



PROMOTING POSITIVE
ATTITUDES AND EVIDENCE-
BASED POLICY FOR
INCLUSIVE EDUCATION

INCLUSIVE EDUCATION: THE WAY FORWARD

**NATIONAL REPORT
BELGIUM**



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Introduction

This national report has been written within the framework of the ‘Promoting positive attitudes and evidence-based policy for inclusive education’ (IE+) project. Co-funded by Erasmus+, the project aims to provide decision-makers (including policy-makers and education providers) with the information, training and tools that allow for evidence-based policy making, that will support the transition towards inclusive education for children with intellectual disabilities aged between 3-18 years old.

This report is the result of a research framework that has been developed by Prof. Dr. Geert Van Hove, Dr. Elisabeth De Schauwer & Ms Evelien De Maesschalck from Ghent University. This framework has combined the methodology of ‘Pacific Indicators for Disability-Inclusive Education’ Project (2016), due to its connection with the creation of indicators that can measure the progress towards disability-inclusive education and the Erasmus+ Project: ‘Evidence Based Education + Job Shadowing,’ due to the co-productive approach take during the development of its stakeholder survey.

Part of a series of five national reports, this report contributes to an overview of the current legal, policy and school practice currently in place in [Belgium](#), [Bulgaria](#), [Greece](#), [Spain](#) and [Portugal](#). A comparative analysis of these national reports can be found in the article: Inclusive Education: Realizing Article 24.





Legal framework

a. International Human Rights Law

The United Nations Convention on the Rights of the Child was signed by Belgium on 26th January 1990 and ratified on 16th December 1991. Belgium signed the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD) on 30th March 2009 and ratified it on the 2nd July 2009.¹

b. National legislation and educational policies

Belgium has a history of segregated education and both special primary and secondary schools operate in all three Communities. Since 2009 however there have been increased efforts to support inclusion through policy.²

At a Federal level, Belgium guarantees the right of free education to all in Article 24 of its Constitution. Compulsory education starts on 1st September of the year in which a child turns 6 years old and lasts 12 full school years.

Under Belgium's freedom of education principle, all schools are free to develop their own curricula (subject to the curriculum being compatible with achieving legislatively mandated educational objectives), this means that both mainstream and special schools have the freedom to develop their own curricula.³

¹ United Nations, *Convention on the Rights of Persons with Disabilities*, (06/10/2018) Available from www.treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4

² European Parliament, Directorate-General for Internal Policies, *Country Report on Belgium for the Study on Member States' Policies for Children with Disabilities*, 2013 p.11

³ *Education Policy Outlook Belgium*, p.19





In addition to the right to a free education the Belgium Constitution also asserts the right to freedom of education and guarantees a freedom of school choice for parents. Every (legal) person may organise education and establish schools to the aim of freedom of education and the government has a duty to organise undenominational education. Parents and children have the right to access a school of their choice, within reasonable distance of their residence.

Further legislation on the right on appropriate education for all children is managed at a regional level and is explained further below.

In Belgium the role of the federal government is limited to:

- The determination of the beginning and the end of compulsory education;
- The setting of minimum requirements for the issuing of diplomas;
- the regulation of retirement for employees in the educational system.

Aside from these three competences, Belgium has three autonomous education systems who are responsible for education in their region. These education systems are split via the Communities:

- the Flemish Speaking Community;
- the French Speaking Community; and
- the German Speaking Community.

Around 58% of students in Belgium attend schools in the Flemish Speaking community and 37% of students attend schools in the French Speaking Community. The remaining 5% of students attend schools in the German Speaking Community. For this report, the Flemish Speaking and French Speaking Communities will be the focus, as they provide an education to 95% of the population.





Due to this division of competences, educational policies concerning inclusive education and children with a disability differ for each community and all schools in Belgium have freedom to develop their own curricula, assessments and self-evaluations.

In the Flemish Speaking Community, the Flemish Parliament Act of 28th June 2002, on equal opportunities in education, granted, in principle, all pupils who, on the basis of a statement of special educational needs are oriented towards a type of special education, the right to enrolment in a school or school site of their choice.

This Act was followed by the Flemish Parliament Act of 10th July 2008, which provided a framework for the Flemish equal opportunities and equal treatment policy, which includes provisions for equal treatment during the school career. In 2011 the Parliamentary Act on the Right to Enrolment further promoted equal opportunities in Education.

