



Brussels, 18 JUN 2013

Mr. Maroš Šefčovič  
Vice-President  
European Commission

**Subject: Special Educational Needs programme in the European Schools**

Dear Vice-President Šefčovič,

Thank you for your letter of July 2012 in response to our letter related to our concerns with regard to the Special Education Needs (SEN) programme implemented by the European Schools (ES).

The EC Disability Support Group is an association for the staff of the European Commission as well as other European Institutions who are in charge of a person with disabilities or a delay in development hindering their daily activities. The EP Disability Support Group campaigns for improvements in working conditions for persons with disabilities and families/carers. Between us, we currently have over 175 members.

We are writing to you in order to request a meeting to follow up on your letter of July 2012 to our groups. We would welcome the opportunity to discuss with you what the European Commission has done since then "to require the European Schools to do everything in their power to assure the best possible integration of a maximum of children from different handicaps and/or special educational needs", as stated in your letter. For us and for our children, it is vital that these kind words are translated into concrete actions that can also be measured.

In particular, we would like to raise the following three points with you:

**1. Evolution of SEN budget<sup>1</sup>**

- a. The percentage of SEN pupils in the ES is 2.94. This is less than the percentage in the EU countries, which ranges between 4% and 14%.<sup>2</sup>
- b. You point in your letter to an increase in the number of children under SEN convention in the European Schools and a corresponding increasing of SEN expenditure from 2003 to 2010. However, the total cost and cost per pupil fell in the year 2012: total investment in SEN support in 2012 was €4,1, which is **9% less than in 2011**. The average cost per pupil in 2012 is €5.871. This represents **17% less than the average cost in 2010**.

<sup>1</sup> Source: Statistics on the integration of SEN pupils into the ES in the year 2012, 7-8 February 2013, Ref: 2013-01-D-28-en-1

<sup>2</sup> <http://www.european-agency.org/publications/ereports/sne-country-data-2012/sne-country-data-2012>

**We would like to ask you to call upon the Board of Governors to ensure that the SEN budget remains stable at the levels of 2012 and that you will not allow any further decrease. Moreover, the SEN budget line should remain a standalone one linked to needs.**

## **2. Transparency of the rules<sup>3</sup> for support for pupils with special education needs and their application**

- a. The rules for support for pupils with special education needs are unclear and vague in our experience as direct users. This causes unjustified disparities in their implementation between sections and schools. For instance, a child with a certain disability is rejected in one section while the same disability is accepted in another. This lack of clarity also results in unsuitable SEN assistants being recruited. For example, there are SEN assistants who do not speak a language that the child can understand. The new "Provision of Educational Support in the European Schools" documents which take effect on 1 September 2013 do not address any of these problems.
- b. More clarity is also needed as regards the enrolment policy. Currently the European School enrolment guidelines do not mention the term disability. In addition, only medical reasons can be put forward in order to justify that children get priority treatment in the choice of the school. We would like to ask that in the future children having a certain degree of disability automatically get priority treatment.
- c. We are also concerned about the effects of the new procedure for obtaining support from therapists under the SEN programme. This involves the conclusion of tripartite agreements between the school, the parents and the therapists, where the therapists shall be chosen by the parents from a list and paid by the parents, while the school makes a room available and agrees on a timetable. We fear the new procedure might lead to a drastic decrease in therapy sessions at schools, as well as a lack of adequate therapists available on the list.
- d. Parents are often excluded when defining special education needs and the corresponding required support for their child. In some sections, it is even the same person that evaluates the needs of the child and that provides the support lessons.
- e. Finally we are concerned at the absence of an impartial third party to ensure that the rules for support for pupils with special education needs are applied having as an exclusive aim action in the best interests of the child.

**We would like to ask for your support in redrafting the rules and procedures for support for pupils with special education needs, to make them clear for all parties, ensure parents' involvement and create a third party inspector. Our groups volunteer to help the responsible bodies to redraft these rules.**

## **3. UN Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>4</sup>**

You state in your letter that the European School system is not comparable with the national educational systems. However, we would like to recall in this context that the EU, as well as all its Member States (with the exception of Finland, Ireland and the Netherlands), have ratified the UNCRPD, and are therefore subject to the obligation stated in its Article 24: "ensure an inclusive education system at all levels" and to "ensure that persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not

<sup>3</sup> Ref.: Ref.: 2009-D-619-en-3, <http://www.eursc.eu/index.php?id=140&l=2>

<sup>4</sup> <http://www.un.org/disabilities/convention/conventionfull.shtml>

excluded from free and compulsory primary education, or from secondary education, on the basis of disability".

Moreover, the **Convention is binding in its entirety on the EU institutions**<sup>5</sup>. We recognize that the European Schools system is 'sui generis' and constitutes a form of cooperation between the Member States and between them and the European Union. Nevertheless, given that in accordance with Article 25 of the Convention defining the Statute of the ES, the schools are funded essentially by contributions from the Member States, which in 2010 made up 21% of the ES's budget, and a balancing contribution from the EU, to cover the difference between the schools' overall expenditure and their total income from other sources, which in 2010 made up 58% of the budget<sup>6</sup>, we maintain that the European Schools must strive to achieve compliance with UNCRPD obligations just like the Member States and the EU institutions.

We, as staff members of the EU institutions, are expatriates and local schools might not be suitable for children who are not able to speak the local language or even if they do, might not find the appropriate inclusion measures in local schools. Moreover, places in local specialised schools are scarce. Does the European Commission take any measures to ensure that we can continue our work in the EU institutions while our special needs children are guaranteed inclusion in the education system? One specific point of concern is the current rule in European Schools that a child that cannot fulfil the overall standard for two years cannot stay in the school. We propose that this provision is not applied for SEN pupils, so children with disabilities are not excluded from the ES.

**We would welcome your feedback with any information as regards all the specific actions and commitments that the European Commission is undertaking to ensure the implementation of UN Convention on the Rights of Person with Disabilities in the European Schools.**

We very much look forward to hearing from you on the above-mentioned points and will shortly get in touch with your office in order to arrange a meeting for a further discussion.

Yours sincerely,



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EC Disability Support Group



Philip Scott  
EP Disability Support Group

c.c.: Commissioner Viviane Reding, Vice-President, Justice, Fundamental Rights and Citizenship  
Commissioner Androulla Vassiliou, Education, Culture, Multilingualism and Youth  
Ms. Marie-Hélène Pradines, Member of Vice-President Šefčovič's Cabinet  
Ms. Irene Souka, Director General, DG Human Resources and Security, European Commission  
Ms Doris Pack MEP, Chair of the Committee on Culture and Education  
Mr. Adam Kósa MEP, Chair of the EP Disability Intergroup  
Directors of the European Schools  
Presidents of the APPEE  
Ms. Ana Gorey, President, Interparents  
Board of Governors European Schools

<sup>5</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>

<sup>6</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONSGML%2bREPORT%2bA7-2011-0293%2b0%2bDOC%2bPDF%2bV0%2f%2fEN>

Education attachés Member States Permanent Representations  
Ms. Carlotta Besozzi, Director, European Disability Forum