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Implementation and Administrative Framework of the Inclusive Education in the Context of the European Integration Process

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Abstract

This paper presented consolidated information about Ukrainian education system in past and about the role of the Inclusive Education in the Context of the European Integration Process. An inclusive education is a system of the educational services, which are based on the principle of the enforcement of main right of children to education and the right to study according to place of residence. Conception of the development of the inclusive education was developed, which aimed to solve important issues as to ensuring of the right to the equal education for children with special educational needs. The positioning socially recognized mission to unite the social community by meeting the needs of society in the creation of conditions of equal access to education for all of its members. The characteristic of national and foreign legal acts showed, that the implementation of the inclusive education into national schools characterized by maximum involvement of the state to the systematic problem solving, but there are no strict mechanism of the given process realization.

Keywords: inclusive education, European integration process, Ukraine, educational space, teachers, children with special educational needs.

JEL Classification: I21, I23, I24.

1. Introduction

Education is a basis for the development of any society. In 1991 Ukraine declared the United Nations Convention on Rights of Children, which pointed out the right to education of all children, and in the aftermath of, - the right to progress. Thus, from the beginning of Ukraine's accession process to the European educational space, attention to the quality, availability and equality of education for children with special needs in the educational area has greatly increased. One of the forms of education of these children is recognized in many countries, in particular, most developed West European countries, - inclusive form of education, which is quite unaccustomed for native educational sphere. The goal of such education is implementation of children with special needs into the general educational process, tuition and upbringing under the conditions of usual class. In turn, the question of implementation of the inclusive education in Ukraine is a topical issue because of its insufficient administrative framework and fractional compatibility of regulatory framework with international principles. That's exactly why this case study is on the front burner, taking into account the European integration process in Ukraine.

2. Legal Nature and Essence of the Inclusive Education and its Implementation in Ukraine

Since Ukraine gained independence and chose democratic route forward, the issue concerning the expansion of the inclusive education became edgier. Development and improvement of the education for children with physical and/ or mental disabilities is a significant move toward securing the full implementation of the rights of such children to quality education and it is one of the most important assignment of the national policy in the field of education.

In particular, the right to education in Ukraine is affirmed in the Article 53 of the Constitution of Ukraine and it is one of the most important and valuable social and cultural rights. Every citizen has such right regardless of their race, color of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics. The right to education is ensured by the forked branch of education establishments, which are based on different forms of ownership, consequently, just state provides availability and free education in the education establishments. Availability of education is directly one of the constitutional guarantees of the right to education realization on the principles of equality, which is fixed in the Art. 24 of the Constitution of Ukraine and means, that it can't be denied no one to the right to education and state should create opportunities to this right realization.

Ukraine's recognition of UN Convention On the Rights of Children and the World Declaration on the Survival, Protection and Development of Children strengthened attention to the problems of children, who have one or another abnormalities and stipulated the necessity of targeted state actions development to create conditions for their implementation to the modern social relations system. In turn, the development of the inclusive education in our state is explained by the number of people, who require specialized (special) education, and it raise every year.

Overall, it is identified several approaches for providing education to special needs children, in particular, mainstreaming, integration and inclusion. These terms in foreign practice are used as close in meaning, but which are not identical. Thus, mainstreaming foresees social intercourse expansion between special needs children and their coevals. At the utmost it is off-hour form of communication: affiliation in joint mass arrangements, staying in summer camps, visiting groups that meet periodically for a shared activity. But, as researches showed, such relations in off-hour time characterized by impermanence and limitation. What concerns integration, it is defined as efforts, directed to the putting children in coefficient environment and it is an interim stage of the inclusive system of education development.

Inclusion, in turn, poses as a process of increasing the degree of involvement of all children into social life in different programs. And a term "inclusive education" found its reflection in The Salamanca Statement on Principles, policy and practice in special needs education (1994) at first. Just there it is contained an appeal for governments of all countries to confirm on the legislative level the principle of

the inclusive education and to admit to regular schools all children, if there are no reasons, which prevent it. In the Statement it is pointed out, that all children, regardless of available differences between them, have a right to gain knowledge along with others, and the educational inclusive establishments must use wide method range of education and upbringing, work out Individual Education Plans (taking into account any and all needs of their foster children). Thus, The Salamanca Statement became the first international instrument which noted on the necessity of reforms realization in the sphere of the inclusive education. Inclusive education is a flex, individualized system with psychological and pedagogical support of children with special needs in the conditions of regular school, which is located near lodgings. Although, in the transactions of scientists we can meet a confirmation that the inclusion at first was encouraged by the Universal Declaration of Human Rights (UDHR) in 1948, in which it was noted the right of a child to education, enjoyment of this right in virtue of even chances, and it was insisted on the importance of its availability for all children.

Ere yet to define the term “an inclusive education”, it is indispensable to expound the definition “an inclusion”. As O. Yertanova determines, an inclusion means comprehension or accession, but it does not have a close translation from English. Overall, an inclusion represents an integrated notion and consists of social and educational parts. Thus, A. Kolupajeva determines an inclusion as a combined educational system upon the assignment of proper education for all students; full involvement children with special needs in different schooling aspects, which are available for other children.

An inclusive education – is a system of the educational services, which are based on the principle of the enforcement of main right of children to education and the right to study according to place of residence. It is supposed that children with special needs can study in regular establishments.

Generally, it is necessary to emphasize, that the main goal of the inclusive education in Ukraine and as in the whole world, is a highest possible integration of children with disabilities. Thus, under integration, as M. Varij notes, we should understand a process and a result of digestion and an active reconstitution of the social experiment (knowledge, values, social adequacy), which gives an ability to implode into society and conduct oneself adaptive. In turn, it will wind up social exclusion of a child. M. Perfiljeva point out, that an assignment of the inclusive school is not only creation of conditions for the pediatric patients among healthy environment of one-year conscripts, formation of tolerant attitude from parents, teachers and students to children with special needs, but also is achievement of the full educational integration, which invariably leads to progress.

