

EDUCATION OF CHILDREN AND YOUTH WITH DISABILITIES IN POLAND AND THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

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Received: 30.5.2017.

Accepted: 10.10.2017.

Professional paper

UDK: 376.1 (438)

Abstract: *The Polish system of education provides a variety of schooling options for students with disabilities, including mainstream schools, integrated schools, special schools, home-schooling and remedial centres (for students with profound intellectual disabilities). Since the transformation of the political and economic system in 1989, the education system in Poland has been transforming towards greater inclusion and recognition of the right to equal access to education and training at all levels for students with disabilities. The most important legal act on the rights of disabled people is the Convention of the United Nations on the Rights of Persons with Disabilities (CRPD) of 2006, ratified by Poland in 2012. It acts as a philosophical and moral statement and framework guiding integrated and strategic policy across the nation. Article 24 of the CRPD proclaims the right to education "without discrimination and on the basis of equal opportunity" and obliges State Parties to "ensure an inclusive education system at all levels and lifelong learning" (Art. 24, CRPD, 2006, p. 16). This paper describes and analyses the contemporary educational situation of children and youth with disabilities in Poland, focusing in particular on recommendations of the CRPD and on possibilities and difficulties for fulfilling those recommendations for all students at all levels.*

Key words: Education, disabilities, children, inclusion, CRPD

INTRODUCTION

The Republic of Poland is one of the largest countries in Central Europe with a parliamentary and cabinet government system and population of 38.6 million people. Until 1989 Poland was a part of a communist bloc, but it initiated the reform of its political and economic system and became a member of the European Union in 2004.

The main legal document in Poland is the Constitution and it guarantees the right to education to every person, regardless of whether or not they have disabilities. Education of children and youth in Poland is compulsory from age 6 to 18 and it is free of charge in public schools. Compulsory education includes the final year of pre-school education, 6 years of primary school education (szkoły podstawowe) and 3 years of

lower secondary schools (gimnazja). Upper secondary schools are not compulsory, but are attended by the majority of youth between the ages of 16 and 20 (Smoczyńska, 2014). Nowadays, Poland is in the process of changing the system of education. The main change will be the reform of the structure and content of primary, lower and upper secondary education. From the 2017/2018 school year, primary schools will last eight years (they will be divided into two four-year blocks – basic/elementary and lower secondary levels), and separate lower secondary schools (gimnazja) will be gradually eliminated. General upper secondary school will last four years (instead of three), and technical upper secondary school will last five years. In addition, a five-year ‘sectoral vocational school’, divided into two levels (3+2), will be created (Education and Training Monitor 2016, Poland).

Education of students with special needs¹ is an integral part of the Polish educational system. This system provides a variety of schooling options (also non-public) including mainstream schools (with special or integrated sections), integrated schools, special schools, homeschooling and remedial centres for students with profound intellectual disability and multiple disabilities (Wapiennik, 2008, Chrzanowska, 2016).

THE POLISH SYSTEM OF EDUCATION OF CHILDREN AND YOUTH WITH DISABILITIES

According to the Constitution and the Charter of the Rights of Persons with Disabilities (1997), all people with disabilities in Poland have the right to full participation in society and access to all forms of schooling.

In Poland there are three forms of education of children with special educational needs: 1) integrative classes in integrative or mainstream schools², 2) inclusive classes in mainstream schools³, and 3) special classes in special or mainstream schools. Special schools can be operated independently or sometimes are organised as special educational care centres in other educational institutions or in units providing health care activities (including health resort treatments) (*Oświata i Wychowanie*, 2016). Students with special educational needs study within one of the abovementioned institutions upon referral by a public psychological-pedagogical counseling centre for special or individual education needs (Valeeva, Kulesza, 2016).