Following the passing of its M-Decree in 2014, the Flemish Speaking Community is seen to have the highest levels of inclusive education of all the communities in Belgium. The M-Decree legally reinforces the right of students with special educational needs (SEN) to be enrolled in mainstream education.

The M-Decree's measures include:

1. Updating the definition categories for students with special educational needs, including a category for children with autism.
2. Requiring mainstream schools to make reasonable adjustments to accommodate students with special education needs and requiring mainstream schools to only refer a student to special education once all such "reasonable adaptations" have been tried.
3. Providing parents of a child with special educational needs, who disagree with a schools' refusal to enrol their child, with the right to appeal to a Student Rights Commission (Commission intake leerlingenrechtenor CLR).





This Commission is comprised of experts in equality and education law and was created by the Parliamentary Act of 2002 on Equal Educational Opportunities.

The updated definition categories, which start from the age of 2 and a half years until 21 years, are as follows:

- Type 1 for learners with a mild intellectual disability;
- Type 2 for learners with a moderate or severe intellectual disability;
- Type 3 for learners with serious emotional and/or behavioural problems;
- Type 4 for learners with a physical disability;
- Type 5 for learners admitted to hospital or in quarantine for medical reasons;
- Type 6 for learners with a visual impairment;
- Type 7 for learners with a hearing impairment;
- Type 8 for learners with serious learning difficulties.

Of these types, Type 1 and 8 are not provided at nursery level and Type 8 is not provided at secondary level.

Despite being a positive step towards inclusive education there is still more work that must be done to meet all of the requirements of the UN CRPD. Currently, the M-Decree only guarantees the right to enrolment in mainstream education for those students who are able to follow the common curriculum and the ban on the refusal to provide reasonable accommodation is not sufficiently protected.

In the French Speaking Community there have been fewer recent initiatives, but efforts have still been made to promote the rights of learners with disabilities to an inclusive education.





The decree of 3rd March 2004 on special education also provides for eight types of special education broken down according to the child's disability. Each type of school is adapted to the needs of the pupil who attend the special schools.

These types of special education are:

- Type 1 for learners with mild intellectual disabilities (primary school only).
- Type 2 for learners with moderate or severe intellectual disabilities.
- Type 3 for learners with severe behavioural and personality problems.
- Type 4 for learners with physical impairments.
- Type 5 for learners with an illness or who are convalescent (classroom in clinic).
- Type 6 for of learners with a visual impairment.
- Type 7 for learners with an auditory impairment.
- Type 8 for learners with an instrumental impairment (primary school only).

In 2009 the decree of 3rd March 2004 was built upon to include provisions for the integration of pupils with special needs in mainstream education. This integration requires a partnership between a special school, in which a pupil is officially enrolled, and a mainstream school into which the pupil is partly or totally integrated, with assistance from various parties.

In July 2015, the Parliament of the French Speaking Community adopted a decree that set out further steps about guidance and support for the integration for students from special need education into ordinary education. It is only if integration is not possible in ordinary education that the student is orientated to special needs education.

In regard to inclusive, rather integrated, education the September 1997 Decree on Missions, which ruled that pupils may not be denied enrolment on the grounds of disability, was extended to all pupils. The decree asserts that the strategy of the school must consider the needs of the pupil enrolled and fix the priority measures that support the implementation of learners with special needs.





Further action, to support the inclusion of learners with special needs, via social reform measures is expected to occur in 2019.

Regarding the national inclusive education plans, for the Flemish Speaking Community, the Flemish Youth and Children's Rights Policy Plan, launched in 2015 and running until 2019, outlines the Community's inclusive education plan. The Plan identifies research into the conformity of the Community's recent actions to promote inclusive education with the UN CRPD as a key objective.⁴ The Plan highlights that the UNCRPD is a legal 'touchstone' to investigate to what degree recent developments and measures in education policy and the implementation of the M-Decree appropriately realise the rights of pupils with disabilities.⁵ In the French Speaking Community, the "Pact for Excellence in Education" intended to reinforce the quality and equality of education in the French Community between 2015 and 2025.⁶ The preparatory note for the Pact states that the priority will be focused on the student and support available for students, including the aspect "of developing and building upon the individual capacities of each child with respect for difference and disability."⁷

In a recent update report on its progress the Wallonia-Brussels Federation said that the pact had supported inclusion in schools through the establishment of reasonable accommodation material, educational and /or organisational.⁸ One of the Pact's goals for 2019 is the strengthening inclusive school and decompartmentalisation of special education.⁹

It is also important to mention that in 2007, the Anti-discrimination Act also guarantees the right to non-discrimination on the grounds of disability.¹⁰ The Act has a wide scope and

⁴ Government of Flanders, Department of Culture, Sport and Media, The Flemish youth and children's rights policy plan, 2015 p.98

⁵ Ibid.