In such a manner, any discrimination of children with special needs, disabilities must be excluded and it must be the equivalent relationship to all, without reserve, children.

As stated before, in Ukraine the process of the inclusive education implementation began in 1990, as just then our country ratified United Nations Convention on the Rights of the Child. This Convention was based on the recognition of rights of all children, priority of human values and harmonious development of a personality, freedom from discrimination of disabled child on any grounds. Thus, Ukraine has claimed the full responsibility for protection of all rights and freedoms of people with disabilities, their full right to life.

Implementation of the inclusive education in European countries, in comparison with Ukraine, started formerly. One of the first European countries, which started to develop and implement special education, became Holland, as in the end of 1940s a great increase of the number of special education establishments took place. In 1948 there were 7 types of special schools, and after 1950 its number has doubled. Although the first known attempt to teach children with development problems made French doctor Jean-Mark Itard in 1800. He worked up one and only methods, which in due course American scientists and pedagogues borrowed. The most advanced developed legal base in the inclusive education sphere have such countries as: Canada, Cyprus, Denmark, Spain, USA, Great Britain, Belgium and Sweden.

What concerns countries of North America, active implementation of the integrated and inclusive education began to implement, starting from 1978 after enactment of Individuals with Disabilities

Education Act. It was noted the right of learning invariably for all people, including children with special needs.

As A. Krykun notes, global practice of cooperation of different categories of children finds its reflection in inclusive education, when all children, apart of health grounds, study and grows up in the educational establishments of general type, closest to their home. In such conditions children with disabilities better adapt to the environment, acquire special competencies, feel more self-contained, and the main thing – necessary to the society.

Inclusive education for Ukraine is a some pedagogical innovation, which is in the stage of implementation, and that's exactly why many there are many problems with it. The main issues are following:

- professional unpreparedness of teachers of mass school to work with children with special educational needs by the side of teachers in special establishments;
- architectonic inaccessibility of schools;
- regulatory framework imperfection and necessity of inclusive educational establishment additional funding;
- educational programs congestion, which are hard to be adapted to the child's with disabilities needs ;
- lack of special books;
- negative attitude of parents and other children.

Another stage of the inclusive education implementation in Ukraine became an experiment, which started in 2008 according to the Decree of the Ministry of education and science of Ukraine "On operation as for organization of integrative teaching process of people with special educational needs in universities of the III-IV level of accreditation of any type, public or private". The given Decree equalized all universities of any type in their rights. Those experiment consisted from three stages: I – studying and performance review of the higher education system for students with special needs, it was provided the regulatory framework development; II stage – approbation of developed acts in the experimental integrated academic groups; III – outcome analysis of the operation with the goal of future improvement of the system of integration of such people for the education at the universities.

In such a manner, inclusive education is in some degree an amplitudinous process, the main goal of which is an attraction of all people, who study for different aspects of education and social life, albeit of presence of some individual peculiarities or differences. And the conception of inclusive education reflects one of the main idea of democratic direction of the state – all children are valuable and active members of society. Implementation of the inclusive education in different countries takes place with differences and disparity in years.

3. Literature Review

Inclusive education is an element of contemporary social reality and reflects the full social properties and attributes. Structure of inclusive education as a social phenomenon represented by the following components (McComas 2014, 48)

The values of inclusive education, which, in accordance with the criteria proposed by Hornby G., can be divided into the terminal ("value target") and instrumental ("value-funds") (Hornby 2014, 16). By the terminal values of inclusive education are the following: a person's worth is not dependent on his abilities and achievements; each person is able to feel and think; everyone has the right to communication and the fact to be heard; all people need each other; real education can only be done in the context of real-world relationships; diversity enhances all aspects of human life; every child has unique characteristics, interests, abilities and learning needs (D'Alessio 2011, 40). Instrumental values of inclusive education may be mentioned are: all students progress may soon be in the fact that they can do than in what can not; Children with developmental disabilities should have access to regular schools (D'Alessio 2013, 104); joint education of children of different nationalities, religions and cultures enriches all; joint training of children increases the degree of participation of each student in the

academic and social life of the school and reduces the degree of isolation of pupils in all the processes that take place inside the school (Slee 2007, 181). The principles of inclusive education brings Mathias B.A. (Mathias 2015, 113):

- evolutionary and phased development of inclusive practices, systemic changes in education as a whole;
- recognition of the principle of equal value to society of all pupils and teachers;
- the principle of recognition of students the right to receive education in schools located in the community;
- the principle of belonging to the community (all children -United community, and they can all learn);
- the principle of social cooperation and partnership of all members of the inclusive educational environment;
- the principle of "presumption of competence" of each child-opora on the knowledge and skills of the child, his strengths, rather than fixing its violations and deficiencies;
- the principle of universal design -providing access to all resources for all students;
- the principle of cooperation and support of all the participants - to unite the efforts of social and educational community to provide quality inclusive education, the organization of support of each participant;
- the principle of family-oriented approach with a focus on the child's personality - a broad family connection in determining the results of their education, the route of the child by focusing efforts on the development and socialization of his personality;
- the principle of exclusion of the medical model of understanding disability;
- the principle of diversity and taking into account the individual characteristics - diversity of manifestations of the individual determines the need for taking into account the individual characteristics of the training;
- «Nothing about us and for us without us" - active participation of the "special" in the definition of child protection and education conditions.