The first integrative classes were created in the early 1990s. There are some strict rules about the number of students with diagnosed special edu-

ational needs who can attend such a class (there should be three to five such students) and the total number of students in the class (between 15 and 20). In addition, an assistant teacher (preferably a special educator) is usually hired to support a general education teacher in his or her work. In inclusive classes in mainstream schools, the number of students with diagnosed special educational needs is no larger than two but such classes are usually larger than integrative ones and usually there is no assistant teacher. Special classes in special or mainstream schools are designed for students with disabilities only and are significantly smaller than integrative and inclusive classes. In all forms of education, schools are obliged to adjust the process of teaching to the needs of students with disabilities (Rozporządzenie MEN, 2013). The most significant step on the road towards integrative and inclusive education is the Education Act (1991), which gave parents/caregivers the right to choose what they consider the most appropriate form of education for their children with disabilities. Since 1991 the number of students with disabilities in integrative and mainstream schools (as opposed to special schools) has increased dramatically. To give an example, on a primary level, in the school year 1990/1991, 100% of students with disabilities attended either special schools or special classes in mainstream schools, while in 2015/2016, only 35.4% of students with disabilities attended special schools, 64.6% in mainstream schools (including mainstream classes – 62.2%, integrative classes – 23.43% and special classes in mainstream schools – 2.0%). The proportions change at higher levels of education: at the lower secondary level, 51.1% of students attended special schools and 48.9%, mainstream schools; at the upper secondary level,

- 1 In Polish legislation, the following groups of students are defined as children and youth with special needs: "[those] with high abilities, with long-term illness, with disability, with specific learning difficulties..., with speech impairment, with emotional and behavioural difficulties; [those] who are experiencing repeated educational failures; who are experiencing community negligence relating to their family's welfare, quality of spare time activities and community socialising; who are experiencing adaptation difficulties resulting from cultural differences or a different educational background; who are socially maladjusted and at risk of being so" (Smoczyńska 2014, p. 75).
- 2 Integrative classes are classes with strict rules about the number of students with special needs (3-5), the total number of students (15-20) and the requirement for two teachers in the class: a general teacher and an assistant teacher, usually a special educator. Integrative classes can be organised in mainstream schools or integrative schools. Mainstream schools are regular schools and offer some special support; in the Polish educational system, each public school should be ready to include a student with special needs and to support him or her. Integrative schools are obliged to have more teachers and assistants for children with special needs. They are usually better prepared, have more teaching resources and provide extra lessons.
- 3 Inclusive classes in mainstream schools mean regular classes in public district schools where students with special needs can study; usually there are 1-2 students with special needs per class. A student with special needs should receive support from a teacher who works with the whole class. "Adjustments that need to be introduced in the education of students with disabilities are defined by an individual educational programme, which must align with the core curriculum" (Szumski, Karwowski 2014, p.101).

71.71% attended special schools and 28.29%, mainstream schools (Oświata i Wychowanie, 2016).

The most important Polish and European acts of law concerning persons with disabilities that are obligatory in Poland are:

- The Convention on the Rights of Persons with Disabilities (CRPD), ratified in Poland on Sept. 6, 2012, which is the first international act of law that comprehensively deals with disability. It recognises the modern model of disability, i.e. the shift from care and charity to creation of a society and environment that is open to all, inclusive and based on equal opportunities and human rights. The Convention emphasises the importance of individual self-reliance and independence of the disabled, which includes the freedom of choice and the freedom to make effective decisions,
- The Constitution of the Republic of Poland (April 2, 1997),
- The Charter of Rights of Persons with Disability (1997), which states that disabled persons shall have the right to an independent, self-directed, and active life and must not be discriminated against,
- The Act on Social and Occupational Rehabilitation and Employment of Persons with Disabilities (1997),
- and The Education System Act (1991). According to this Act, all children with disabilities are entitled to education and to early childhood development support; postponement of compulsory schooling until the end of the calendar year in which a child turns 10; education in all types of schools, according to individual capabilities as well as developmental and education needs; and adaptation of content, methods, and structure of education to their physical and mental capabilities, also in mainstream schools. In addition, the document provides for the possibility of prolonging each stage of education by at least one year, and it guarantees psychological and educational support and care as well as special forms of teaching, including individual education activities.