⁶ Fédération Wallonie-Bruxelles, L'essentiel du pacte, [10/11/2018] Available from <http://www.pactedexcellence.be/index.php/2018/10/08/pacte-pour-un-enseignement-dexcellence-ou-en-est-on/>

⁷ Ibid.

⁸ Fédération Wallonie-Bruxelles, *Pacte pour un enseignement d'excellence ou en est on*, [10/11/2018] Available from <http://www.pactedexcellence.be/index.php/2018/10/08/pacte-pour-un-enseignement-dexcellence-ou-en-est-on/>

⁹ Fédération Wallonie-Bruxelles, *Calendrier de mise en oeuvre*, [10/11/2018] Available from www.pactedexcellence.be/index.php/calendrier-de-mise-en-oeuvre/

¹⁰ *Country Report on Belgium for the Study on Member States' Policies for Children with Disabilities*, p.25





prohibits discrimination in accessing goods and services but does not establish a general requirement of accessibility.¹¹ Building Permissions and Urbanisation regulations are the responsibility of the three communities.¹²

Since March 2010 a new Flemish urban development regulation on accessibility (Gewestelijke Stedenbouwkundige Verordening inzake toegankelijkheid) has come into force.¹³ This legislation supports the increased accessibility of public infrastructure for works requiring a building permit.¹⁴ In 2008 the School Buildings Monitor found that that 49% of school sites were inaccessible or only partially accessible to people with disabilities.¹⁵ Only 30% of school sites were largely or fully accessible to people with disabilities.¹⁶

Between 2010-2014 The Flemish government's action plan aimed at the full accessibility of school infrastructure. It is important that governing bodies continue to pay attention to ensuring the full accessibility of school buildings and undertake initiatives to 'screen accessibility' to identify barriers to full accessibility and draw up a phased action plan.¹⁷

c. National Education Funds

Investment into educational institutions at primary to tertiary education by Belgium is on average, 5.8% of GDP.¹⁸ This is higher than the OECD average of 5.2% of GDP.¹⁹ 95% of this expenditure is derived from public sources, which is again higher than the OCED average.²⁰ Education in Belgium is financed by each of its three Communities.²¹

¹¹ Ibid.

¹² Academic Network of European Disability experts, *National accessibility requirements and standards for products and services in the European single market: overview and examples*, (2013), p.14

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community)- Legislation and Policy*, [09/10/2018] Available from: www.european-agency.org/country-information/belgium-flemish-community/legislation-and-policy

¹⁸ *Observations by Unia, intergovernmental centre for equal opportunities and opposition to racism and discrimination*, p.23

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.





In both the Flemish and French Community, schools receive an allocation of “periods” to use for staffing and the funding of operating expenses based on enrolment, size of the school sites and the socio-economic profile.²²

Positive discrimination exists towards disadvantaged schools through differentiated staff allocation and operational funding, and additional capital funding based on need.²³

In the Flemish Speaking Community both mainstream and special schools receive funding. For special schools there is a differentiation in funding depending on the type of special education they offer.²⁴ Mainstream schools who enrol a minimum number of disadvantaged learners receive extra support within the framework of the equal educational opportunities policy.²⁵ To support mainstream primary schools, in ensuring equal opportunities for all learners, schools are able to receive additional resources.²⁶ These resources are available via a lump-sum system which allows for the appointment of a special needs co-ordinator.²⁷

This special needs co-ordinator co-ordinates special needs provision within a school and supports pupils, but also offers guidance to pupils and teachers and can help to form the link between the pupil, school, parents, Pupil Guidance Centre (CLB), therapist and all other bodies that can provide pupils with enhanced support.²⁸ Since May 2017, €103 million per year is being spent to support schools in their efforts to implement the ‘M-Decree’ on the inclusion of learners with SEN in mainstream education.²⁹

In the French Speaking Community positive discrimination asserts that extra funds are allocated to schools on the basis of social, economic, cultural and pedagogical criteria.³⁰

²² Ibid.

