

DEVELOPING AND IMPLEMENTING THE INCLUSIVE POLICY IN UKRAINE AND THE US LEGISLATURE

Inclusive education has become one of the widely discussed issues in the world community. Since the time it gained its independence Ukraine has struggled with introducing inclusive education providing equity in public education for students with disabilities. However, the Ukrainian legislature was not always compliant with international standards. This article emphasizes the importance of state act clarity that ensures effective mechanisms to realize the acts and bring them in line with international standards. By outlining the Education for All Handicapped Children Act of 1975 (USA) it emphasizes the strength of the law that proved effective in providing free public access to education for children with disabilities.

Key words: *inclusive education, legislature, children with special educational needs, special education, public education, disability.*

Introduction. Ukraine as an independent country ratified important international documents related to the development of inclusive education including UN Convention on the Rights of the Child ratified in 1991 [3], UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities signed in 1993 [11], Salamanca Statement and Framework for Action on Special Needs Education joined in 1994 [10], UN Convention on the Rights of Persons with disabilities ratified in 2009 [4]. However, the issue of inclusion still requires much attention. The number of children with disabilities is increasing by 0,5% with every year and accounts for 2% of total population or 167,059 children. As it was stated at the Parliamentary hearings there was a growing need for new democratic teaching approaches free from segregation and discrimination. There was a call for urgent measures to eliminate social and architectural barriers and provide related services to meet social needs of children with disabilities. The legislative regulation was stated to become the priority for Ukraine legislatures' [2].

Importance of Topic. Research aim is to analyze the Ukraine legislature related to inclusive education, to identify the causes that make these acts ineffective and discuss how the provisions of the US Education for All Handicapped Children Act made the USA one of the leading countries in providing free public education for almost 96% of persons with disabilities.

Recent research. The issue of legislature in inclusive education has been widely discussed by Ukrainian and foreign scholars. R. Sopilnyk focused on the importance of judicial reform in Ukraine that would empower the judicial branch to interpret the laws and make sure that the laws are fair and are understood [5]. O. Ponomariova [outlined the main international documents that required every state stop segregation and provide free access to education for people with disabilities [1]. P. Weishaar and M. Weishaar gave comparative analysis of political policy and social issues affecting the foundations of law for inclusive education in the US and Ukraine law systems [12]. S. Philips studied how the special education developed in Ukraine, following historically imposed segregated system [7]. S. Raver emphasized on challenges Ukraine educators face when providing inclusion for students with disabilities in Ukraine [8]. The extensive research carried to study the issue of inclusive education produced different definitions, yet the differences in the understandings and definitions of key concepts add to the confusion over their meaning. This paper is a direct response to the need for clarification epy in inclusive education as given in Ukraine acts of law. The field of general and special education will benefit from analysis of key concepts related to inclusive education. It will also assist in identifying the challenges the Ukraine inclusive education legislature faces.

Results. Ukraine legislature. Although Ukraine has passed several acts and hundreds of orders, regulations and guidelines since 1991 to introduce inclusive education in Ukraine, the situation with providing access to free public education for students with disabilities is far behind the international norms. One of the challenges in discussing inclusive education related terms in acts of law is inconsistency in labeling people/children with disabilities. We may suggest that the variety of terms in the legislature prove some changes in the society awareness of the problem. The terms that were used in acts, decrees, orders, and regulations by year include: 1991 – ‘child-invalid’, ‘children with physical or mental developmental impairments’, 1996 – ‘children who need correction of mental or physical development’, 1999 – ‘children with special needs’, 2001 –2003 – ‘children with limited abilities’, ‘children-invalids’, ‘children with physical or mental developmental impairments’, ‘children who need correction of mental or physical development’, ‘people in difficult conditions’, 2004 – ‘pupils with special educational needs’, 2005 – ‘children with limited abilities’, 2006 – ‘persons with invalidity’, ‘persons who need correction of mental or physical development’, ‘persons with special educational needs’, ‘children with limited abilities’, ‘children with limited functional abilities’, ‘children who need social and psychological correction’, 2007 – ‘children with limited physical abilities’, ‘children-invalids’, 2008 – 2009 ‘children-invalids’, ‘persons who need correction of mental or physical development’, ‘children with limited physical abilities’, ‘persons with special educational needs’, ‘pupils with developmental disorders’, 2010 – 2013 ‘children with special educational needs and all medial categories’, ‘children with limited physical abilities’, ‘children with invalidity’, ‘persons with invalidly’, ‘children with special educational needs’, ‘children-invalids’, 2014 – ‘persons with special educational needs’ is first defined in “Higher Education Act” (passed July, 1, 2014) as a person with invalidity who needs additional support to be able to receive higher education. It may seem that the law doesn’t require labeling for students to be eligible for special education in the inclusive classroom, thus introducing more misconceptions and ambiguity.