Other relevant documents are The Social Welfare Act (2004) and The Act on Family Support and Foster Care System (2011).

We can observe systematic changes to the law and organisation of education of students with special needs. One of the most important steps was ratification of the UN CRPD by the Polish government. One of the effects of this document with respect to activities to improve social and school inclusion of children and youth with special needs in Poland is the National Development Strategy 2020 (2012), which describes necessary changes in the educational system, i.e. social integration programmes aimed at eliminating deficits in individuals and promoting their potential, increased access to rehabilitation, strengthening of preventive measures directed at children and families with deficits and difficulties, and an e-inclusion programme (educational activities, provision of relevant content and services). These changes target the groups at risk of digital exclusion, open the schools for cooperation with parents and the social environment, develop additional educational activities to complement school education, develop interests of students and support parents in education, provide universal access to high-quality education at all levels and access to culture, and provide support to increase the availability and quality of flexible forms of child care, with particular focus on rural areas and small towns.

THE CRPD AND THE POLISH APPROACH TO FULFILLING IT

The CRPD was ratified in Poland on September 6, 2012. The purpose of this document is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms to all persons with disabilities. The ratification of the Convention means that Poland has undertaken a serious international obligation. The CRPD has been incorporated into Polish national law and authorities at all levels. One of the articles of the CRPD connected with education of children and youth with disabilities is Article 24, which "protects the right to education of persons with disabilities. It proclaims the right to inclusive education and prescribes the steps that have to be taken to this end" (de Beco, 2014, p. 264). It "provides not

only that children with disabilities should not be discriminated against but also that they should be able to participate in the general education system" (de Beco, 2014, p. 263).

Analysis of the Polish education system, which should respect Article 24 of the CRPD, leads the way toward necessary activities to improve the right of people with disabilities to inclusive education. Inclusive school - in line with the guidelines of the Convention - should ensure equal treatment of all students and school staff and ensure that the school functions in a way that takes into account the diversity of students in the community. It should give the right to all students to study at their place of residence, promote co-operation between schools and the local community, and build public awareness that inclusion is a relevant aspect of equal opportunities policies for people with disabilities (Rola, 2016). By ratifying the UN Convention, Poland has declared the implementation of the inclusive education model and the implementation of these conditions for all students. It is connected with changes and improvement in the area of the organisation of the education system, in the area of the participation of persons with disabilities in education and in terms of the organisation of the teaching process.

The Polish approach to fulfilling the UN CRPD in the area of the organisation of the system sometimes uses already existing assumptions of the educational system, e.g. providing equal and universal access to primary and secondary education for everyone (both Polish citizens and foreigners), providing free education at the primary and secondary education level or compulsory school attendance up to the age of 18. At the same time, there are some new assumptions, e.g. ensuring access to higher education, vocational education and lifelong learning, as well as respecting the right of parents to provide education to their children in accordance with their own religious and philosophical convictions.

Other changes are necessary in the area of the participation of persons with disabilities in education. One of them is to educate all teachers on issues of disability and how to use alternative communication techniques. Usually teachers who work in mainstream schools have insufficient knowledge

about how to support students with special needs, especially those with severe deficits like moderate, severe or profound intellectual disability or sensory impairments. Nowadays, teachers have opportunities to earn qualifications in special education, e.g. by attending postgraduate studies. Another proposal is to employ teachers who are qualified in the use of sign language and Braille, including teachers who are persons with disabilities, and to create conditions for persons with disabilities to fully participate in the process of education and research at the level of higher education. Polish schools and teachers, including at the primary and secondary levels, are obliged to adapt the contents, methods and organisation of teaching to the psychophysical capabilities of students. In Poland, all students with special needs and their teachers have the possibility of making use of psychological and pedagogical support and special forms of didactic work. Educational support given to students with disabilities in Polish mainstream schools is realised through cooperation undertaken by different partners, such as members of the support network, which include social policy institutions, family support centres, social welfare centres, sociotherapeutic day rooms, psychological and pedagogical counseling centres, teacher training centres, methodology consultants, non-governmental organisations (NGOs), and other schools (Zamkowska, 2016).

