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## LEGAL BASIS INCLUSIVE EDUCATION IN UKRAINE

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### SUMMARY

The article analyzes legal basis of introducing inclusive education in Ukraine, as a process involving the development and application of specific solutions that will allow each person to participate equally in academic and public life. Various aspects of teaching children with special needs in Ukraine are examined, which are regulated by the legislation on persons with disabilities, regulatory documents in this area and international agreements on the rights of people with disabilities. It has been proven that in inclusive education, it is necessary to rely on the legal concept of education focused on the needs of children. This concept involves the organization of educational activities in such a way that the learning process takes place by modeling the learning environment, intensive practical training, the provision of assistance by the teacher and direction to the development of independence. Emphasis is placed on the importance of the Concept of development of inclusive education for the implementation of state policy on the introduction of inclusive education in Ukraine.

**Key words:** inclusive education, inclusion, children with special needs, introduction of inclusive education in Ukraine, social orientation of inclusive education.

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### АНОТАЦІЯ

У статті проаналізовано правові основи впровадження інклюзивної освіти в Україні як процес, що передбачає розроблення та застосування конкретних рішень, які дозволять кожній людині рівномірно брати участь в академічному та громадському житті. Розглядаються різні аспекти навчання дітей з особливими потребами в Україні, які регулюються законодавством про осіб з обмеженими можливостями, нормативними документами в цій галузі та міжнародними угодами про права людей з обмеженими можливостями. Доведено, що в інклюзивній освіті необхідно спиратися на правову концепцію освіти, орієнтовану на потреби дітей. Ця концепція передбачає організацію навчальної діяльності таким чином, що процес навчання відбувається шляхом моделювання навчального середовища, інтенсивного практичного навчання, надання допомоги вчителям та спрямування на розвиток самостійності. Акцентовано увагу на важливості Концепції розвитку інклюзивної освіти для реалізації державної політики щодо впровадження інклюзивної освіти в Україні.

**Ключові слова:** інклюзивна освіта, інклюзія, діти з особливими потребами, впровадження інклюзивної освіти в Україні, соціальна спрямованість інклюзивної освіти.

**Introduction.** Inclusive or inclusive education is a term used to describe the learning process for children with special needs in general secondary education institutions. Inclusive education is the process of development of general education, which implies

the availability of education for all, in terms of adaptation to the different needs of all children, which provides access to education for children with special needs. For our article, it is necessary to clarify the meaning of the term “inclusion” (from the

English. Inclusion – inclusion). We define it as a process involving the development and application of such specific solutions that will allow each person to participate equally in academic and public life. Various aspects of teaching children with special needs in Ukraine are regulated by legislation on persons with disabilities, regulatory documents in this area and international agreements on the rights of people with disabilities. The legislation of Ukraine on general secondary education is based on the Constitution of Ukraine [6] and consists of the Law of Ukraine “On Education” [13], the Law of Ukraine “On General Secondary Education” [9], and other legal acts.

One of the incentives for the development of inclusive education is the direct dissemination of information, ideas, experiences and practices of inclusion that have taken place in foreign countries.

**Analysis of recent research and publications.** The introduction of inclusive education in Ukraine was studied by Ukrainian scientists: O. Bepalko, I. Vasilashko, T. Gubareva, A. Kolupaeva, I. Lutsenko, A. Patrikeev, L. Savchuk, N. Sofia, A. Taranchenko. Note that the introduction of inclusive education in institutions of general secondary education requires a more detailed study.

**Purpose of the article** – to characterize the most important aspects of inclusive education in institutions of general secondary education in Ukraine.

**Main part.** Over the years, the educational system of Ukraine has spread the elements, principles and ideas of inclusion, identifying the level of awareness, perception and attitude towards the idea of inclusive education by professional groups, organizations and society as a whole; assessment of implementation experience – is an important direction in the implementation of inclusive education in Ukraine [3, p. 3].

The key participants in the process of introducing inclusive education in Ukraine are: teachers and the administration of general secondary education institutions as pilot schools, which conduct an experiment on introducing inclusive education, which is supported by the donor community, state and local authorities; teachers and administration of state special schools for children with special needs; teachers and administration of institutions of general secondary education, where there is the so-called “spontaneous inclusion” and children with special educational needs study; educators and administration of pilot kindergartens attended by children with special needs; parents of children with special needs who study in pilot schools, institutions of special and general secondary education, and children attending pilot kindergartens; parents of healthy children studying in experimental and ordinary institutions of general secondary education; non-governmental organizations of Ukraine, whose activities are related to the solution of social and educational problems of children with special needs; population as a whole [2, p. 24].