Values and principles of inclusive education is said to dictate Mateu J., Bello M.J.L., Alamán X. emergence of new social norms, patterns of behavior, communication and interaction (Mateu *et al.* 2014, 126). Subjects of an inclusive educational environment believes Hornby G. (students with normative development of children with special educational needs (including students with special needs), parents or legal representatives of students, teachers, speech pathologists, teachers, educators, psychologists, social workers, heads of educational institutions), public organizations and associations of persons with disabilities and their parents, who are the stakeholders (Hornby 2014, 35).

According Setti AFF, Azeiteiro UM, social resources for inclusive education (social, educational, activity-related stocks creative and professional energy ("human potential", "human capital", the product of a joint activity of the social community, the rate of social intelligence) teachers, public organizations and associations , parent community, businesses that have a huge potential and need to "unpack» (Setti and Azeiteiro 2016, 241).

Analysis of the existing practice shows Armstrong F., Barton L., inclusive education allows you to designate the characteristics of inclusive education as a social phenomenon (Armstrong and Barton 2007, 14)

- the presence of the aggregate institutions and social groups, the purpose of which is to meet the educational needs of society: teachers, teachers, speech therapists, educational psychologists, social workers, administrators of educational institutions of different levels;
- own educational institutions at all levels (from pre-school to post-graduate as well as additional adult education and supplementary education for children and young people), carrying out joint training practice children with SEN (including children with HIA / OPFR) and their peers with typical development;

- public organizations and associations, activities of which is to provide quality education for persons with disabilities;
- employers interested in quality training of employees, including persons with disabilities, etc.;
- the emerging system of cultural models, norms, values, symbols: the expansion of intercultural boundaries (interpenetration and mutual enrichment subcultures ordinary and "special" students);
- acceptance of "otherness" as a form of manifestation of individual personality traits;
- a priori the value of each child;
- understanding of disability from the standpoint of the social model and, therefore, the exclusion of the medical model of understanding disability;
- tolerance as respect, acceptance as the norm of communication and interaction in the educational space, etc.;
- the establishment of the behavior of the system in accordance with these rules and patterns: keeping the special educational needs of individual abilities and capabilities of each child;
- expanding the range of participants in the educational space;
- teaching community preparedness for effective professional work in the conditions of inclusive education;
- organization support a child with special educational needs;
- availability of material and human resources needed to meet the challenges: the building of educational institutions implementing inclusive educational process;
- classrooms, meet the requirements of a physical barrier-free and universal design;
- various training tools, including those created on the basis of alternative communication techniques;
- positioning socially recognized mission - to unite the social community by meeting the needs of society in the creation of conditions of equal access to education for all of its members.

Ruairc GM, Ottesen E., Precey R. believe that inclusive education is designed to create the conditions to achieve the main goal - to ensure the stability of (social, psychological, economic, etc.) in the course of development of a society based on tolerance formed relationships, social loyalty members community to "otherness» (Ruairc *et al.* 2013, 4). In accordance with the purpose of the main functional load inclusive education Feyerer E. defined as meeting the needs of the community and social interests in ensuring equal access to quality education for all of its members (including the creation of conditions to meet the needs of individuals to achieve - the desire of the individual to the expression, the expression itself in specific social conditions) - a social function; regulation of social processes ("orientation behavior of social communities and individuals on their optimal functioning and social development» (Feyerer 2002, 65)), consolidation and reproduction of social relations, which involves the coordination, "setting" of communication and interaction between members of the social community through the adoption of "otherness", tolerance, co-operation by establishing the necessary rules and norms of behavior, action regulation) - the regulatory function; introduction to the diversity of cultural values (the a priori value of each person) - overall cultural function; Disclosure of personal potential of each student based on his account of individual learning needs, abilities and opportunities - humanistic function; the formation of mutual responsibility of participants polysubject inclusive educational space, combining their efforts in achieving socially important result - the integrative function; transmission of social experience in an accessible format for everyone, ensuring the conditions for the integration of persons with special educational needs, including those with special needs in society - socializing function; broadening and deepening of the content of vocational and educational activities, acquiring new professional, social and personal competencies - professional function.

Currently inclusive education believes Liasidou A. is in the process of institutionalization, assuming the conversion of individual disparate empirical attempts to implement practices educating all children together in an ordered system of educational relations that defines the values and methodology of inclusion as a principle of cooperation, the position, the role and function of the subjects of

educational space, mechanisms for the implementation of inclusion ideas in education, etc. (Liasidou 2015, 112).

Becomes obvious from the point of view of Timmons V., that inclusive education is a model of inclusive social community and as a social phenomenon can create a number of benefits for various social groups (Timmons 2007, 138). So, for the social group "children" such advantages Mitchell D., Desai I. is an opportunity for each child to learn at school in the community, interact with peers (Mitchell and Desai 2003, 209), to become part of the social and the educational community; creating conditions for socialization and social adaptation as "children with special" and children with typical development in the natural social (educational) conditions; the formation of essential competencies as a result of inclusive education: the ability and willingness to be guided in the human society and cultural space, the ability to see and understand the world around us, to be guided in it, aware of their role and purpose; the ability and willingness to interact with the social institutions that perform social functions; the ability and willingness to communicate with the involvement of a variety of techniques, methods and techniques, etc.; empowering comprehensive communication and interaction skills acquisition of adequate social behavior, more fully realize the potential of development and learning, mastering various communication techniques and their use in everyday situations; confrontation negative social stereotypes and discrimination, the formation of friendships and familiarity in a group of children who are carried into adulthood; the possibility of moral potential of every student: manifestations of humanity, compassion, mercy, tolerance in real-life situations that develop a sense of mutual support and willingness to cooperate, improving communication skills, and an effective means of moral education; reduction in the risk of snobbery from successful children in emphasizing their exclusivity; the disappearance of the fear in healthy children with normative education needs to possible disabilities (Lavia 2007, 119).