Efficiency of education is related to the organisation of the teaching process as well. Polish schools are obliged to provide opportunities for learning and to provide essential and personalised support in order to fully include students and maximise their educational development. Schools should also provide structured training in a regular and continuous manner, covering a canon of basic general information and subsequently providing in-depth expertise; and provide care for students with disabilities by enabling personalised education, forms and curricula, as well as rehabilitation activities.

There are some barriers to fulfilling the recommendations of the UN Convention for all students with disabilities in Poland. One of them is the limited statistics, studies and performance indicators connected with rights of people with disabilities.

Table 1. *Students with disabilities at different levels of education*

Education level	Percentage of students with disabilities in inclusive and integrative settings	Percentage of students with disabilities in special schools
Kindergarten	0.9%	23%
Primary school	2.5%	45%
Lower secondary school (gimnazjum)	3.3%	51%
Upper secondary school	1.6%	78%

Błaszczak, A. (ed.) (2015). *Realizacja przez Polskę zobowiązań wynikających z Konwencji o Prawach Osób Niepełnosprawnych. Sprawozdanie Rzecznika Praw Obywatelskich 2012-2014*. Biuro Rzecznika Praw Obywatelskich, Warszawa (p. 73)

Another problem is the system of financing schools and centres for students with special needs. Every child with a diagnosed disability receives an extra subsidy that goes from the state budget to the local authority councils. Unfortunately, there are no legal guarantees that these amounts will be transferred from the local government to the school where the child learns. In principle, in public schools, a minimum of two hours per week of rehabilitation support is guaranteed for each child with special educational needs. In practice, the possibility of obtaining adequate support depends on the financial situation of the local government and the activities of the school principals or parents of students with disabilities, not the objective needs of the child (Błaszczak 2015). The lack of well prepared teachers in mainstream schools or negative stereotypes about disability is also a problem. Still a lot of teachers from mainstream schools believe that the best place for students with special needs are special schools with professional staff and adequate infrastructure (Kształcenie uczniów, 2012). This may be a reason why generally about half of students with diagnosed special needs still attend special schools (45% students at the primary level, approximately 75% at the upper secondary level). The percentage of students learning in inclusion decreases markedly with age (Błaszczak, 2015).

Finally, another problem is education in natural languages with help of the methods and means of communication for deaf and deafblind students. From the data of the Polish Deaf Association, it appears that none of the schools where deaf students learn provides education in Polish sign language, the natural language of deaf people (Błaszczak 2015).

On the other hand, there are some successes in the area of CRPD implementation in the edu-

cation system in Poland. The Polish Ombudsman emphasises, for example, the positive attitude of the Ministry of National Education towards the Convention, adaptation of textbooks for the needs of students with special needs -- including not only blindness and low vision, but also deafness and other communication problems as well -- and the organisation of special offices or university plenipotentiaries for supporting students with disabilities in Polish high schools and universities.

On March 1, 2016, the Polish Disability Forum (PFON) and its four partners launched the implementation of the project entitled "Implementation of the UN Convention on Rights of Disabled Persons - a common cause". One of the aims of this project is preparation of a synthetic report about strategic priorities of the process of implementation of the CRPD in Poland, about barriers and directions of activities to eliminate them, about the point of view of people with disabilities connected with these issues and action plan for public policies. One of the parts of this report is connected with Article 24 – Education. The analysis of different documents of law and of quantitative and qualitative research with people involved in the process of education of children and youth with special needs (e.g. teachers, managers of schools, members of NGOs, members of local government) as well as public thematic debates with people interested in this area (researchers, academic professors, teachers, people with disabilities from the NGO movement) should help improve implementation of the recommendations of the CRPD in Poland (<http://www.pfon.org/wdrazenie-konwencji-o-prawach-osob-niepelnospawnych-wspolna-sprawa>).

