

The Politics of Special Education in Portugal

Introduction

We can say that inclusion education in Portugal is an on-going process with much fragility, especially in what concerns to conditions, resources, specialized teachers and financing which can be real obstacles to the inclusive practice of Special Educational Needs (SEN) pupils.

Since 1990s, Portugal has been improving best conditions for SEN pupils to access mainstream education and to benefit from quality learning. Nowadays inclusive school basic principles are unquestionable. The policy guidelines related to education, inclusion, rehabilitation and integration of pupils with SEN, during the years, have been responsibility essentially of three ministries, health, social security and education. Special Education is primarily of two ministries, the Ministry of Education and Ministry of Employment and Social Solidarity.

Special Education is guided by the principles of legislation, the Education Act, Law No. 46/86, Decree-Law No. 35/90; Decree-Law No. 3/2008, – and the underlying philosophy based on international resolutions such as the Salamanca Statement on Principles, Policy and Practice in Special Needs Education, the objective is of Education for All and it considers fundamental policy shifts to promote the approach of inclusive education, namely enabling schools to serve all children, particularly those with SEN.

These principles can be summarised under three fundamental rights:

1. The right to education: all children with SEN, even as the result of a problem (or problems) in a particular area of development, have the right to education. At compulsory school age, education for children and adolescents with SEN, no matter how complex they are, should be provided within the education system.
2. The right to equality: the inalienable right of all children to equal opportunity in gaining access to and achieving success in education, without any type of discrimination, and with educational resources and support adequate to the individual needs of each one.
3. The right to be part of society: it is a principle that they have the right to attend mainstream schools of education, which from the perspective of school for all, find the right solutions for the needs of each individual. The rule is that preferably these handicapped children should be included in the mainstream teaching system, with the solution of special schools being the exception, only when all means for keeping pupils in the normal school alongside their peers have been exhausted.

Context

Education in Portugal is free and compulsory from Basic to Secondary.

The Pre-primary education is considered the first stage of the Portuguese education system and is aimed at children aged between 3 to 5 years old. In 2009, the universality of pre-primary education for all children over 5 years old was established but attendance is never compulsory. The state, private and cooperative bodies, private social solidarity institutions and nonprofits' institutions provide the preschool network.

Compulsory education begins at the age of six and lasts for 12 years. It encompasses Basic Education (single structure system) and Secondary Education. Basic Education lasts for 9 years and is divided into three cycles: first cycle that corresponds to the first four years of schooling; second cycle that corresponds to the next two years (these two cycles together correspond to primary education); and, third cycle that lasts for three years and corresponds to Lower Secondary Education. The articulation of the three cycles is sequential and each cycle should complete and deepen the previous one, within a global perspective. Secondary Education lasts for three years and corresponds to Upper Secondary Education. It can be organized in different paths, comprising courses aiming at preparation for working life or further studies

Higher Education is structured according to the Bologna principles and aims to ensure a solid scientific and cultural preparation plus technical training that qualifies students for professional and cultural life while developing their capability to innovate and make critical analysis. Higher Education includes university and polytechnic education. Public, private and cooperative university institutions offer university education and polytechnic education is offered by public, private and cooperative institutions.

The level of education during school age, the rights and duties are the same both for students with SEN or for children without disabilities.

Taking into account the fragility of the disabled population there are special quotas areas, such as:

- The priority in the frequency of kindergartens to the public network of the Ministry of Education;
- Permission to enter the primary education a year later than is required (upon a request from the parents and an opinion of teachers and educational support technical and specialized services);
- The possibility to register in a school district different from the one of residence that provides better access to resources and pedagogical support to facilitate integration of students with SEN;
- The possibility of referral to special education institutions where the official school proves unable to meet or satisfy the needs of these students (provided they are first exhausted all other resources and for special education which has proven to result in benefit to students

with SEN);

- Access to an educational system, which consists of special equipment and special compensation, materials and curriculum adaptations, special assessment, fitness classes or the organization of classes and special education;
- The right to full exemption of tuition, fees and charges related to registration, certificate of attendance and utilization during compulsory schooling and the right to secure additional support and education to promote equal opportunities;
- The right to special quotas of places for applicants to higher education with physical or sensory disability.