²³ Ibid.

²⁴ Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community-Financing of inclusive education systems*, [11/10/2018] Available from www.european-agency.org/country-information/belgium-flemish-community/financing-of-inclusive-education-systems

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (French Community-Financing of inclusive education systems*, [11/10/2018] Available from www.european-agency.org/country-information/belgium-french-community/financing-of-inclusive-education-systems





This positive discrimination offers two kinds of supplementary means:

- extra human resources, for example, teachers, nurses, social, paramedical or psychological employees;
- extra functional funding, for example, specific training, support from external services, renovation of the school building or a travel budget to enable diverse activities.³¹

In the period of 1999-2002 over 70% of the budget of the French Speaking Community was used for extra human resources.³²

Inclusive Education

a. How is the access to special education arranged?

To be enrolled in a special school in the Flemish Speaking Community, a learner must obtain a statement from the Pupil Guidance Centre (CLB) that contains two documents:

- An attestation which states that the learner clearly demonstrates ‘a need for special education and may usefully attend a special school organising teaching of type X at level Y’. This formal statement does not mean that the pupil must go to a special school, but rather that they have the right to attend a special school or to receive special support in a mainstream school.
- A document which justifies this attestation and contains a synthesis of the psychological, pedagogical, social and medical data from the examination.³³

³¹ Ibid.

³² Ibid.

³³ Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community-Assessment within inclusive education systems*, [11/10/2018] Available from www.european-agency.org/country-information/belgium-flemish-community/assessment-within-inclusive-education-systems





The CLB only has an advisory role in the school enrolment process and it cannot force parents to enrol their child in a special school.³⁴ In the event of litigation between parents and a school, a regional commission intervenes and gives a second opinion.³⁵ The final decision, however, always remains with the parents.³⁶

Just as admission to a special school requires a certificate, so does admission to inclusive education.³⁷ The certificate into inclusive education includes a reference to an ‘inclusion plan.’ This inclusion plan is the result of a consultation among all parties involved: the learner or their parents, the mainstream school, the supporting special school, and the CLB’s advisory teams.³⁸

In the French Speaking Community enrolment into a special school is also based on a report that specifies the level and type of education corresponding to the needs of the student.³⁹ The report is the result of a multidisciplinary examination and includes the certificate specifying the type of teaching and the supporting protocol.⁴⁰ From this report, a certificate is created by a psycho-medico-social centre, an educational and vocational guidance office or by a body approved and recognized by the French Community.⁴¹ For school types 5, 6 and 7, the certificate may also be issued on the basis of a medical examination by a specialist.⁴²

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Fédération Wallonie-Bruxelles, *Inscription dans l'enseignement spécialisé*, [12/10/2018] Available from www.enseignement.be/index.php?page=25192&navi=2385

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.





b. Teacher training programmes vis à vis inclusive education

In the French Speaking Community initial teacher education currently consists of three years of higher education. The organisation and objectives of training are described in the Governing Decree 12-12-2000.⁴³

Article 9 of this decree states that pedagogical knowledge is acquired through various learning activities (courses), such as:

- general pedagogy;
- evaluation of learning;
- critical study of major educational trends;
- psychology of learning;
- differentiation and detection of learning difficulties and their remediation.

Together these points highlight the importance of managing learners' individual and specific needs to student teachers.⁴⁴

Article 13 of the decree also states that in mainstream pre-primary teacher training a 15-hour special education information module can be arranged, however this is only optional.⁴⁵ This module consists of information about the organisation and functioning of special education and educational concepts tailored to learners with special needs.⁴⁶

Educational activities during this initial student training encourage students to use the necessary skills to implement a positive educational community around the learner.⁴⁷

⁴³ Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (French Community) Teacher Education for Inclusive Education*, [11/10/2018] Available from www.european-agency.org/country-information/belgium-french-community/teacher-education-for-inclusive-education

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.





As part of the Declaration of Community Policy 2009–2014, the French Speaking Community’s government committed to undertaking a reform of initial teacher education. From the academic year 2019 on, teacher training will be organised over four years.⁴⁸

Since 2011, optional additional in-service training is organised by the Institut de la Formation en Cours de Carrière The Free University of Brussels (ULB) has also provided two courses in inclusive settings to support the continued training of teachers.⁴⁹

c. Early intervention programmes/services

In Belgium there are not currently any laws on Early Childhood Intervention.