The analysis of literature and documents allows the identification of three main groups of barriers

on the road to implementing recommendations of Article 24 of the CRPD in Polish reality:

1. barriers associated with the organisation of the educational system (e.g. financing, organisation of transport, organisation of a system of case law connected with disability and education, organising the educational process in a mother tongue characteristic of children)
2. barriers related to the participation of persons with disabilities in this system (e.g. professional preparation of teachers working with children with special needs, access to rehabilitation and therapies, difficulties with access to education on all levels)
3. barriers associated with the organisation of the didactic process for students with disabilities (e.g. adaptation of curricula, access to textbooks and learning resources, the system of evaluation and preparing/organising external exams for students with special needs).

To sum up, inclusive education is becoming a priority among the activities of the modern school and the educational system in Poland. It is the result of a new, multi-dimensional thinking about people with disabilities and the part of a wider inclusive movement in a society (Podgórska-Jachnik, 2016). This is in line with the CRPD's findings and international trends as well.

CONCLUSIONS

The process of implementation of the CRPD in Poland remains a major challenge for our government because of legal, administrative and

organisational barriers. Although there are a lot of changes in organisation of education of children and youth with special needs, we should remember the need for improvement in different areas connected with education in order to fulfill social inclusion and level out all inequalities. The analysis of different documents and studies allows us to suggest some recommendations. Firstly, there is a need to change the system of financing the education of students with disabilities. Financial means for this purpose should be directed to an educational institution in which a child with special needs is actually learning and the process of education of students with disabilities should be constantly monitored. Secondly, it is necessary to utilise the potential of special schools and the staff employed there to create a system of support for teachers working with students with special needs in mainstream schools. Some professionals suggest organising psychological support for teachers, parents and students and to create "reaction paths" and mediation in conflict situations (Błaszczak 2015). Thirdly, an important challenge seems to be unifying the system of disability diagnosis and making the support system more flexible to students' personal needs. It is connected with improvement of accessibility of architectural, communication and information systems, textbooks and teaching aids as well as providing education in languages and means of communication suitable for all students with disabilities (especially teaching deaf students in Polish Sign Language).

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ODGOJ I OBRAZOWANJE DJECE I MLADIH S TEŠKOĆAMA U RAZVOJU U POLJSKOJ I KONVENCIJA UJEDINJENIH NARODA O PRAVIMA OSOBA S INVALIDITETOM

Sažetak: Sustav odgoja i obrazovanja u Poljskoj pruža različite mogućnosti školovanja učenicima s teškoćama u razvoju, uključujući pohađanje redovnih škola, posebnih škola, obrazovanje kod kuće te centara za djecu i mlade s većim intelektualnim teškoćama. Od promjene političkog i ekonomskog sustava 1989. godine obrazovni sustav u Poljskoj transformirao se u pravcu veće uključivosti i priznavanja prava učenicima s teškoćama u razvoju na jednak pristup obrazovanju i osposobljavanju na svim razinama. Najvažniji pravni dokument o pravima osoba s invaliditetom Konvencija je Ujedinjenih naroda o pravima osoba s invaliditetom iz 2006. godine, koju je Poljska ratificirala 2012. godine. Taj dokument predstavlja filozofsko i moralno polazište i okvir kojim se rukovodimo u provođenju integriranih i strateških politika. Članak 24 Konvencije naglašava pravo na odgoj i obrazovanje "bez diskriminacije i temeljeno na jednakim mogućnostima" i obavezuje državna tijela na "osiguravanje inkluzivnog obrazovnog sustava na svim razinama učenja, kao i u smislu cjeloživotnog učenja". U ovom radu analizira se i opisuje aktualna situacija glede odgoja i obrazovanja djece i mladih u Poljskoj, s naglaskom na preporuke sadržane u spomenutoj Konvenciji te na mogućnosti i teškoće u ostvarivanju preporuka u odgoju i obrazovanju svih učenika, na svim razinama obrazovanja.

Ključne riječi: edukacija, odgoj i obrazovanje, invaliditet, teškoće u razvoju, inkluzija, Konvencija ujedinjenih naroda o pravima osoba s invaliditetom