In inclusive education the parents acquire such advantages as shown by Nes K. (Nes 2003, 74):

- the possibility of a child's learning in the immediate vicinity of the house and stay in the family;
- the development of partnership and cooperation of all members of the inclusive educational environment based on mutual acceptance;
- consolidation of the social community at the level of a group of children, and the parent community;
- minimizing the fear and anxiety associated with the period of a child's life after the departure of the parents;
- emotional comfort, due to the adoption of a child in the community.

The teacher in inclusive education received in the presentation Mateu J., Lasala MJ, Alamán X. new vector professional development and growth, and the expansion of professional competence, determined by the new conditions of professional activity (extension of teaching the subjects of attention, social and professional contacts) (Mateu *et al.* 2013, 119).

4. General Characteristic of the Regulatory Legal Framework of the Inclusive Education in Ukraine

Native legislation as for people with disabilities has changed and now is changing with positive dynamics, taking into account the necessity of integration of children with special educational needs into society, in particular – to the educational environment. Thus, legal notices with reference to people with disabilities are embodied in following legal acts: Convention on the Rights of the Child; the Constitution of Ukraine; Laws of Ukraine "On Education", "On the Fundamentals of Social Security of the Disabled in Ukraine", "On Rehabilitation of the Disabled in Ukraine", "On General Secondary Education"; UN Convention on the Rights of Persons with Disabilities and others.

As to the legislative consolidation of the term "inclusive education", its legal platform are immediate all above-mentioned legal acts. Although, it is necessary to note, that definition of the given term in official documents did not become widespread. Only close in content term "integrated education" uses in the Conception of Early Social Rehabilitation of Disabled Children. That is noted there that early social rehabilitation – is a system of correctional-recreational activities, which are applied for

handicapped children of the tender age with the goal of decreasing or negotiation of corporal and immaterial defects, cognition and acquirement, which would afford a handicapped child an opportunity to integrate to infant collective and not to be at boarding schools or to study at home.

As of today in the legislative acts of Ukraine there is no legally effective terminology to characterize pupils and students with special needs. In essential legal acts such terms as “children requiring correction of physical or mental development”, “persons with impaired physical or mental development and cannot study in conventional schools” are used.

With getting independence, Ukraine declaratively recognized base international legal acts concerning persons with disabilities. As it was mentioned, Ukraine in 1991 associated to the countries, which ratified UN Convention on the Rights of the Child, which was enacted in 1989 and regulated the rights of handicapped children. Given Convention recognized rights of all children immediate top-priority between human values, pointed up on harmonic personal enhancement, freedom from discrimination of handicapped child pursuant to the law, and determined the necessity of particular concern about such children. Thus, according to the Art.28 of above-mentioned Convention, contracting parties recognize the right of a child to education, and with the goal of gradual attainment of this right in virtue of even chances. In addition, the Art.23 noted that contracting parties recognize that mentally and physically disabled child has to enjoy productive and dignified life in conditions, which ensure dignity, promote sense of confidence and lighten an active involvement in social life.

In turn, after getting independence, in 1996 the Constitution of Ukraine was enacted. Thus, the Constitution, videlicet Art. 24 noted that citizenry have equal constitution rights and freedoms and they are equal before the law. It cannot be liberties or restrains based on race, coloration, political, religious opinions, gender, ethnic or social origin, financial standing, lodgings, on linguistic or other grounds. In general, it should be mentioned that in Framework law it was declared democratic and humanistic positions, which immediate fulfilled requirements of international agreements and principles and should afford protection of the rights of all social groups invariably. Thus, according to the Art. 53, everybody has the right to education, and state, in turn, furnishes equality and free-of-charge-basis of preschool, complete secondary, vocational and higher education. Art. 46 guarantees citizens the right to social protection.

Analyzing provisions of the Constitution of Ukraine, we come to the point, that there is no exceptions, limitations or double interpretation as to the right to education, getting education by children with special needs or children with disabilities.

Overall, the right to get education by citizens of Ukraine acquires legislative recognition with enacting the Law of Ukraine “On Education”, in which the main assignment, according to the Art. 2, was defined as the regulation of social relations in the sphere of education, upbringing, vocational, scientific and common cultural overture of Ukrainians. And the Art. 3 of the given Law notes, that citizens have right to free education at all state educational establishments apart of gender, race, nationality, social and financial standing, occupation, world outlook persuasions, party membership, religious believes, confession, state of health, location and other circumstances. So, children with disabilities, cannot be put under restraint as consistent with above-mentioned legal act in their right to get free education. In turn, in the Art.37 of the given Law it is defined, that for persons, who have limitations in physical or mental stature and cannot study at mass educational establishments, special regular establishments are instantiated. This provision to some extent is a discriminate provision as to such children, as it has been mentioned above, everybody has right to education, availability and free-of-charge-basis. As can be seen from the above, the Law of Ukraine “On Education” regulates ins and outs on the occasion of the proper functioning of the educational sphere of Ukraine and is positive and progressive step as to international legislation enforcement, which was ratified by Ukraine. We should mention that it is an insistent need to define a concept “inclusive education” for speeding-up the implementation of such educational system in Ukraine.

Forthcoming legal act is the Law of Ukraine “On General Secondary Education”, in which also is defined the provision on the occasion of availability and free-of-charge basis of getting full secondary

education. Art. 23 regiments that parents or surrogate parents, have the right to choose educational establishments and forms of education, and para.3 of the given article, in turn, points, that in the event that parents or surrogate parents contrary to the conclusion of psychological, medical and pedagogical consultation pass up to send children to the appropriate special regular school, education is provided by individual form. Reasoning from this fact, we witness some collision: sending of children to special residential schools is powered by the state, and at the same time, there is an opportunity of their education according to place of residence. In turn, question concerning education of children with special needs in regular schools even is not mentioned.