Having the abundance of labels referred to persons with disabilities, the acts lack other definitions related to inclusive education or describing mechanisms of merging special and general education. There is no separate legislature focused on the issue of inclusion. The terms and concepts related to inclusive education are used occasionally, as if by chance in other regulations and worded out in such a way that people without special training in interpreting laws find it difficult to understand.

The newly passed Higher Education Act (July, 2014) contains some provisions for ensuring free access to education for people with disabilities. However, the issue of inclusion doesn’t attract educator’s attention as much as it should be. Although, the Ministry of Education urges the universities to develop recertification programs for people who became disabled in the war against Russia, little progress has been made so far.

The situation with the inclusive education legislature is the reflections of the complicated political situation in Ukraine. The 23 years of independence have been marked by continuous struggle for power, with presidents trying to reduce legislature’s power. Little cooperation among the opposition factions, little presidential interest in strengthening any party resulted in fragmentation and weakness of the legislature. The state couldn’t formulate the policy and lacked any ability in reforming process.

The USA. Examination of the statistics from the U.S. Department of Education shows that most students with disabilities (about 96%) spend some of their day in the regular education classroom. Furthermore, the trend between 1990 and 2000 was to serve more children in less restrictive environments. The percentage of students being educated outside the regular class is less than 21% of the day - students with disabilities who were educated in the regular education class up to 80% of the day increased from 33% to 46%. In comparison, the percentage of students being educated in all other environments decreased. The percentage

of students with disabilities served outside the regular classroom 21% to 60% of the school day decreased from 36% to 30%, the percentage served outside the classroom more than 60% of the school day decreased from 25% to 20%, and the percentage of students educated in separate environments decreased from 6% to 4%. The trend over this decade is to educate more students with disabilities in less restrictive environments [6]. These results are due to the civil rights movement for equal rights that resulted in passing and enacting the federal legislature for children with disabilities the Education for All Handicapped Children Act or Public Law 94-142.

As many compassionate educators in Ukraine strive to include more children in general education setting and as public movement proved to be effective in initiating changes, the need for more information about the structure and mechanisms of efficient legislation acts increases as well.

The Education for All Handicapped Children Act is said to have changed the face of education in the country. The awareness that laws and regulations calling for special education and related services have little or no value if the schools lack the financial resources to provide them was clearly reflected in the Act. \$ 100,000,000 was appropriated for the fiscal year 1974 and \$ 200,000,000 for the fiscal year 1977 to carry out the provisions of the Act. The justifications for the allocations include statistics of more than 8,000,000 handicapped children in the United States in 1975, the need to fully meet the special educational needs of such children. The Act also claimed that about one million of the handicapped children were excluded entirely from the public school system; there were many handicapped children participating in regular school programs, whose handicaps prevented them from having a successful educational experience because their handicaps were undetected. It was stated that the country had advanced developments in the training of teachers and in diagnostic and instructional procedures and methods and with appropriate funding State and local agencies could and would provide effective special education or related services to meet the needs of the handicapped children. The provision of special education programs or related services to meet the needs of the handicapped children was considered to be the national interest.

