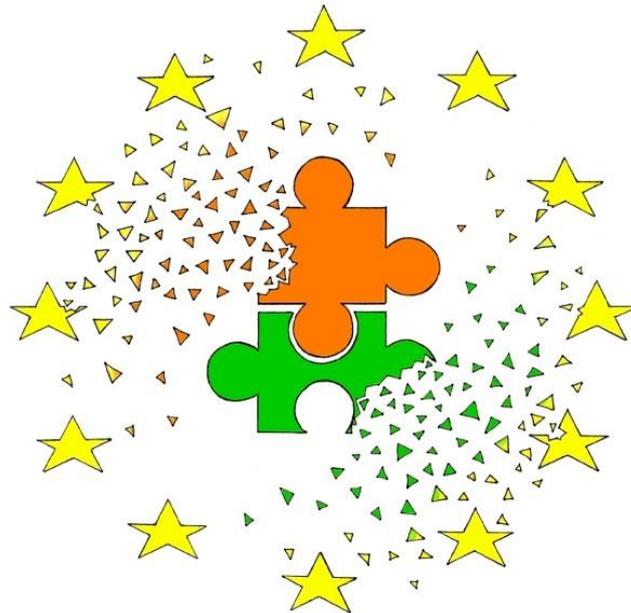




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Chapter 1

Policy Framework of the Learning Disabilities in Math



SMILD

Developed in the framework of the European project

SMILD

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Introduction

It seems consensual throughout Europe that “the fundamental principle of the inclusive school is that all children should learn together, wherever possible, regardless of any difficulties or differences they may have” and that “inclusive schools must recognize and respond to the diverse needs of their students, accommodating both different styles and rates of learning and ensuring quality education to all through appropriate curricula, organizational arrangements, teaching strategies, resource use and partnerships with their communities” [1].

Special education is guided by the European principles defined by European Union, and their underlying principle is based on several international resolutions, such as the Salamanca Statement and Framework for Action on Special Needs Education [1]. Those principles can be summarised under three fundamental rights: the right to education for all children with Special Educational Needs - SEN (no matter how complex the disability is, the student should have access to the mainstream education system), the right to equality (the inalienable right of all children to equal opportunity in gaining access to and achieving success in education with adequate support to each individual’s needs) and the right to be part of society (each school must find the right solutions for the needs of each individual and students with disabilities should preferably be included in the mainstream teaching system, special schools being the exception).

Although the rights of students with Special Education Needs (SEN) are thoroughly enunciated in the legislation of the three considered countries – Italy, Poland and Portugal – there seems to be no reference on how to address the case of students with the type of specific learning disorders such as dyslexia, dysgraphia or dyscalculia, that compromise the ability to put thoughts into written words, spelling, reading comprehension, math calculation and math problem solving, with serious impact in everyday activities [2].

Apparently, the procedure, when in the presence of a student with difficulties that can be related to one or more of the disorders mentioned above, is somehow random and dependent on the dynamics of each school, leaving the teachers and educators a little lost amidst a large number of generic laws not specifically conceived to address the situation. The legislation of each country, for these students, it is summarized below.

1. Constitutional principles and legislation for students with learning disabilities: The Italy Framework

The Constitution states that the Italian Republic guarantees school for all (Article 34) and requires that the mandatory duty of solidarity be fulfilled (Article 2). Moreover, it states that it is the ‘duty of the Republic to remove any obstacles constraining the freedom and equality of citizens in order to ensure the full development of the human person’ (Article 3).

The Ministry of Education, Universities and Research (Ministero dell'Istruzione, dell'Università e della Ricerca or MIUR) assures the uniformity of national educational by issuing general educational goals, specific learning goals according to students’ skills, the minimum national curriculum, standards for the quality of educational services, and general criteria for student assessment. [x]

According to their autonomy, schools can be flexible in adapting teaching time, curricula and didactics to pupils’ specific learning needs. They can also provide extra-curricular education and activities according to their cultural, social and economic context.