A. Kolupajeva points out that in National Doctrine of Education Development it is indicated the equal access of qualitative education by integration to the regular environment children with special needs.

Thus, according to National Doctrine of Education Development, promising direction of national policy as to development of education is creation for citizens equal opportunities in getting education. State must provide approval of children and youth with disabilities, but in other paragraph of this Article once again is pointed on equal access as to getting quality education regardless of state of health.

Law of Ukraine "On Protection of Childhood", in Art. 26 points out that discrimination of handicapped children and children with disabilities is forbidden. State is ministerial to creation for handicapped children or children with disabilities requisite conditions to productive life and development. And Art.27 stresses on that for handicapped children and children with disabilities, who cannot study at general educational establishments, are created special regular schools (residential schools), sanitary schools of general education, care homes for handicapped children, infant and other schools, in which they are kept at the public crib. In such a manner, to some extent, given provision deny equality of rights of children with special educational needs for equal access to education. We are of the opinion that the given provision is discriminate as to handicapped children, as they have such rights as others, - they are equal in their rights, all the more so in preceding articles it is defined, that any discrimination is inadmissible.

Another legal act of Ukraine, which deals with implementation of the inclusive education and protection of the right to education for children with special needs or disabilities is Law of Ukraine "On Rehabilitation of the Disabled in Ukraine". In it the definition what children belongs to "handicapped children" is defined. Thus, as consistent with the Art.1, handicapped children – is a person aged up to eighteen years with firm dysfunction of organism, which in coordination with outside environment may cause limitation of life-sustaining activity, and as a result state is undertaken to create conditions for realization rights by such children on a par with other citizens and ensure social protection. Once again, the emphasis is laid on that such children has equal rights as others. Scientists point that the given legal act is most consorted with international conventions and agreements. It can be explained that at first in this Law it was defined psychological and pedagogical accompaniment as a necessary condition of successful integration of a child with disability into society , and also need of social, pedagogical and psychological patronage domiciliary.

As it was mentioned above, in 2009 Ukraine ratified the UN Convention on the Rights of Persons with Disabilities, in which immediate is defined, that all contracting parties have to furnish implementation and development of inclusive education. In the Art. 24 it was pointed, that exhibiting countries of Convention have to furnish handicapped persons an access to the higher education, vocational education, adult education and education throughout the life cycle on a non-discriminatory basis on a par with others. In view of this, contracting parties have to furnish for such persons appropriate adaptation of the educational environment. Against this background, Ordinance of the Cabinet of Ministers empathized about creation of conditions as to integration of above-mentioned youth into the general educational environment. This assignment can be solved upon condition of creation special provisos – system of complex (correctional and rehabilitation, psychological and pedagogical, medical, technical and organizational) forwarding of the education of youth with special educational

needs. Albeit, for the national legislation definitions “inclusive education” and “inclusion” stay sufficient new and uncommon words.

Sum it up so far, we conclude that, Ukraine is extensively involved into the implementation of inclusive education, answering purposes of the international legal acts, but national legal framework needs an improvement. It is attributable to presence of legal provision collision. Secondly, in different legislative acts different meanings of definitions can be educed or even it can be absent.

5. Inclusive Education in Ukraine and Western European Countries: Areas of Common Interests and Divisions

Implementation of the inclusive education, education of persons with disabilities and special needs in foreign countries began far in advance of Ukraine. Because of it, the given experiment is the best method for improving and optimization the process of implementation and development of such education in our country. In particular, in the European countries over a number of years children with special needs, study at general regular establishments. In such aspect inclusive education is reflected, when all children apart of some their “characteristics”, study at general educational establishments. In such a manner, they adapt better to the output environment, they acquire all those competencies and knowledge, which are necessary and crucially – they are not isolated from their one-year conscripts, healthy children, which contribute to socialization. In such a manner, the European countries pose as some example for assimilation of experiment for Ukrainian model of inclusive education.

There are following steps of implementation and improvement on the legislative level process of organization of special education in Western European countries:

1871 – Denmark: Act on Compulsory Education of Deaf;

1842 – Sweden: Law on Primary Education, which provides an implementation of “minimal design” for “poor children” and “children with insufficient capability to acquire knowledge on a full scale, which is proposed by the educational system”;

1873 – Saxony: Law on Compulsory Education of Blind, Deaf, Intellectually Challenged;

1881 – Norway: Law on Compulsory Education of Deaf;

1882 – Norway: Law on Education of Intellectually Challenged;

1887 – Sweden: New version of the Law on Primary Education, which differentiates poor and feebleminded children;

1889 – Sweden: Law on Compulsory Eight-year Education of Deaf;

1896 – Sweden: Law on Compulsory Education of Blind;

1893 – England: Law on Elementary Education of Deaf and Blind;

1899 – England: Law on Education of Intellectually Challenged Children;

1900 – Prussia: Law on Compulsory Education of Deaf, Blind, Intellectually Challenged;

1913 – England: Law on Further Improvements in the Case of Tendence of Feebleminded Children and Other Intellectually Defective Persons;

1914 – Belgium: Law on Compulsory Education triggers an opening of state schools for intellectually challenged;

1923 – Italy: Law on Compulsory Elementary Education of Deaf-mute.

In general, scientists note that to XIX century nobody tried to teach and to treat children with development problems. They stayed at home with families, or just were given to the refuge. The first known attempt to teach such children made in 1800 French doctor Jean-Mark Itard. In 1830 in USA were created first schools for children with visually and hearing limitations; pupils at such establishments were isolated and studied special programs.