In the Flemish Speaking Community, most Early Intervention services are organised as ‘direct accessible help’ that are restricted in frequency and time and for which there is often a waiting list.

In 2015 there was a change of law to reorganise the provision of support services. The Flemish Government no longer provides specific accreditation for support types, such as day-care, early intervention, residential care. Those who are given accreditation for direct accessible support can choose freely which kind of support they will be given, in an open market, universal system. Some services remain specialised in early intervention however as they operated as such before the change in law.

Most Early Intervention services support the transition to inclusive mainstreams schools however the widespread nature of specials schools in Belgium means that these efforts are

⁴⁸ Ibid.

⁴⁹ Ibid.





not always obvious. The transition of children from early intervention mainstream kindergartens is rather successful for some children with disabilities. Children with a sensory, physical or motor disability are will integrated. For children with a serve form of autism or mental disability challenges remain.

d. The relationship between special and regular education

Following the M Decree there has been increased move to support the transition towards inclusive education. In September 2017 the Flemish Speaking Community initiated a new support model where the amount and period of support is flexible, unlike in the past when it was fixed.⁵⁰

Pupils who have a “motivated assignment for support” follow the general curriculum in a mainstream school but with the support of a teacher or therapist from a special school.⁵¹

Pupils with an “assignment for special education” follow an individually adapted curriculum. They now have the right to attend a regular school, but the school examines if the accommodations that are needed, due to the special needs of the child, are reasonable and sufficient (within a period of max. 60 days, starting from day 1).⁵²

In the French Speaking Community, the school director and the director of the Assessment Centre (PMS) are responsible for managing inclusion of learners with disabilities.⁵³ A psycho-medical-social centre (CPMS), which comprises of multi-disciplinary teams (psychological advisers, paramedics, social workers, etc.), works alongside the Assessment Centre’s aims.⁵⁴

⁵⁰ EURYDICE, 03/11/18, *Belgium-Flemish Community, Social Inclusion through education and training* [12/10/18] Available from www.eacea.ec.europa.eu/national-policies/en/content/youthwiki/66-social-inclusion-through-education-and-training-belgium-flemish-community

⁵¹ Ibid.

⁵² Ibid.

⁵³ Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (French Community) Systems of support and specialist provision*, [11/10/2018] Available from www.european-agency.org/country-information/belgium-french-community/systems-of-support-and-specialist-provision

⁵⁴ Ibid.





To support the inclusion of pupils with special needs a ‘plan of the educational establishment’ is needed.⁵⁵ This plan must contain the elements which enable the organisation of inclusion.

Once the special school has reached an agreement with the parents and the pupil, the head teacher of the school must find a mainstream school willing to collaborate regarding inclusion.⁵⁶ When a mainstream school has been found the class council of special education, the guidance service and the class teacher of the mainstream school draw up a written protocol, which includes:

- the plan for inclusion and the file of the pupil, the aims, the specific equipment needed, travel requirements, exemption from the mainstream programme if necessary and the method of communication between the two schools;
- information regarding co-operation between the support team of the special school and the teachers of the mainstream school and also how to organise the internal assessment of the full-time permanent inclusion;
- the agreement of the guidance service;
- the agreement of the parents;
- the opinion of the travel commission.⁵⁷

To continue in mainstream education, a positive decision from the teaching team is required.⁵⁸ If one of the people involved in the protocol proposes to terminate the inclusion of the pupil it is possible the decision is revoked via a meeting with all the parties to the protocol and the schools’ head teachers.⁵⁹ In exceptionally serious cases the government may, after careful consideration, end an inclusion process during the school year.⁶⁰ The on-going assessment concerning inclusive is carried out by the General Council for Special

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.