The Act contains terms and definitions. The special education is defined as a specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instructions and instruction at hospitals and institutions. The term 'related services' means transportation and such developmental, corrective and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education and includes the early identification and assessment of handicapping conditions in children. The term 'free appropriate public education' means special education and related services which have been provided at public expense, under public supervision and direction, and without charge, include an appropriate pre-school, elementary, or secondary school education, and are provided in conformity with the individualized education program. The term 'individualized education program' means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and, whenever appropriate, such child, which statement shall include a statement of the present levels of educational performance of such child, a statement of annual goals, a statement of the specific educational services, and the extent to which such child will be able to participate in regular educational programs, the projected date for initiation and anticipated duration of such services, and appropriate

objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved. The terms 'excess costs', 'native language', 'intermediate educational unit', and 'average per pupil expenditure' are explained too [9].

The Act proved to be efficient and by 1986 the states were serving 70% of preschool children with disabilities. However, early intervention services for infants and toddlers in many states were scarce or non-existent. In 1986 Congress included provisions in the Education of the Handicapped Act Amendments to expand services for these segments of population. Two more reauthorizations took place in 1997 and 2004 when Congress reaffirmed the nation's commitment to a system of early intervention services. The encouragement was in the form of gradually increasing amount of federal money awarded to states that identified and served all the infants and toddlers with disabilities. The early interventions were implemented according to an individualized services family plan (IFSP) written by a multidisciplinary team that included parents.

Discussions and Conclusions. An examination of the Ukraine legislature involving inclusive education finds that terms are used without a clear understanding of their definitions and the acts lack definitions impacting the clarity and effectiveness of such documents. The provisions in the legislature do not support the idea of 'education for all' leaving the room for segregation and isolation. The prejudice against people with disabilities, the weak government policy and lack of consistent civil rights movement leave the issue of inclusion at hands of enthusiasts without any assistance from the government. To overcome these challenges educators, legislators, administrators, researchers, and parents need to cooperate in making the inclusive education the national policy. The changes are expected from the 'down' when people become more aware of their rights to free accessible quality education. The efficient legislation may result from interdisciplinary approach, extensive research into the problem, sufficient funding and clearly stated implementation mechanisms. The further research questions involve issues related to the conceptual analyses of key inclusive education terms in Ukraine and comparative analyses of such in the USA.

References

1. Пономарьова О. П. Право інвалідів на освіту: міжнародно-правовий аспект / О. П. Пономарьова // Право і безпека. – 2014. – № 5 (47). – С. 29–33.
2. Про парламентські слухання на тему: «Освіта, охорона здоров'я та соціальне забезпечення дітей з порушеннями психофізичного розвитку: проблеми та шляхи їх вирішення» 4 червня 2014 р. [Електронний ресурс]. – Режим доступу: <http://www.education-inclusive.com>
3. Про ратифікацію Конвенції про права дитини : Постанова Верховної Ради УРСР від 27 лютого 1991 р. № 789-XII // Відомості Верховної Ради УРСР. – 1991. – № 13. – С. 145.
4. Про ратифікацію Конвенції про права інвалідів і Факультативного протоколу до неї : Закон України від 16 грудня 2009 р. № 1767-VI // Відомості Верховної Ради України. – 2010. – № 9. – Ст. 77.
5. Сопільник Р. Л. Сучасна судово-правова реформа в Україні : концептуальні особливості / Р. Л. Сопільник [Електронний ресурс]. – Режим доступу: http://xn--e1aajfpcds8ay4h.com.ua/files/image/konf%209/konf%209_4_14.pdf
6. Boston-Kemple T. E. A conceptual analysis of key concepts in inclusive education: PhD (Doctor of Philosophy) thesis [Online] / Thomas Ernest Boston Kemple. – University of Iowa, 2012. – 154 p. – Available at: <http://ir.uiowa.edu/etd/2828>.
7. Phillips S. "There are no invalids in the USSR!": A missing Soviet chapter in the new disability history" S. Philips // Disability Studies Quarterly. 2009. – № 29 (3). [Online]. – Available: <http://dsq-sds.org/>
8. Raver S. A. / The Emergence of Inclusion for Students with Disabilities in Ukraine // International Journal of Special Education. – 2007. – Vol. 22 (1). – С. 32–38.
9. The Education for All Handicapped Children Act, Public Law 94-142 enacted by the 94 the Congress November 29, 1975 [Online]. – Available at: <http://www.gpo.gov/fdsys/pkg/STATUTE-89/pdf/STATUTE-89-Pg773.pdf>
10. The Salamanca Statement and Framework for Action on Special Needs Education // World Conference on Special Needs Education : Access and Quality. Salamanca, Spain, 7-10 June 1994.

11. UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities. – Lviv : Nadia, 1998. – 48 p.
12. Weishaar P. M. Access to public school education for students with disabilities : United States and Ukraine / P. M. Weishaar, M. K. Weishaar [E-resource]. – Available at: http://www.su.lt/bylos/mokslo_leidiniai/Social_Welfare/2011_1_2/weishaar_weishaar.pdf

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Анотація. Бондар Т. І. Розробка і здійснення інклюзивної освіти в Україні та законодавстві США. *Інклюзивна освіта в Україні стала предметом низки наукових розвідок та суспільних обговорень. З часу проголошення незалежності Україна намагається забезпечити необхідні умови для включення дітей з особливими освітніми потребами в загальноосвітні навчальні заклади. Проте, українське законодавство у сфері забезпечення права осіб з особливими потребами на освіту не відповідає міжнародним стандартам. Українським актуальним постає питання про законодавче забезпечення розвитку інклюзивної освіти та розробку механізмів його імплементації. Схарактеризовано термінологічний аспект законодавчої бази інклюзивної освіти, виокремлено проблеми, що перешкоджають успішній імплементації інклюзивної політики в Україні. Проаналізовано закон США «Про освіту всіх неповносправних дітей» та з'ясовано механізми, що сприяють забезпеченню безкоштовного доступу до освіти дітям з особливими освітніми потребами в США.*

Ключові слова: *інклюзивна освіта, законодавство, діти з особливими освітніми потребами, спеціальна освіта, загальна освіта, інвалідність.*

Аннотация Бондар Т. И. Разработка и осуществление инклюзивного образования в Украине и законодательстве США. *Инклюзивное образование в Украине стало предметом ряда научных исследований и общественных обсуждений. Со времени провозглашения независимости Украина пытается обеспечить необходимые условия для включения детей с особыми образовательными потребностями в общеобразовательную среду. Однако, украинское законодательство в сфере обеспечения прав лиц с особыми потребностями на образование не соответствует международным стандартам. Крайне актуальным становится вопрос о законодательном обеспечении развития инклюзивного образования и разработке механизмов его осуществления. Охарактеризован терминологический аспект законодательной базы инклюзивного образования, выделены проблемы, препятствующие успешной имплементации инклюзивного политики в Украине. Проанализирован закон США «Об образовании всех детей с нарушениями развития» и выяснены механизмы, способствующие обеспечению бесплатного доступа к образованию детям с особыми образовательными потребностями в США.*

Ключевые слова: *инклюзивное образование, законодательство, дети с особыми образовательными потребностями, специальное образование, общее образование, инвалидность.*

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РОЗВИВАЛЬНЕ СЕРЕДОВИЩЕ ЯК УМОВА ЕФЕКТИВНОЇ ОРГАНІЗАЦІЇ ПЕДАГОГІЧНОЇ ПІДТРИМКИ ДІТЕЙ ДОШКІЛЬНОГО ВІКУ

Висвітлено стан проблеми адаптації дітей до умов дошкільного навчального закладу, а також протиріччя, які виникають під час адаптаційного процесу. Представлено основні результати проведення констатувального експерименту, у ході якого з'ясовано, що діти, які адаптуються до умов дошкільного закладу, мають недостатній обсяг знань. Визначено поняття «педагогічна підтримка» у контексті адаптації дітей до умов дошкільного навчального закладу. Схарактеризовано особливості організації розвивального середовища в системі педагогічної підтримки дітей.

Ключові слова: *педагогічна підтримка, адаптація, дошкільний навчальний заклад, розвивальне середовище, ігрові технології, діти дошкільного віку.*