One of the first European countries, which recognized inclusive and integrated education, became Italy. Thus, in 1971 it was enacted new Law “On Education”, which immediate consolidated on the legislative level the rights of parents as to choice of the educational establishment and ensured state approval as to obtaining education by children with special needs. As professor Bella Banati noted, the given Law approved changes, which occurred in the life, inasmuch as it was required by the time. In

such a manner, as one can see, normative legal consolidation of the process of inclusive education implementation in Italy had happened 20-25 years earlier than in Ukraine.

The next stage of such education development became formulation of "On Education" Law Amendments of Italy, which had defined, that children, who have peculiarities of the development, have to go to school outside of their homes and study at classes with their one-year conscripts, and special classes in mass school are canceled. In 1987 the Constitutional Court of Italy defined the right of all pupils with disabilities to study in regular schools, and government authorities of all levels had to do fare-the-well within the limits of their competence for providing successful implementation of inclusive education at schools.

In Law dated by 1992, namely – Art.12-16, main principles of the inclusive education were defined. In particular, drawing-up of an individual educational plan with a glance to general lines of instructional project "of scholastic and social inclusion" became an indispensable prerequisite. Next step of the inclusive education improvement in Italy became an enactment of the Law in 2000, in which it was noted the following provision: any Italian school, which has the right to carry out educational activity, must submit for education all persons with special needs even with severely impaired, and the refusal of providing such services foresees criminal liability for the chief of the school. It should be noted, that depending of that, which diacrisis a child has, the Individual Education Plan is formulated. This plan contains an abstract of the process for rehabilitation and socialization of a child.

On the present-day stage of the inclusive education system development in Italy, there were created and functioned counselling services, fellow workers of which diagnose children, determining their needs, and render advisory and educational assistance. In a such manner, we can make a conclusion, that in contrast with national legislation, Italian legislation prohibits to refuse in provision of educational services for persons with disabilities, for what a criminal liability is foreseen. As for Ukraine, there is no a precise regulation of the issue of refusing such persons, not to mention an extent of accountability for such violation.

One of the countries, policy of the educational sphere of which bases and fully comply with the principles of fundamental international educational documents of the United Nations Organization and United Nations Educational, Scientific and Cultural Organization is France. Thus, in particular, in 1975 the law, which was oriented toward to the repletion of wants of people with disabilities was enacted. This law regulated the issue of compulsory education of children with disabilities. Children can acquire such education, according to the above-mentioned law, can at the regular school or the special educational establishments. The law under the general title "For Equal Rights and Facilities, Participation and Citizens of People with Disabilities" enabled systematic access to common law of persons with disabilities on all levels of social life, and state, in turn, has to furnish school education, higher or vocational education for children, youngsters and adults with special needs, and also the issue as for attraction to regular schools of children with disabilities.

Another country, which in the early seventieth of the last century approved fundamental legal documents, which certified, that every child with disabilities has the right to the choice of the educational establishment. A child should be provided by supporting of certain accompaniment and should be involved into educational process apart of child's sickness, became Germany. The main document, which regulated provisions as for joint organization of the education of children with developmental disorders and their one-year conscripts became "Recommendation on the Organization of Special Education" dated by 1972. In general, the educational process in Germany was organized by a single educational plan, which contains variable components for children with peculiarities, and in the educational process practically directed activity prevails, which lightens digestion of material. Inclusive education in Germany, as A. Krykun notes, bases on the following principles:

- fixed interest of community and parents' committees in the inclusive education implementation;
- presence of the corresponding dedicated system and advanced training of pedagogues system;
- concernment in the inclusive education organization of government agencies, which provide legal and material support.

Another country with robust system of the special education, which included special schools for children with visual and hearing impaired, musculoskeletal disorders, intellectual defects, emotional and volitional insanities and complex developmental disorders became Austria. In turn, in 1983 civilian communities, which waged for equality in obtaining of education, united into one community and wrote to the Ministry with a proposition as to realization of experiment – integrated education of children with special needs. The given idea was encouraged and experimental program was developed. It included: integrated classes, interacted classes; small-size classes and usual classes. The given experiment was measured quite positively and it was recognized, that integrated classes were the best models of such education. In particular, the adoption of the Law “On Education” of Austria became a result of the experimental research. It defined the rights of parents to the choice of the educational establishment for their child and regulated functioning of special and inclusive establishments. It should be emphasized that on this stage of the inclusive education development in Austria, children with disabilities study in regular establishments in general classes. What concerns special classes and establishments, only children with significant visual, hearing or intellectual impaired are taught there.

As to legal regulation of such educational type in Belgium, there is a definite distinction. Thus, an access to the education of children with disabilities is regulated by the Law “On Special Education” from 1970. Once again, in the given legislative act, as in all above-mentioned, it was established the right of parents to the choice of the educational establishment for education of their child. It is necessary to focus on differences in regulation of the inclusive education. In particular, in Belgium agencies of psychological, medical and social accompaniment were created. These agencies provided conclusion as to child’s future education in terms of narrow examination. It was the case of the issue of choice of mass or special educational establishments. Law “On Education” of Belgium legislatively formalized elimination of barriers between special and general educational systems: children with special needs studied in mass schools, or they attended some classes in regular schools. One more difference, which has positive character is that the given legal act foresees free compulsory education of such children for a term for twelve years, and in some circumstances – it could be continued. In a such manner, Belgium legislation clearly fixed rights of children with disabilities.

As to Sweden, in 1980 the government of state adopted the legal Educational Plan, which gave an opportunity to pupils with special needs to study at general schools. In a such manner, all special schools were prepacked and children studied domiciliary. In 1995 a network of schools began to function. This network charges 4 types: for children with moderate mental retardation; with mild mental retardation; with severe mental retardation and with profound mental retardation. It should be drawn attention to the fact that on the given stage of the development of special education in Sweden, deconsolidation of the network of special schools again happens.