Apart from all these benefits, there is still a requirement that either the registration or attendance in basic education ends with the attainment of their diploma or certificate or because the students make up 15 years of age during the school year, in which it is entered (excluding the situations that can delay enrolment). The composition of the classes in which the student is integrated with SEN cannot exceed 20 elements and should not be made with more than two elements with SEN (unless adequately substantiated exceptional cases).

Legal Framework

Pupils with SEN are subject to compulsory schooling and cannot be exempted from its frequency. It includes the ability to have additional supports to encourage equal opportunities in school. With the exception of pupils with specific individual curriculums, all pupils with special educational needs are subject to the system of transition of year common in mainstream education. Pupils with specific individual curriculums are subject to specific assessment criteria defined in the respective individual educational programme.

The Education Act (Decree-Law No. 46/86), assumes special education as a specific type of education that facilitates the socio educational recuperation and integration of individuals with special educational needs caused by physical or mental disability:

- Including such pupils in the mainstream schooling system, as the educational strategy adopted for pupils with special educational needs, was enshrined in Law No. 9/89, Law on the Prevention, Rehabilitation and Integration of Disabled Persons.
- Decree-Law No. 35/90 stipulates that students with special educational needs, resulting from physical or mental disabilities are obliged to attend compulsory schooling.
- Decree-Law No. 3/2008 defines the specialised support provided in state, private and co-operative pre-school, compulsory and upper-secondary education with the aim of creating the conditions to adjust the educational process to the special educational needs of pupils with major limitations in terms of activity and participation in one or more areas.
- Decree-Law No. 301/93 consecrates the compulsory attendance of basic education by

students with SEN.

- Decree-Law No. 95/97 amended by the Joint Order No. 198/99 defines the legal basis of specialised training for nursery, primary and secondary teachers.
- Joint Order No. 495/02 identifies the organisation of the teaching component for teachers in special education and teaching, as well as teachers working in other areas of educational support at the pre-school and basic education levels.
- Decree-Law No. 20/06 defines the procedures regarding the teacher placement application system creating the special education recruitment group for the first time. It repeals the Decree-Law No. 35/03.

Decree-Law No. 3/2008 defines the specialised support given to pupils with permanent SEN and is implemented via the following measures:

- Personalised pedagogical support
- Individual curriculum adjustment
- Adjustment to the enrolment process
- Adjustment to the assessment process
- Individual specific curriculum
- Support technology

In the Resolution of the Council of Ministers No. 120/06, and Decree-Law No. 3/2008, 7th January, the specific types of education for the blind, partially sighted, deaf and those with multiple disabilities and problems of autism include:

- Special schools for bilingual education of deaf students and for the education of blind and partially sighted pupils;
- Structured teaching units for teaching pupils with autism and specialised support units for pupils with multi-disability and congenital deafness and blindness.

Admission Requirements and Conditions

Children and young people with permanent SEN benefit from special access and attendance conditions:

- They have priority in terms of enrolment and can attend nursery schools or mainstream schools regardless of their area of residence;
- In exceptional and duly justified circumstances, they can postpone enrolment for the 1st year of compulsory education for one year (this is non-renewable);
- They can sign up for individual subjects in the 2nd and 3rd cycle of basic education and upper-secondary education, as long as the sequence of mainstream education is

maintained.

- In the cases where the application of measures foreseen in Decree-Law No. 3/2008 are proven to be insufficient, due to the type and degree of the pupil's disability, those involved in the assessment can suggest that the pupil attend a special school. The number of pupils supported in each unit (teaching units structured for teaching pupils with autism and specialised support units for pupils with multi-disabilities or congenital deafness and blindness) should not exceed six.

Individual Educational Programme and Curriculum

An Individual Educational Programme is defined for pupils with permanent SEN. The IEP documents the specific needs of each pupil and stipulates and justifies the educational response and the respective form of assessment. The application of any form of adjustment to the teaching and learning process is not permitted without one.