Analysis of statistical indicators of morbidity indicates the prevalence of diseases among the child population, increased by 10% over the past 5 years [3, p. 6].

Ukrainian scientists A. Kolupaeva and O. Taranchenko argues that “while special and mass education should combine efforts to accumulate best practices in order to become centers of inclusion” [4, p. 3].

We should also note that scientists both in Ukraine and abroad believe that in inclusive education it is necessary to rely on the concept of education focused on the needs of children.

The concept of teaching focused on the needs of children provides for the organization of educational activities in such a way that the learning process takes place by modeling the learning environment, intensive practical training, the provision of assistance by the teacher and direction towards the development of independence. Numerous scientific studies and successful practice continued convincingly prove that the

application of the approach focused on the needs of the child is extremely effective in working with students who “deviate” from typical development [4, p. 6–7].

The term “children with special needs” according to the International Classification of Education Standards is defined as – “people whose training requires additional resources”, covering a fairly wide range of children: gifted children and children with mental retardation, children with disabilities and children with health problems, orphans and street children. In Ukraine, this term applies mainly to children whose characteristics or disorders of psychophysical development are determined [15, p. 58].

The educational laws and regulatory documents of Ukraine use the definition: “children with disabilities and children with disabilities of mental or physical development”, “children who need correction of physical and (or) mental development”, “children with disabilities”, “children with special needs of psychophysical development”, “children with special educational needs”. To solve the problems of inclusion in secondary schools, the Cabinet of Ministers of Ukraine issued an Order “On Approving an Action Plan for the Implementation of Inclusive and Integrated Learning in Secondary Schools for the Period Until 2012” dated 03.12.2009 № 1482-r [11].

To implement the state policy on the introduction of inclusive education, a Concept for its development was created (approved by order of the Ministry of Education and Science of September 11, 2009 № 855). The purpose of the Concept is to focus on: the formation of a new philosophy of society – a positive attitude towards children and persons with impaired psychophysical development and disability; creating conditions for the implementation of state policy to ensure constitutional rights and guarantees for children with special educational needs in the field of education; improving the system of education and social rehabilitation of children with impaired psychophysical development, in particular with disabilities, including inclusive education, using adapted international experience. The main task in this direction is: improving the legal, financial, economic, scientific and methodological support, focused on the implementation of inclusive education [10].

Today in Ukraine there is no single transparent and reliable accounting system for children with disabilities and children with disabilities due to health reasons. According to the Ministry of Education, in 2010 in Ukraine there were more than 160 thousand children with special needs of psychophysical development [3, p. 6].

Define the main legislative framework for inclusion in Ukraine. Constitution of Ukraine (1996) in Art. 141 states equal rights to education for both healthy and children with special needs [6, Art. 141]. The laws of Ukraine “On General Secondary Education” and “On Education” also affirm equal rights in the education of all students [9; 13]. Regarding the Order of the Cabinet of Ministers of Ukraine № 872 dated August 15, 2011 “On approval of the organization of inclusive education in general educational institutions”, the system of inclusive education in educational institutions of various ownership forms is described there [12].

The main initiators of the introduction of inclusive education for children with special needs in Ukraine, based on the principles of equal opportunities in various areas of life, including education, are parents and public organizations that disseminate inclusion ideas among the professional community, as well as stimulate and stimulate government activities in this direction. A special role among public organizations in disseminating the ideas of inclusion is played by the Step by Step Foundation and the National Assembly of Disabled People of Ukraine.

Inclusive education in Ukraine is developing thanks to the active participation of donor organizations, which for more

than 10 years have helped develop laws and regulations, with methodological and visual materials, and transfer experience gained in Europe, the USA and Canada. The TACIS Program (Institutional Partnership Development of the European Commission), the MATRA Program of the Embassy of the United Kingdom of the Netherlands, the International Renaissance Foundation, the Canadian International Development Agency (CIDA), and the United States Agency for International Development (USAID) joined in the development of education for children with special needs [2, p. 47].

As of March 1, 2011, 536 special classes have already been created in Ukraine in general secondary education institutions, which cover almost 6 000 children with special educational needs [3, p. 8].

Assessing the positive aspects of coeducation in institutions of general secondary education, parents note a more successful socialization of children with disabilities, which is the basis for their further adaptation in society. Among the disadvantages of inclusion, the problem of cruelty of modern children is more often voiced. 76% are sure that the introduction of inclusive education will help to build tolerance in society. We note that inclusive education is in line with the Ukrainian mentality and the population is ready for it.