In Great Britain the inclusive education was defined with the adoption in 1996 Act “On Education”. In Iceland the main legislative act, which regulates the issue of obtaining the education by persons with disabilities, was adopted in 1995. In Ireland in 1996 Act “On Education” was adopted, whereby the National Educational Psychological Service was created. In Portugal in 1997 on the legislative level the issue of functioning of schools with different forms of integrated and inclusive education was regulated.

In such a manner, analyzing the above-mentioned, we make a conclusion, that in mentioned countries on the legislative level the right to access and the order of access to education of persons with disabilities was regulated. In general, reformation and reorganization of the educational sphere happened after ratification of the international legislative acts.

6. Perspectives and Ways of the Legislative Framework Improvement of the Inclusive Education in Ukraine

On the legislative level a great attention is paid to the access of all children to education, right of children to education, their equality in the given right. But, nowadays there are many problems and limitations of the legislative framework as to ensuring of implementation of the right to education for children with disabilities, special needs. In particular, it should be noted on the problems of the inclusive education implementation in Ukraine by lack of proper regulation of legislative education.

Thus, firstly, as it was mentioned, there is a certain limitation of children with disabilities and their children as to choice of the educational establishments. However, in legislation it is written that parents at their own convenience can choose that educational establishment that they want or according to place of residence. At the same time, there are limitations as to that such children must study at special classes or at special schools. In other words, there is a certain limitation of parents and children in their right to choose freely the place of education of a child, which contradicts basic legal acts. So, it is necessary to fix the given question of provision collision using making amendments to the legal acts.

It should be noted that the biggest part of provisions of legal acts, which consolidate state guarantees as to delivering of educational services for children with disabilities, essentially remain principles and provisions, which are not provided by certain mechanism of implementation.

Generally, when it comes to definition of inclusive education in national legislation, and mentioning of the inclusive classes in Law of Ukraine "On Amendments to the Legislative Acts on General Secondary and Preschool Education as to Organization of Educational Process" is the only one definition. In the given legislative act is noted only that the Law of Ukraine "On General Secondary Education" should be complemented by the words "special and inclusive classes for education of children with special educational needs", at that not giving the definition, or even not explaining the principle of implementation.

The first indispensable step for successful implementation of the inclusive education in Ukrainian educational establishments is the improvement of the legislative base, which should provide equal rights of children with special needs circumstantial to the obtaining of qualitative education.

For the successful implementation of the inclusive education in national educational establishments, it is necessary to see about securing of appropriate conditions for children with special needs lodgment. It concerns, for example, special educational training aids of font Braila or the presence of ramp. In particular, implementation difficulties on practice of the inclusive education are related with the absence of sufficient number of specialized specialists.

According to the Constitution of Ukraine and international agreements in 2010 a Conception of the development of the inclusive education was developed, which aimed to solve important issues as to ensuring of the right to the equal education for children with special educational needs. In the given Conception it was defined, that the ways of development of the inclusive education in Ukraine are the improvement of legislative base, creation of conditions for unrestricted access to educational establishments, beginning from preschool one, preservation of the single educational space, bringing the educational work to the conformity of a child, family, prorated training of teaching staff to the work with children with special needs. Albeit of it, on this stage we do not see any changes in the improvement of legislative base, considering, that 5 years have passed. In the given Conception it was noticed on, that it is necessary to work out Typical provision on the order of organization of the inclusive education in regular educational establishments. None Typical provision or a project wasn't worked out, which complicates the solution of issues, which are related with legislative base of the inclusive education.

Conclusions

Conducted comparative analysis of the legislative base on the inclusive education in Ukraine and foreign countries leads to conclusions.

1. Analyzing the definition "inclusive education", we consider, that the most concretized is the next one: is a system of the educational services, which are based on the principle of the enforcement of main right of children to education and the right to study according to place of residence. It is supposed that children with special needs can study in regular establishments.
2. National legislation as to persons with disabilities consist of: Convention on the Rights of the Child; the Constitution of Ukraine; Laws of Ukraine "On Education", "On the Fundamentals of Social Security of the Disabled in Ukraine", "On Rehabilitation of the Disabled in Ukraine", "On General Secondary Education"; UN Convention on the Rights of Persons with Disabilities and others.

3. Analysis of the legislation of foreign countries as to inclusive education suggests on their adaptability to the international principles and provisions. In particular, in Italy on the legislative level there were fixed the rights of parents to the choice of the educational establishments.
4. The characteristic of national and foreign legal acts showed, that the implementation of the inclusive education into national schools characterized by maximum involvement of the state to the systematic problem solving, but there are no strict mechanism of the given process realization.