The special education teacher and parents or guardians draw up the IEP by the teacher responsible for the group or class or by the class tutor, depending of education level that the pupil attends, which means by whoever knows the pupil best and whoever works directly with them. For it to be implemented, it has to be approved by the pedagogical council and have the express agreement from parents or guardians.

Whenever pupils have permanent SEN, which prevent them from acquiring the learning and competencies defined in the common curriculum, three years before they reach the age limit for compulsory education, the school should complement the Individual Educational Programme with an Individual Transition Plan (ITP).

The first phase of the ITP is to discover the wishes, interests, aspirations and competencies of the respective young person. Based on this data, and in relation to the pupil's capacity to exercise a professional activity, this phase includes an assessment of the needs of the job market in the young person's community and the seeking of training opportunities or real work experience.

Once the possibilities of training or internships are registered, it is important to identify the competencies (academic, personal and social), adjustments and special equipment required. After this assessment, it is necessary to establish protocols with the services and institutions where the young person will train or be an intern, to define the tasks they will do, the competencies required and the support needed to achieve these tasks, if and when necessary. With regard to young people whose disabilities do not allow them to work, research should focus on finding occupational activity centres that can provide activities that interest them and are appropriate for their individual competencies.

The reform of the Portuguese vocational training system lead to the national strategy New Opportunities, which was launched in 2005 to improve the level of qualification of the Portuguese population. They adopted an integrated education and vocational training policy aimed at generalizing secondary education as a benchmark for the qualification of young people and adults and their integration in a globalised society of knowledge.

Persons with disabilities are also a priority of this programme and are included in its scope, although there are some specialized treatments according to needs.

Some protocols were signed for the creation of New Opportunities Centres specialized according to certain groups of people with disabilities. The aim of these protocols is to adapt and develop the orientation of Recognition, Validation and Certification Centres to secondary schools, adapted to the characteristics of people with disabilities.

Statistic data

Indicators 2009	N.º
Teachers of Special Education	4.779
Schools of Reference for bilingual education of deaf students	20
Schools of Reference for the education of blind and partially sighted pupils	52
Structured teaching units for pupils with ASD	187
Specialised support units for pupils with multi-disability	292
Children in Early Intervention	4.335
Teachers in special Education Schools	264
Resource Centres for Inclusion	74
ICT Resource Centres for Special education	25
Technicians placed in the system (occupational therapists, speech therapists, physiotherapists, psychologists, trainers and interpreters of Portuguese Sign Language)	1.289

SNE Pupils – 2009	N.º	%
Pupils – Compulsory School (including the SEN)	1.235.464	
SEN Pupils With IEP	31.776	2,6
Pupils at Special Education Schools	2.392	0,2
Pupils at Public School in Specialized Units	2.115	0,2

Conclusion

Teachers, parents and politicians recognize that traditional, formal models can lead to segregation and discrimination making social and educational integration difficult for disabled people. However, in order to maintain and develop quality education for these pupils it is important not only to preserve the availability of specialized human resources and specific tools but also to implement severe changes in the schools organization and in pedagogical practice.

This is not a direct process and although inclusive education principles are considered unquestionable, there are some weaknesses in the way they are put into practice. The concept of special educational needs apply to every child or young person showing any learning difficulty any time during their academic life. The comprehensive nature of the concept created some problems in schools during detection of needs and in the process of evaluation due to the lack of rigorous criteria and tools for proper selection of cases. It can assume different meanings in different contexts, allowing some pupils to be considered as SEN pupils even if they do not show any considerable problem. Others pupils that really have special needs

sometimes are not being conveniently cared of.

These aspects have raised some voices who argue about the lack of conditions in mainstream schools to meet the needs of these learners, highlighting the difficulty in getting specialized resources and the lack of specialized mainstream teachers' training as effective obstacles to inclusive practice.

This division of opinions does not aim at bringing back the traditional models, but to improve the quality of education offered to SEN pupils in mainstream school settings.

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Sources:

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European Agency for Development in Special Needs Education