Although it acknowledges the existence of specific learning disorders, Italy’s legislation does not describe specific educational policies addressing learning disabilities in mathematics; when such issues arise, the approach follows the legislation addressing general learning disabilities, within a vision of “inclusion”. The diagnosis about the existence of



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learning disabilities is directed to two specific educational domains: Math and Italian language. For each of these areas, different diagnosis tools are used. Such tools differ according to the age of the student and they are applied only by certified psychologists.

From this perspective, there are three main ministerial directives:

- "Intervention tools for students with special educational needs and territorial organization for school inclusion", Ministerial Directive 2012 [3]
This document describes a directive concerning the methods of intervention for schools' teachers of all levels, in order to promote the school inclusion of students with disabilities. Under the category of disabilities, the ministry includes a wide group of students among which students with Moderate Learning Disabilities (MLD) are included. This directive addresses and extends the ways in which teachers may intervene, as well as the adaptations of the curricula. It also provides important indications regarding the territorial organization for.
- "Students with special educational needs. Clarifications", Ministerial Circular 2019 [4]
This document describes a shared tool (called Personalized Teaching Plan) that allows each student to dialogue and cooperate with the class group and to define some tools to help learning, within the scope of an inclusive educational plan as well as the extent of the educational co-responsibility of each school component. In addition, the document also describes how to design the envisaged educational goals and determines that they should be achieved according to the rhythm and learning style of each considered student.
- "New rules on Specific Learning Disorders in schools", Italian Law 2010 [5]
This law recognizes dyslexia, dysgraphia, dysorthography and dyscalculia as specific learning disorders, which occur are compatible with the presence of adequate cognitive skills, in the absence of neurological pathologies and sensory deficits, but that can constitute an important limitation for some activities of daily life.
The governmental norms [6-9] contain regulations directed to the integration of those students with general learning disabilities.

2. Constitutional principles and legislation for students with learning disabilities: The Polish Framework

The Polish educational system is governed by Acts of Parliament and Regulations adopted by the Minister of National Education, responsible for school education (as well as the Minister of Science and Higher Education, not under the scope of this overview).

Although the legislation determines that schools are obliged to provide psychological and educational support to every learner who needs it and the description of the framework in which such principles are applied is quite detailed (as well as the concern with assuring the requirements of each student's individual developmental and educational needs), there is no reference to the needs of students with specific learning disabilities.

The main acts that regulate key aspects of education, for instance, the structure, board and financing of the educational system [10] and all issues identified with the organisation of education and curricula are: The School Education Act of 1991; The Teachers' Charter of 1982 and the recently enacted Law on School Education of 2016.

Other key Acts are: the Act on Financing Education of 2017 and the Act on the Educational Information System of 2011.

The guideline given by the Minister of National Education on 9/8/2017 [10] on the conditions for sorting out training, organising education, upbringing and caring for children with disabilities (and other issues such as behavioural problems or danger of behavioural issues) contends that the primary rule to be followed is assuring the existence of shared moments to strengthen the inclusion of students with special needs, give them contact with peers and permit them to take an interest in the dynamics of school life.



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The Constitution of the Republic of Poland [10] determines that education is compulsory until the age of 18 and determines the fundamental rights and freedoms concerning the right to education:

- Every individual has the right to education.
- Education in public schools and higher education institutions is free.
- Public authorities ensure universal and equal access to education; to this end, they provide financial and organisational support to learners.
- Learners with disabilities and those with behavioural problems have the right to learn at all types of schools.

Learners have the right to adjustment of the contents, methods and organisation of education to their own abilities, and the possibility to avail of psychological and pedagogical support and special forms of didactic work as needed (Educational Law of 14 December 2016, art. 1) [10].

Learners with SEN have the right to pass external examinations in conditions adjusted to their needs; learners with disabilities also have a right to adjusted forms of examination (Education System Acts of 7 September 1991, art. 44) [10].