Education on the basis of the reports written by the teaching team.⁶¹ The statement and certificates are awarded by the mainstream school.⁶²

For the partial permanent inclusion of learners with special needs (where the pupil follows certain lessons in the mainstream school and the remaining lessons in the special school for the whole school year.) The pupil receives free travel between their home and the special school.⁶³

e. Parent participation

Thanks to the Belgium Constitution, in both the Flemish and French Speaking Communities partners have the right to freely chose in which school to enrol their child in.⁶⁴

In the Flemish Speaking Community, the M-Decree has reinforced this right and parents of a child with special educational needs, who disagree with a schools' refusal to enrol their child, with the right to appeal to a Student Rights Commission.⁶⁵

In the French Speaking Community parents have the final decision on where they children are education and if an inclusion plan is needed for their child's enrolment in a mainstream school is needed, parents are a key partner in the plans creation and their consent is necessary for the plans actuation.⁶⁶

f. Quality evaluation and control

The Flemish Government imposes minimal standards of educational quality by means of the

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ EURYDICE, 03/11/18, *Belgium-Flemish Community, Legislation and Official Policy Documents*, [10/10/18] Available from www.eacea.ec.europa.eu/national-policies/eurydice/content/belgium-flemish-community_en

⁶⁵ Ibid.

⁶⁶ Ibid.





attainment (for mainstream education) and developmental objectives (for special education).⁶⁷ Although schools have the freedom to develop their own curricula they must include these targets and objectives as minimum.⁶⁸ Since the Decree on Quality of Education in 2009 schools are also key actors in quality assurance and they have an obligation to monitor the quality of provision.⁶⁹

Flemish legislation does not describe vast assessment procedures or state-regulated assessment.⁷⁰ Instead school administrators provide themselves with concrete assessment procedures for their school based on the school's pedagogical project.⁷¹ Each school's work plan explains how the pupils will be assessed and how the school will report the results.⁷² This autonomy means there is a very heterogeneous assessment picture in Flanders. A school can choose the weight of pupil orientation and inclusive ideas in the curricula.⁷³ This therefore still allows a large amount of freedom for schools in their choice of differentiated education.⁷⁴

One method used by the Ministry of Education and Training, to evaluate the quality of the school system, is the organisation of wide-scale tests (the National Assessment Programme, 'Peilingen').⁷⁵ These tests screen whether or not the attainment targets and developmental objectives are obtained by the students.⁷⁶

⁶⁷ *Education Policy Outlook Belgium*, p.19

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community)- Systems and support and specialist provision*, [09/10/2018] Available from: www.european-agency.org/country-information/belgium-flemish-community/systems-of-support-and-specialist-provision

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Education Policy Outlook Belgium*, p.19

⁷⁶ *Education Policy Outlook Belgium*, p.19





Governmental inspections use the developmental objectives and attainment targets as criteria for assessing school quality.⁷⁷ The inspectors assess the efforts that schools make to ensure that their pupils reach the attainment targets and developmental goals.⁷⁸ The inspection is based on the CIPO model (context, input, process and output indicators).⁷⁹ The inspectors analyse data to see whether the school offers inclusive quality in a responsible way and according to their visions of education.⁸⁰

In the French Speaking Community, the General Council for Specialised Teaching ensures on-going evaluation of inclusion on the basis of statistical data provided by the administration. The government can also ask the service to carry out an evaluation.⁸¹

There are currently no quality indicators concerning the inclusive system however.⁸² Instead the indicators are the competences reached by learners in mainstream schools.⁸³

In the French Speaking Community, school inspections are carried out more regularly, with schools at primary and secondary level inspected every three years, and although low - performing schools are not specifically targeted, one - third of schools are inspected every year. In both systems, inspection reports are shared with school management and higher - level education authorities.⁸⁴ The inspectors of mainstream education, accompanied by the special education inspectors, carry out a 'study level' of the pupils in some of the schools organising inclusion.⁸⁵

⁷⁷ European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community)- Systems and support and specialist provision*, [09/10/2018] Available from: www.european-agency.org/country-information/belgium-flemish-community/systems-of-support-and-specialist-provision

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (French Community)- Systems and support and specialist provision*, [09/10/2018] Available from: www.european-agency.org/country-information/belgium-french-community/systems-of-support-and-specialist-provision

⁸² Ibid.

⁸³ Ibid.

⁸⁴ *Education Policy Outlook Belgium*, p.19

⁸⁵ Ibid.





In addition, the French Community has national central examinations at both lower and upper secondary level, and is among the few OECD education systems to also have national examinations at primary level, as well as regular assessments for formative purposes.⁸⁶

g. The concept of reasonable accommodations

Under the 2007 Anti-Discrimination Act reasonable accommodation is understood as: ‘appropriate measures taken to answer concrete needs, to enable a person with a disability to access, participate and progress in the areas to which this Act applies, unless such measures would impose in respect to the person on a disproportionate burden. This burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of public policy conducted on persons with disabilities.’⁸⁷

This legislation is supported in both the Flemish and French Speaking communities.