According to the Ukrainian scientist N. Bazima needs to create an adequately organized environment and conditions for corrective action on children with special educational needs. The scientist also believes that it is recommended to prepare the child in advance for innovations and changes [1, p. 103–104].

Inclusive education seems to be effective or potentially effective as an education system, according to parents of healthy children or children with mild psychophysiological impairments who are able to study in inclusive schools (without a material base, without special textbooks). These parents consider inclusive education a significant step in terms of the development of children with special needs, their socialization. The same opinion is shared by the Spanish researcher of inclusive education, J. Moore-Mullinos. She developed useful tips for parents and teachers on working with children with physiological problems, as well as lack of self-confidence. The researcher believes that “perseverance, determination and hard work are the main factors for the success of a child with special needs” [7, p. 34].

An analysis of the problems that parents of children from pilot schools point to indicates that parents, unlike teachers, focus much less on methodological problems, lack of training materials and supplies, and usually don't notice teachers being professionally unprepared for working with special children. As the educational and methodical work of L. Prokhorenko, that “for the development of memory, attention, the development of thinking is necessary” [14, p. 13]. And this is completely understandable, since parents do not know what the “classical” model of inclusive education is and what criteria determine the “inclusiveness” of an educational institution (in some cases, parents expressed surprise at the mandatory presence of a teacher's assistant in the classroom). Therefore, most Ukrainian scientists see one of the important areas of work of teacher assistants in the classes of institutions of general secondary education – to form “readiness for a new type of activity (schooling) in the process of the game” for both children and parents [14, p. 37].

Ukrainian scientists A. Kolupaeva, O. Taranchenko believes that both parents and teachers working with children (students) who have special learning needs and problems need to know that “the lack of formation of the motor skill of writing in a student requires a rational determination of the dosage for written and control work” [5, p. 25].

Parents of children with special needs who study in special schools have a number of established prejudices about

education in secondary schools, even inclusive ones. One of the main ones is the negative attitude towards children with special needs on the part of teachers of institutions of general secondary education, parents of healthy children, and the children themselves. In general, there is a prevailing opinion that society is not ready for an adequate perception of children with special needs. It is believed that the greater the problem of the child, the more he and his parents are faced with a negative attitude from both adults and children. That is why parents are trying to protect their children from psychological trauma and do not want them to play the role of “simulators” for the formation of social tolerance. The initiators and active lobbyists for the implementation of inclusive education in Ukraine were and are non-governmental organizations and parent's associations. This is a global trend. The activities of public organizations in support of inclusive education are taking place in the field of so-called “spontaneous inclusion”. We must note that some of them indicate that they provided advice to parents of children with disabilities on issues of education in institutions of general secondary education; 20% can provide rehabilitation assistance to children with disabilities studying in institutions of general secondary education; some helped parents of children with disabilities place children in institutions of general secondary education. As a rule, these are projects that support donor communities [3, p. 17]. Public organizations are a powerful source of support for the implementation of inclusion. It should be noted that according to the Ukrainian researcher I. Sukhina, a large number of children with special needs have great excitability, difficulties in concentrating and maintaining attention, problems in relationships with peers [16, p. 14].

We define the basic principles of inclusive education: all children should study together in all cases when this is possible, despite certain difficulties or differences that exist between them; schools should recognize and take into account the needs of their students, coordinating the different types and pace of education; providing quality education for all through appropriate teaching and methodological support, the application of organizational measures, the development of a teaching strategy, the use of resources and partnerships with their territorial associations; children with special educational needs should receive additional help that they may need to ensure the success of the learning process [8, p. 13–14].

**Conclusion.** Assessing the opportunities for the widespread introduction of inclusive education in institutions of general secondary education in Ukraine, it should be noted that today the country is only partially ready to switch to widespread inclusion. 1. Ukrainian schools are partially ready to accept widespread inclusion. Based on their experience, teachers working with children with special needs believe that most of the barriers in the process of the gradual introduction of inclusion, provided adequate material, information and resource support can be overcome. 2. Therefore, it is necessary to study both foreign pedagogical technologies and develop domestic ones for working with children with various special needs, including educational ones.

**Prospects for further research are an in-depth study** of the role of parents in the introduction of educational technologies for inclusive education. Note that inclusive education in preschool and primary school age is less traumatic than in the later period of life of children with special needs. Therefore, the introduction of children with special needs into the circle of other children and their further successful adaptation in society is more advisable to carry out in preschool age.

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