References

- [1]. Armstrong, F., Barton, L. 2007. Policy, Experience and Change and the Challenge of Inclusive Education: The Case of England. *Policy, Experience and Change: Cross-Cultural Reflections on Inclusive Education. Series Inclusive Education: Cross Cultural Perspectives* 4: 5-18.
- [2]. Chimedza, R. 2007. Disability and Inclusive Education in Zimbabwe. *Policy, Experience and Change: Cross-Cultural Reflections on Inclusive Education. Series Inclusive Education: Cross Cultural Perspectives* 4: 123-132.
- [3]. D'Alessio, S. 2011. Inclusive Education and Special Needs Education. *Inclusive Education in Italy. Series Studies in Inclusive Education* 10: 23-42.
- [4]. D'Alessio, S. 2013. *Researching Disability in Inclusive Education. Purpose, Process and Future Direction of Disability Research. Part of the series Studies in Inclusive Education*: 89-106.
- [5]. Feyerer, E. 2002. Computer and Inclusive Education. *Computers Helping People with Special Needs. Series Lecture Notes in Computer Science* 2398: 64-67.
- [6]. Hornby, G. 2014. Developing a Comprehensive System of Inclusive Special Education. *Inclusive Special Education* 1: 161-169.
- [7]. Hornby, G. 2014. From Inclusion and Special Education to Inclusive Special Education. *Inclusive Special Education* 1: 19-40.
- [8]. Hornby, G. 2014. Inclusive Special Education: The Need for a New Theory. *Inclusive Special Education* 1: 1-18.
- [9]. Lavia, J. 2007. Inclusive Education in Trinidad and Tobago. *Policy, Experience and Change: Cross-Cultural Reflections on Inclusive Education. Series Inclusive Education: Cross Cultural Perspectives* 4: 107-122.
- [10]. Liasidou, A. 2015. Sustainable Inclusive Education Reforms. *Inclusive Education and the Issue of Change. Part of the series Policy and Practice in the Classroom*: 105-115.
- [11]. Mateu, J., Bello, M.J.L., Alamán, X. 2014. Virtual Touch Book: A Mixed-Reality Book for Inclusive Education. *Ubiquitous Computing and Ambient Intelligence. Personalisation and User Adapted Services. Series Lecture Notes in Computer Science* 8867: 124-127.
- [12]. Mateu, J., Lasala, M.J., Alamán, X. 2013. Tangible Interfaces and Virtual Worlds: A New Environment for Inclusive Education. *Ubiquitous Computing and Ambient Intelligence. Context-Awareness and Context-Driven Interaction. Series Lecture Notes in Computer Science* 8276: 119-12.
- [13]. Mathias B.A. 2015. *Inclusive Education for the Disabled. Disability Studies. Part of the series Innovations and Controversies*: 105-116.
- [14]. McComas, W.F. 2014. Inclusive Science Education. *The Language of Science Education* 1: 48-58.

- [15]. Mitchell, D., Desai, I. 2003. Inclusive Education for Students with Special Needs. *International Handbook of Educational Research in the Asia-Pacific Region. Series Springer International Handbooks of Education* 11: 203-215.
- [16]. Nes, K. 2003. Why does Education for all Have to be Inclusive Education? *Inclusion, Participation and Democracy: What is the Purpose? Series Inclusive Education: Cross Cultural Perspectives* 2: 67-80.
- [17]. Ruairc, G.M., Ottesen, E., Precey, R. 2013. Leadership for Inclusive Education. *Leadership for Inclusive Education. Series Studies in Inclusive Education* 18: 1-5.
- [18]. Setti, A.F.F., Azeiteiro, U.M. 2016. Education for Sustainable Development in Brazil: Challenges for Inclusive, Differentiated and Multicultural Education. *Biodiversity and Education for Sustainable Development. Part of the series World Sustainability Series*: 237-248.
- [19]. Slee, R. 2007. It's a Fit-up! Inclusive Education, Higher Education, Policy and the Discordant Voice. *Policy, Experience and Change: Cross-Cultural Reflections on Inclusive Education. Series Inclusive Education: Cross Cultural Perspectives* 4: 177-188.
- [20]. Timmons, V. 2007. Towards Inclusive Education in Canada. *Policy, Experience and Change: Cross-Cultural Reflections on Inclusive Education. Series Inclusive Education: Cross Cultural Perspectives* 4: 133-146.



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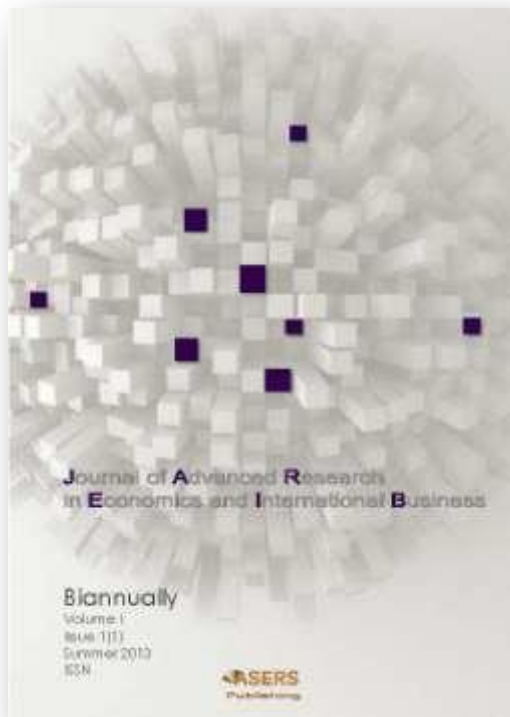
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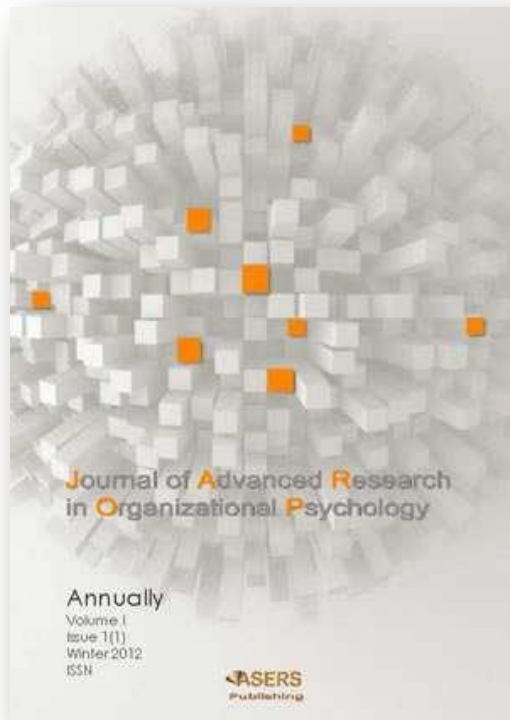
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