In the Flemish Speaking Community reasonable accommodation, or adaptation, is defined as ‘any concrete measure of material or immaterial nature which neutralises the constraining influence of an unsuitable environment for the participation of a person with a disability.’⁸⁸ In the French Community the Decree of 12th December 2008 protects the right people with disability have to reasonable accommodation.⁸⁹ The reasonableness of the accommodation is evaluated with several indicators including financial and organisational impact of the accommodation, the impact on the quality of life of users or disabled persons, as well as the absence of alternatives.⁹⁰

In regard to education the Flemish Community’s M-Decree required mainstream schools to make reasonable adjustments to accommodate students with special education needs and

⁸⁶ European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (French Community)- Systems and support and specialist provision*, [09/10/2018] Available from: www.european-agency.org/country-information/belgium-french-community/systems-of-support-and-specialist-provision

⁸⁷ *Country Report on Belgium for the Study on Member States’ Policies for Children with Disabilities*, P.24

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.





required mainstream schools to only refer a student to special education once all such “reasonable adaptations” have been tried.⁹¹ While refusing reasonable accommodations to a student with a disability is considered a serious violation of the law the stipulation of what is reasonable and what is unreasonable is a very actual and political item and is schools are often able to assert that potential accommodating measures would be too difficult to complete.

Those who believe that there has been a breach of the right to non-discrimination on the grounds of disability may file a complaint to the Centre for Equal Opportunities and Opposition to Racism (UNIA) in Belgium.⁹² In a study of the report UNIA received in 2016, in regard to disability related files in education 73% of the files involved discrimination on the ground of refusal of reasonable accommodation.⁹³

In the Flemish Speaking Community pupils who have a “motivated assignment for support” follow the general curriculum in a mainstream school but with the support of a teacher or therapist from a special school.⁹⁴ For pupils with an “assignment for special education” follow an individually adapted curriculum. Pupils who have an assignment for special education now have the right to attend a mainstream school, but the school examines if the accommodations that are needed, due to the special needs of the child, are reasonable and sufficient.⁹⁵

In the French Speaking Community, it is also possible for adaptations of the curriculum to be made for children with disabilities and for the still to attend a mainstream school. These adaptations are made when the pupils ‘plan of the educational establishment’ is being created together with all key stakeholders.⁹⁶

⁹¹ *Day of General Discussion on the Right to Education for Persons with Disabilities (Art.24)*, p.5

⁹² Ibid.

⁹³ *Observations by Unia, interfederal centre for equal opportunities and opposition to racism and discrimination*, p.14

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.





References:

Publications:

Academic Network of European Disability experts, *National accessibility requirements and standards for products and services in the European single market: overview and examples*, (2013)

European Committee on Social Rights, *Observations by Unia, interfederal centre for equal opportunities and opposition to racism and discrimination*, (2017)

Government of Flanders, Department of Culture, Sport and Media, *The Flemish youth and children's rights policy plan*, (2015)

Government of Flanders, *Flemish Education in Figures 2015-2016*, (2016)

OECD, *Education Policy Outlook Belgium*, (2017)

The Interfederal Centre for Equal Opportunities, Belgium, *Day of General Discussion on the Right to Education for Persons with Disabilities (Art.24)*, (2015),

Online:

European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (French Community)-Legislation and Policy*, [09/10/2018]. Available from www.european-agency.org/countryinformation/belgium-french-community/legislation-and-policy

European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (French Community)-Systems of Support and specialist provision*, [11/10/2018]. Available from <https://www.european-agency.org/country-information/belgium-french-community/systems-of-support-and-specialist-provision>

Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (French Community)-Financing of inclusive education systems*, [11/10/2018] Available from www.european-agency.org/country-information/belgium-french-community/financing-of-inclusive-education-systems

European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (French Community) Teacher Education for Inclusive Education*, [11/10/2018] Available from www.european-agency.org/country-information/belgium-french-community/teacher-education-for-inclusive-education





European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community)-Assessment within inclusive education systems*, [11/10/2018] Available from www.european-agency.org/country-information/belgium-flemish-community/assessment-within-inclusive-education-systems

European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community)* [09/10/2018]. Available from www.eacea.ec.europa.eu/national-policies/eurydice/content/belgium-flemish-community_en