Teachers shall take into account the educational needs and psycho-physical abilities of learners with disabilities when they are choosing textbooks, educational materials or teaching materials (Education System Acts of 7 September 1991, art. 127) [10].

The Individual Educational and Therapeutic Programme (IPET) is developed in all types of schools, at all level of education, for every learner who needs special education and work methods, determined according to the decision of a clinical panel. The IPET is drawn up by the team of teachers and specialists who will conduct activities with the student. It is not clear, though, if students with diagnosed specific learning disabilities such as dyslexia, dysgraphia or dyscalculia.

3. Constitutional principles and legislation for students with learning disabilities: The Portuguese Framework

It is clearly expressed in the Portuguese legislation that education for all based on the protection of individual rights, through the full participation and co-operation among all actors involved in the educational process, is mandatory.

An important milestone was the creation, in 1946, of the first special classes in primary schools, initially for learners with physical or intellectual disabilities. Later, learners with learning difficulties and mild disabilities were included in the group and the first courses to train specialized teachers started in the 60s. The replacement of dictatorship with democracy, in 1974, allowed the growth of parents' associations', supported by specialists and teaching staff; it was important in developing socio-educational activities and organising and creating schools for students with disabilities.

In the early 1970s, the Ministry of Education began discussing legislation specifically addressed to educational structures for students with disabilities and students with learning difficulties and specific departments for special and vocational education were created within the structure of the Ministry. Among other tasks and duties, the Ministry decided to give its support to the above-mentioned schools and to assume responsibility for providing specialised teacher training for those working with learners with disabilities.

In spite of these somehow precocious concerns, special education teams were only recognised in 1988 with the publication of the Joint Order No. 36/SEAM/SERE/88, that aimed to develop integrated teaching for children with disabilities and adolescents with sight, hearing or physical impairments and, later, for those with intellectual disabilities. Although Portuguese legislation currently makes it mandatory to the adapt teaching methods and methods of evaluation (according to the characteristics of the student with SEM - sight and hearing limitations, intellectual limitations, mental illnesses, neuro-musculoskeletal and movement-related limitations and voice and



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speech limitations), the procedure to be adopted for students with specific learning difficulties like dyslexia, dysgraphia or dyscalculia is not determined.

The Education Act - Law No. 46/86, 14 October - recognizes special education as a specific subclass of education that facilitates the socio-educational integration of individuals with SEN.

Law No. 319/91, 23 August, called for regular schools to take greater responsibility in the problems of students with general disabilities or with learning difficulties and recognised the parents' role in their children's educational path.

Law No. 20/2006, 31 January, defines the procedures regarding the teacher placement application system, creating a special education recruitment group for the first time.

Law No. 3/2008, 7 January, defines the specialised support provided in state, private and co-operative educational institutions to guarantee the creation of the conditions to adjust the educational process to the special needs of students with limitations. It states that the school must respond to the diversity of characteristics and needs of all learners and promote their educational success. It also advocates significant changes in the common curriculum for students in need, which may mean: the prioritisation of certain areas or contents over others; the elimination of certain goals and contents; the introduction of complementary content and goals regarding very specific aspects (i.e. non-verbal communication, the use of support technology in communication, mobility, accessibility).

Law No. 201-C/2015, 10 July, reinforces that the definition of goals, strategies and evaluation should always be directed towards allowing the maximum use of the capabilities of the students and their expectations, interests and preferences.

All articles from the Portuguese legislation cited above can be consulted (in Portuguese) in [11].

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[10] Sejm of the Republic of Poland, <http://www.sejm.gov.pl/>

[11] Diário da Republica, <https://dre.pt/>

[12] Ministero dell'istruzione, dell'università e della Ricerca, "Missione e Funzione", <https://www.miur.gov.it/web/guest/missione-e-funzione>



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