks.
- l) Written instructions for hearing-impaired pupils.
- m) Written answers for oral examinations for pupils who have severe difficulties in oral expression.

Extraordinary arrangements

The list above is not intended to be exhaustive. Where the pupil's needs cannot be met by any of these arrangements, further appropriate arrangements may be proposed. These arrangements are granted either by the Board of Inspectors (Secondary) or by the Inspector (Secondary) responsible for the Educational support.