European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community)-Financing of inclusive education systems*, [11/10/2018] www.european-agency.org/country-information/belgium-flemish-community/financing-of-inclusive-education-systems

European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community)- Legislation and Policy*, [09/10/2018] Available from: www.european-agency.org/country-information/belgium-flemish-community/legislation-and-policy

European Agency for special needs and inclusive education, 14/03/2018, *Country information for Belgium (Flemish Community)- Systems and support and specialist provision*, [09/10/2018] Available from: www.europeanagency.org/country-information/belgium-flemish-community/systems-of-support-and-specialist-provision

EURYDICE, 03/11/18, *Belgium-Flemish Community, Legislation and Official Policy Documents*, [10/10/18] available from: www.eacea.ec.europa.eu/national-policies/eurydice/content/belgium-flemish-community_en

EURYDICE, 03/11/18, *Belgium-Flemish Community, Social Inclusion through education and training* [12/10/18] Available from www.eacea.ec.europa.eu/national-policies/en/content/youthwiki/66-social-inclusion-through-education-and-training-belgium-flemish-community

Fédération Wallonie-Bruxelles, *Calendrier de mise en oeuvre*, [10/11/2018] Available from www.pactedexcellence.be/index.php/calendrier-de-mise-en-oeuvre/

Fédération Wallonie-Bruxelles, *Inscription dans l'enseignement spécialisé*, [12/10/2018] Available from www.enseignement.be/index.php?page=25192&navi=2385

Fédération Wallonie-Bruxelles, *Pacte pour un enseignement d'excellence ou en est on*, [10/11/2018] Available from <http://www.pactedexcellence.be/index.php/2018/10/08/pacte-pour-un-enseignement-dexcellence-ou-en-est-on/>





Fédération Wallonie-Bruxelles, L'essentiel du pacte, [10/11/2018] Available from
<http://www.pactedexcellence.be/index.php/2018/10/08/pacte-pour-un-enseignement-dexcellence-ou-en-est-on/>

United Nations, *Convention on the Rights of Persons with Disabilities*, (06/10/2018)
Available from www.treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4





IE+ PARTNERSHIP



The European Association of Service providers for Persons with Disabilities (EASPD) is a wide European network which represents around 17,000 services across Europe and across disabilities. The main objective of EASPD is to promote the equalisation of opportunities for people with disabilities (through effective and high-quality service systems). The work of the organisation is based on the three interconnected pillars of Impact (European Policy), Innovation (Research & Development as well as implementation of international projects) and Information (for the members).



Inclusion Europe has 67 members in 37 European countries. Inclusion Europe represents the voice of people with intellectual disabilities and their families throughout Europe. Started in 1988, Inclusion Europe fight for equal rights and full inclusion of people with intellectual disabilities and their families in all aspects of life. As a European association they work in the many different areas which their members have identified as important to them: Inclusion Europe provide for the exchange of knowledge across Europe, support their members, and influence European policies.



At Ghent University the Department of Special Needs Education has a focus on Inclusive Education in teaching research and service to the community.



The first University of Salamanca's Institute on Community Integration (INICO) is composed of interdisciplinary professionals that lead activities linked to training, research and counselling in the field of disability and special educational needs with the aim of easing and enhancing the quality of life and self-determination of people living at social disadvantages in different contexts and throughout their life cycle.



The National Association of Resource Teachers in Bulgaria (NART) is a national NGO umbrella for professionals working for full and quality integration, inclusion and education of children with different abilities and needs in mainstream education. Their goal is to promote the continuous improvement of quality education and social services in support of integration and inclusion of all children in Bulgaria. The specialists who are members of NART are working with more than 15 000 children and young people with special needs across the country.



Kentro Koinonikis Frontidas Atomon Me Noitiki Ysterisi (ESTIA) is a recognised Charity overseen by the Ministry of Health & Social Solidarity in Greece. ESTIA was founded in 1982 by parents of children with intellectual children. ESTIA specialises in providing support and care to people with intellectual disabilities from 15 years of age with the aim of improving quality of life and supporting inclusion into the community.



C.E.C.D. Mira Sintra - Centro de Educação para o Cidadão com Deficiência, C.R.L. (Education Centre for Persons with Disability) is a Cooperative for Social Solidarity, a non-profit organisation and was recognized 2.000 people, since toddlers, children, youth and adults who need specialised support, due to problems in their development and/or deficits in academic, work or social performance.

